OPINIONS

OF THE

ATTORNEY GENERAL

OF

OHIO

FOR THE

PERIOD FROM JANUARY 1, 1942

TO DECEMBER 31, 1942

Pages 1 - 1151 Index 921 - 1151 Opinions 4702 - 5732

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ATTORNEYS GENERAL OF OHIO

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HENRY STANBERY	.1846	- 1851
JOSEPH McCORMICK	.1851	- 1852
GEORGE E. PUGH	1852	- 1854
GEORGE W. McCOOK	.1854	- 1856
FRANCIS D. KIMBALL	.1856	- 1857
C. P. WOLCOTT	1857	- 1861
JAMES MURRAY	1861	- 1863
LYMAN R. CRITCHFIELD	1863	- 1865
WILLIAM P. RICHARDSON	1865	-
CHAUNCEY N. OLDS	1865	- 1866
WILLIAM H. WEST	1866	- 1870
FRANCIS B. POND		
JOHN LITTLE		
ISAIAH PILLARS	1878	- 1880
GEORGE K. NASH	.1880	- 1883
D. A. HOLLINGSWORTH	.1883	- 1884
JAMES LAWRENCE	.1884	- 1886
JACOB KOHLER	.1886	- 1888
DAVID K. WATSON	.1888	- 1892
JOHN K. RICHARDS	.1892	- 1896
F. S. MONNETT	.1896	- 1900
J. M. SHEETS	.1900	- 1904
WADE H. ELLIS	.1904	- 1908
U. G. DENMAN	.1908	- 1911
TIMOTHY S. HOGAN	.1911	- 1915
EDWARD C. TURNER		
JOSEPH McGHEE	.1917	- 1919
JOHN G. PRICE	.1919	- 1923
C. C. CRABBE	.1923	- 1927
EDWARD C. TURNER	.1927	1929
GILBERT BETTMAN	.1929	- 1933
JOHN W. BRICKER	.1933	- 1937
HERBERT S. DUFFY		
THOMAS J. HERBERT	.1939	-

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THE STAFF OF THE OFFICE OF THE ATTORNEY GENERAL

Thomas J. HerbertAttorn	now Comon	al	
Dale Dunifon	ley Gener	a1	a 1
		Attorney	General
E. G. SchuesslerChief			
Herbert K. Ames *resigned April, 1942	Assistant	: Attornev	General
Lee D. Andrews resigned May, 1942	"	,,	,,
Harold M. Baron		**	,,
Howard Bernstein*resigned June. 1942	"	,,	"
William J. Berwanger resigned May, 1942	"""	"	,,
William T. Burgess appointed October, 1942	,,	,,	,,
Tina G. Buzney	"	,,	"
Carl H. Clark	**	**	"
R. DeWitt Colmery		"	"
Albertus B. Conn		,,	"
Crary Davis resigned May, 1942	·· **	**	"
Fred W. Edmonston * resigned January, 1942		,,	**
Edward P. Felker*resigned August, 1942	**	**	"
Arthur W. Galloway * resigned November, 1942.	,,	,,	"
Richard C. Gerken appointed April, 1942		"	"
Perry L. Graham		" "	" "
Robert E. Hall		,,	"
Burton T. Hord resigned October, 1942		,,	,,
Thomas F. Joseph resigned April, 1942	,	,,	,,
Allyn D. Kendis		,,	,,
George A. Lutz*resigned February, 1942		,,	,,
John E. Miller		,,	,,
Richard A. Morris resigned July, 1942 Harry C. Nail, Jr. *resigned July, 1942		,,	**
Robert J. Odell		,,	,,
Charles F. Ohl		,,	,,
Benjamin M. Patterson		,,	,,
Robert Scheck		,,	"
Maurice L. Schellenger		,,	,,
George W. Sepessy appointed August, 1942	·· ,,	,,	,,
W. Lee Shield, Jr.	·· ,,	,,	"
David M. Spriggs	,,	,,	"
Edward A. Stendel.	,,	"	"
Daronne R. Tate	**	,,	"
Janette P. Vogelgesang	"	,,	"
John P. Walsh	"	**	"
Gilbert Weil	"	,,	"
Edgar L. Weinland appointed July, 1942	"	,,	"
Aubrey A. Wendt	"	,,	"
Charles G. Williams		**	"
Ansel H. Wilson*resigned July, 1942		,,	**
Alvy Witt	,, ,,	,,	"
John M. Woy	**	"	"
C. G. L. Yearick appointed July, 1942		"	**
George T. Zachritz, Jr appointed March, 1942	"	,,	"
Clemens R. Frank		Special	Coursel
Kenneth L. Sater			
Donald C. Van Buren			
William M. Durkin resigned March, 1942			
_ ,		Cleveland	District
Edward A. Schott		Special (Counsel
		Cincinnati	
Percy R. Taylor			
x croy 10, 1 ay 101			District
		Totedo	DISTICT

* Entered Armed Forces of United States

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INDEX

1942

OHIO STATE Associations Boards Bureaus Colleges Commissions Departments Elective Officers Institutions Penal Institutions Public Welfare Retirement Systems University

ABSENCE —	Page
Education, member, board of — Inducted into armed forces of United States — Absent ninety days — Discretion, remaining members to declare reasons for absence, insufficient — Vacancy — May be filled according to law	808
Salary — Where county prosecuting attorney or county en- gineer enlists in military service or is drafted into service United States Government, each would carry responsibility for position during absence — Entitled to receive salary	637
 Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal govern- ment — U.S.C. Title 10, section 1431. 	
 Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C. 	131
ADULT —	
Ohio State Reformatory — Inmates committed by Juvenile Court — Must be released when age twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.	302
ADVERTISING —	
1. Municipality — May sell personal property not needed by it — Manner provided by charter — Manner provided by ordinance Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.	

ADVERTISING --- Concluded

- 2. Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.
- Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.....

AGE —

- 1. Firemen's pension fund Authority Board of trustees Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C.
- State has established tenure, villages, cities, members fire department — Removal for cause — Municipal council without power to determine age — Retirement — Firemen — Sections 486-17a, 4378, 4380, 4389 G.C.
- 1. Retirement System, Public Employes Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.
- 2. Those who retire before reaching age of seventy may be reemployed prior to attaining said age, by any federal, state, county or local government — Acceptance, re-employment during period such employment, will hold in abeyance pension provided, section 486-60 G.C.

99

AGRICULTURAL SOCIETY, COUNTY ----

- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardle'ss of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.

711

AGRICULTURE ---

Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — Statements filed with director of agriculture — Proof of

922

746

AGRICULTURE — Concluded	Page
financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, sec-	
tion 1080-16 G.C.	53

AID - ABET -

- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

AIRPORT ----

Lease, portion of airport — Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.

AKRON ----

Public Works, Department of — Scope of authority — Rules, regulations, improvement, operation, maintenance — Lease — . License — Canal lands — Farnsworth Act — Ohio and Erie Canal, Summit County.

1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.

AKRON AIRPORT EXHIBITION COMPANY, INC. ---

- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor.....

65

292

ALIMONY —

- Children Payments for support or as alimony Clerk of courts, under court order — Required to accept payments — Charge and collect fee from payer — Commission of 1% on first thousand, ¼ of 1% on sums exceeding thousand dollars.
- 2. Duty clerk of courts to report unpaid commissions to prosecuting attorney — Section 2979 G.C.

AMENDED STATUTE ----

- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended — Subsequent amendment, from time of effective date, is to be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly.

AMENDMENT —

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentence under existent statute at time crime committed.

APPÁRATUS AND EQUIPMENT, FIRE ----

- 1. Fire apparatus and equipment State Council of Defense No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- 2. Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.

25

5

80

Page

APPOINTEE —
Patrolmen — Appointed by Superintendent of Public Works — Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.
Vacancy — Resignation county commissioner — Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943.
APPOINTMENT — Civil service, classified — When employe is separated from serv- ice more than one year and under new appointment again enters service — Service prior to new appointment may not be considered to determine seniority rights in regard to lay- off — Section 486-17b G.C.
Civil Service Commission — Eligibility of persons certified — Residence qualifications — Foreign county — Powers, appoint- ing officer.
 Civil Service Commission, Cleveland — Employment by reso- lution of a person, to "assist in collecting data"— Under pro- visions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe — Attempt to make contract.
2. If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.
Health district board — Member must be resident of such dis- trict — Section 1261-8 et seq., G.C.
 Sheriff, deputy — Position not an office — Article II, section Constitution of Ohio.
2. Township trustee — Duly elected — Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff
Short hand reporters — Courts of common pleas — Sections 1546, 1547 G.C. — Authorize appointment one official short hand reporter — Counties having one common pleas judge — No authority to appoint additional reporter on full or part- time basis.
APPRAISEMENT —
1. Sleeping car, freight line and equipment company — Tax Commissioner of Ohio — Required to ascertain and assess all

Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to ap-

• •

APPRAISEMENT — Concluded

926

propriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.

- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

APPROPRIATION ---

- Blind and Deaf, The State Schools for, and Welfare Institutions — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole purpose, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options.
- Bureau of Unemployment Compensation, Administrator Authorized to pay, extent of allotments made by social security board, in administration of fund, bills for equipment, premiums, supplies, services and other facilities furnished by United States Employment Service of Ohio — Certification shall be approved for payment by party designated by social security board.
- 1. Defense councils, local Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.
- 2. Expenses, housing, light, heat and materials Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.
- Retirement System, Public Employes Contributions Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropriations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.

ARMED FORCES - UNITED STATES -

265

61

238

18

ARMY —

- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet --- Contents. 694

ARREST -

- Clerk of municipal court Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited.
- Constable Not prohibited from making arrest Where motorist failed to stop before entering intersection of state highway — Not applicable where motorist approaching such intersection is traveling on state highway — Section 6297 G.C.....
- Patrolmen Appointed by Superintendent of Public Works Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.

ARTICLES OF INCORPORATION ---

- Astrology and allied subjects Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students
- Corporation for profit Articles of incorporation General Corporation Act of Ohio — Where one of principal objects is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or services, articles should be filed as corporation for profit.
- 2. Corporation not for profit Articles should state pecuniary gain or profit not principal purpose of proposed corporation....

ASSESSMENT ---

- Coal Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such acquisition, in assessing property should list and value entire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C.
- 1. Conservancy district Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share,

Page

49

394

39

346

911

ASSESSMENT — Concluded	Pa
city not required to pay such excess to conservancy district nor to county treasurer — Section 6828-50 G.C.	
2. Such excess fund may be transferred from special fund where deposited to city general fund, or sinking fund or bond retirement fund — Section 5625-13 G.C.	5
Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.	2
Lands, delinquent — County auditor required to prepare and certify list of all such in his county — Date, September settlement, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list — Charges — Arrears — Default — List published — Section 5704 G.C.	2
 All property, incorporated public utilities — Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street, interurban and suburban railroad companies — Sections 5423, 5451 G.C. 	
2. County auditor — Not authorized by law to assess real estate of incorporated public utility — Section 5415 G.C. — Cer- tain utilities excepted.	
3. Duty, Tax Commissioner when assessing property, unincor- porated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.	
4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.	ŧ
ASSOCIATION, CREDIT RATING	
Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.	4
ASTROLOGY —	
Astrology and allied subjects — Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students	

AUDIT -Page 1. Notary public commissions - Examinations - Court of common pleas' judges may require applicants to pay reasonable fee. 2. Money derived from such examination fees, exclusive control, common pleas court - Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C. 164 AUTHORITY ----Blind and Deaf, The State Schools for, and Welfare Institutions - Commission for Re-Location - Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly - Sole purpose, to cover reasonable expenses, compensation of appraisers. stenographic, clerical and other technical assistants employed - No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options. 61 Civil Service Commission - Eligibility of persons certified -Residence qualifications - Foreign county - Powers, appointing officer. 204 Dog warden or other local officer - No authority to shoot and maim or kill a dog found running at large in violation of rabies quarantine order. 895 Files and cases - Safe keeping and preservation, books and papers of probate court - Duty of county commissioners to provide - Probate judge without power to purchase out of appropriation for administrative expense - Sections 2419, 10501-4, 10501-5 G.C. 678 Fire fighters - Movement of fire companies in Ohio - Power of Ohio State Council of Defense - War emergencies..... 664 1. Firemen's pension fund - Authority - Board of trustees -Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C. 2. State has established tenure, villages, cities, members fire department --- Removal for cause --- Municipal council without power to determine age - Retirement - Firemen - Sections 486-17a, 4378, 4380, 4389 G.C. 840 1. Municipal corporation - Population less than 5000 at last federal census - Remains part of general health district despite increase in population - Section 1261-16 G.C. 2. Village in general health district — Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing. 3. Village council --- Concurrent jurisdiction with board of health of general health district --- Regulations affecting sanitation and public health - Plumbing - Ordinances invalid if in-

consistent with regulations of general health district.

AUTHORITY — Continued.

- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.....
- Municipality May sell personal property not needed by it

 Manner provided by charter Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G. C.
- 2. Waterworks plant Purchase material If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by twothirds vote may authorize such purchases without advertising — Section 3965 G.C.

3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, be- longing to any other municipality, for use of certain munici- pality — Vital water supply — Section 5288 G.C	746
Name, change of — Court proceedings — Where certificate of title, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle	141
Patrolmen — Appointed by Superintendent of Public Works — Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.	39
Public Works, Department of — Scope of authority — Rules, regulations, improvement, operation, maintenance — Lease — License — Canal lands — Farnsworth Act — Ohio and Erie Canal, Summit County.	292
Public Works, Department of — Without legal authority to re- quire permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authority to charge royalty therefor.	674
Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.	856
Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village coun- cil — Board of trustees of public affairs without power to	40 4
determine such rates — Section 3891-1 G.C.	684

Time, standard throughout state — One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich — Began 2:00 a. m. February 9, 1942 — To continue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942.

AUTHORITY — Concluded

- All clocks, public buildings, shall be so set and run Courts, banks, public offices, legal official proceedings shall be regulated thereby—Act performed at or within prescribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.....
- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.

AUTOMOBILES -

Automobiles or other transportation equipment County b	oard
of education may not lawfully purchase — Use, co	unty
superintendent of schools or county attendance office	r in
performance of official duties.	· • • • • • • • • • •

AUTOMOBILE - SEE MOTOR VEHICLE - ALSO -

BAIL -

Clerk of municipal court — Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited...

BAKERY PRODUCTS ---

Motor vehicle equipment — Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C. ...

BALLOT ----

- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents.

208

49

BANK ----

- Time, standard throughout state One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich — Began 2:00 a.m. February 9, 1942 — To continue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942.
- All clocks, public buildings, shall be so set and run Courts, banks, public offices, legal official proceedings shall be regulated thereby — Act performed at or within prescribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.
- 1. Uniform Depository Act No application to university funds, custody treasurer, Kent State University.
- 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive.....

503

91

BEDS -

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital Jurisdiction, county commissioners Unappropriated balance Special fund Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees No such authority where capacity fifty beds or more......

783

BEQUEST —

Inmate, institution, supervision, Department of Public Welfare:
Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state —

"Industrial and Entertainment Fund"- "Posthumous Fund."

2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.

BEQUEST ---- Concluded

- Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account. 905
- Library, public school Board of trustees Required to deposit all funds, bequests or otherwise, in accordance with Uniform Depository Act — May invest funds, bequeathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.

BID ---

- Forfeited land list No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sole, such lands may be sold to highest bidders — Section 5755 G.C.
- 1. Municipality Contract Where pursuant to section 4328 G.C. contract executed, it may not be amended to pay additional moneys in excess of \$500.00 without again complying with provisions section 4328.
- 2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete improvement within sixty additional days — Further advertising for bids required.
- 42

61

- 1. Sewage disposal plant Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C.
- 2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another municipality advertises to purchase such materials.

BLIND AND DEAF, THE STATE SCHOOLS FOR ----

Welfare Institutions, and — Commission for Re-Location — Appropriation, \$5000.00, Amended Senate Bill 368, 94 General Assembly — Sole purpose, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options. Page

657

BOARD OF EDUCATION — SEE EDUCATION — BOARDING — FOSTER HOME —

- 1. Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home — Section 3096 G.C.

724

311

384

BOND ----

c.

- Bond investment contract Bond investment company Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment contract — Section 697 G.C.
- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue Uniform Bond Act "Net indebtedness"— Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building......
- 1. Interest Investments of money in city treasury Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certificates of indebtedness — Interest should be paid into sinking fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.

BOND ISSUE -

Bonds issued for municipal university purposes — When proceeds from sale paid to directors of university, interest earned

BOND ISSUE — Concluded may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund	Page
of the issuing municipality	402
1. Conservancy district — Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share, city not required to pay such excess to conservancy district nor to county treasurer — Section 6828-50 G.C.	
2. Such excess fund may be transferred from special fund where deposited to city general fund, or sinking fund or bond re- tirement fund — Section 5625-13 G.C.	563
Fund, bond issue, interest, maintenance, repair, operation state owned bridges	107
1. Water — Superintendent of public works — Authorized, sub- ject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.	
2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.	
3. Management and operation — Jurisdiction, superintendent of public works.	229
BOND SALE — Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the with- drawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default for payment, principal and interest.	406
BONDS, UNITED STATES DEFENSE — Sinking fund of county, trustees of — No power to sell securities in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in securities of United States Government.	835
 BOOKLET PRINTED 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices. 	
2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.	
 Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents 	694

BOOKS - PAPERS -

BRIDGE ----

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons Sections 12819, 2830 G.C.

BROKER - REAL ESTATE -

- 1. Gas and oil leases Included within meaning of "real estate"— Section 6373-25 G.C.
- 2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.

BUDGET COMMISSION, COUNTY -

- 1. Defense, State Council of Resolution Moneys distributed to various counties County budget commission must allocate to subdivisions within counties Moneys must be used exclusively for civilian defense purposes May not be allocated to local or district councils of defense.
- 2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civilian defense.
- 3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense..... 324

BUILDING —

- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.

936

BUILDING --- Concluded

- Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness"— Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building
- Lease, portion of airport Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

BUILDING AND LOAN ASSOCIATION -

Solvent mutual ----

Where board of directors gave "notice" fixing time and amount,
withdrawal stock deposits, such association may not accept
the withdrawal of such stock deposits for sale municipal bonds
owned by it — Said bonds in default for payment, principal
and interest.406

BUS - SEE EDUCATION - SUBDIVISION BUS -

CANAL LANDS ----

Public Works, Department of - Scope of authority - Rules,	
regulations, improvement, operation, maintenance — Lease —	
License — Canal lands — Farnsworth Act — Ohio and Erie	
Canal, Summit County	292

CASH DEPOSIT ----

Security for costs — Benefit, those entitled to costs taxed against plaintiff — Costs which exceed cash deposit, or are uncollectible — Those earned in performance of services for plaintiff, paid first in order incurred — Section 11615 G.C.....

CENSUS -

- Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.
- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.

Page

65

384

87

CENSUS — Concluded

- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.

CERTIFICATE ----

Bond investment contract Bond investment company Sub-	
scription agreement — Trustees certificate — Mortgage in-	
debtedness Security License Proposed church refi-	
nancing plan — Held to constitute bond investment contract	
— Section 697 G.C.	311

CERTIFICATE OF TITLE ---

Name,	change of - Court proceedings - Where certificate of	
title,	motor vehicle, issued in one name, no authority to issue	
new	certificate in new name for same vehicle	141

CHANGE IN SENTENCE -

Sentence — During term of court — Person to serve four consecutive terms in penitentiary — Four to twenty years each — Court that imposed sentence may not at subsequent term change sentence to provide fourth term of imprisonment shall be concurrently served with other terms — When such attempt made, prison authorities may disregard attempted change in sentence.

CHARTER —

- Municipality May sell personal property not needed by it

 Manner provided by charter Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- 2. Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.
- 3. Defense, State Council of Emergency Present war -

CHARTER — Concluded

Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C. 746

CHARTER — CITY —

- Hospital, municipal Board of trustees May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.
- 1. Municipality Contract Where pursuant to section 4328 G.C. contract executed, it may not be amended to pay additional moneys in excess of \$500.00 without again complying with provisions section 4328.
- 2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete improvement within sixty additional days — Further advertising for bids required.

42

483

CHARTER — CLEVELAND —

- Civil Service Commission, Cleveland Employment by resolution of a person to "assist in collecting data"— Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe — Attempt to make contract.
- If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.

546

CHATTEL ----

Lease, portion of airport — Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

65

CHIEFS - DIVISIONS - DEPARTMENT PUBLIC WELFARE -

- 1. Civil service, classified Department of Public Welfare Chiefs, divisions business administration, correction, mental diseases, social aadministration — Such chiefs may not be appointed in unclassified civil service — Section 486-8 (a) 8 G.C.
- 2. Removal for cause, such chiefs, governed by section 486-17a G.C. 124

Page

CHILD ---

- Council, city No authority to appropriate money from general fund to city recreation board — Purpose, purchase from owners of privately owned pools, swimming tickets to distribute to under privileged children — Section 4065-3 G.C....
- Foster home Boarding home Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home Section 3096 G.C.....
- Ohio State Reformatory Inmates committed by Juvenile Court — Must be released when age twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.
- Payments for support or as alimony Clerk of courts, under court order — Required to accept payments — Charge and collect fee from payer — Commission of 1% on first thousand, ¼ of 1% on sums exceeding thousand dollars.
- 2. Duty clerk of courts to report unpaid commissions to prosecuting attorney — Section 2979 G.C.
- Probation Person convicted of crime Sections 13452-1 to 13452-11 G.C. — Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance" — Sections 13451-8a, 13451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Suspensions governed by sections 1639-49, 1639-50.
- 2. Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes — Imprisonment — Before or during commitment — Jurisdiction, age or otherwise — Dependent, neglected or delinquent child.

CHILDREN ACT, AID TO DEPENDENT ---

Probate judge — Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve payment.

CHILDREN'S HOME -

Civil Service Commission Eligibility of persons certified	
Residence qualifications - Foreign county - Powers, appoint-	
ing officer.	204

Page

777

724

302

186

CHILDREN'S HOME - Concluded

- Foster home Boarding home Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home — Section 3096 G.C.
- 1. Inmates in county, semi-public or district Where before admission to home, children attended school in districts other than where home situated, such children may attend school in district where home located — How county auditor should charge tuition to school districts and allocate funds.
- 2. Sections 7677, 7678 G.C., amended Installments due under foundation program not affected.
- Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C.
- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended

 Subsequent amendment, from time of effective date, is to be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum

 Attendance local district school Prior to admission was
 resident of another school district Tuition computed and
 paid, sections 7677, 7678, House Bill 105, 94 General As sembly.

CHURCH —

Bond investment contract — Bond investment company — Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment contract — Section 697 G.C.

CITIZENSHIP —

- Sheriff, deputy Position not an office Article II, section
 Constitution of Ohio.
- 2. Township trustee Duly elected Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff......

Page

172

724

311

Page

INDEX --- 1942 CITY - SEE MUNICIPALITY -CIVIL SERVICE ----Civil Service Commission -- Eligibility of persons certified --Residence qualifications - Foreign county - Powers, appointing officer. 204 1. Civil Service Commission, Cleveland --- Employment by resolution of a person to "assist in collecting data"- Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe - Attempt to make contract. 2. If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void - Charter, Cleveland, section 108. 546 CIVIL SERVICE --- CLASSIFIED --- UNCLASSIFIED ---1. Civil service, classified - Department of Public Welfare -Chiefs, divisions business administration, correction, mental diseases, social administration - Such chiefs may not be appointed in unclassified civil service -- Section 486-8(a)8 G.C. 2. Removal for cause, such chiefs, governed by section 486-17a G.C. 124 Classified civil service --- When employe is separated from service more than one year and under new appointment again enters service - Service prior to new appointment may not be considered to determine seniority rights in regard to layoff ---- Section 486-17b G.C. 364Provisional employe --- Classified service, state--- No preferential right to be re-established in position from which he was laid off in good faith --- Event, necessary to refill position within year from date of lay-off and prior to established eligible list. 438 CIVILIAN DEFENSE -1. Defense, State Council of --- Resolution --- Moneys distributed to various counties --- County budget commission must allocate to subdivisions within counties - Moneys must be used exclusively for civilian defense purposes - May not be allocated to local or district councils of defense. 2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civilian defense.

3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense.....

CLAIRVOYANCE ----

Astrology and allied subjects - Fortune-telling, clairvoyance, palmistry -- Secretary of State -- Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students.

942

CLERK, NEW -

- 1. Township clerk Salary Township trustees may not increase or diminish during term of office — Section 3308 G.C.
- Salary, new incumbent Action subsequent to commencement of clerk's term valid where township trustees for first time provided for salary.
 390

CLERK, COURT - SEE COURT, CLERK OF COURTS -

CLERK, TOWNSHIP --- SEE TOWNSHIP ---

CLEVELAND -

Lease, portion of airport — Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

CLEVELAND CHARTER -

- Civil Service Commission, Cleveland Employment by resolution of a person to "assist in collecting data"— Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe — Attempt to make contract.
- If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void --Charter, Cleveland, section 108.

546

522

65

CLEVELAND METROPOLITAN HOUSING AUTHORITY ----

- City of Cleveland, Cuyahoga County May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
 - c. Positions director, Metropolitan Housing Authority and Trustee of said body.....

Page

CLEVELAND RAILWAY COMPANY —	Page
Municipality — Officials of municipally owned transit system — May authorize publication and distribution of monthly maga- zine — Cost — Legitimate part of operating expense — Cleve- land Railway Company.	773
CLINIC, TUBERCULOSIS —	
1. Tuberculosis clinic — An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.	
2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for pre- vention, cure, treatment of tuberculosis.	480
	100
CLUB — OFFICERS	
1. Tax — Public Act 819, H.R. 6687, 76 Congress — Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.	
 Liquor purchased in Ohio — Department of Liquor Control — Officers' club, situs, federal area — Purchase price must include so-called "mark-up" and "gallonage tax." 	413
COAL	
Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such acquisition, in assessing property should list and value entire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C.	911
COLLECTION —	
1. Children — Payments for support or as alimony — Clerk of courts, under court order — Required to accept payments — Charge and collect fee from payer — Commission of 1% on first thousand, ¼ of 1% on sums exceeding thousand dollars.	
2. Duty clerk of courts to report unpaid commissions to prose- cuting attorney — Section 2979 G.C.	25
COLLEGE — SEE UNIVERSITY —	
COMMISSION — SEE — COLLECTION	25
COMMISSION	
1. Gas and oil leases — Included within meaning of "real estate" — Section 6373-25 G.C.	
2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.	517

· 944

.

COMMON PLEAS JUDGE - SEE COURT -

COMPATIBLE - INCOMPATIBLE -

- 1. Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County - May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory --- Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
 - c. Positions director, Metropolitan Housing Authority and Trustee of said body.

522

COMPENSATION ----

Coroner, acting county - May be compensated for medical care to indigent person - Paid from poor relief funds if proper procedure followed to obtain care..... 832

CONCEALED WEAPON - SEE - WEAPON -

CONGRESS —

- Time, standard throughout state One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich - Began 2:00 a.m. February 9, 1942 - To continue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942.
- All clocks, public buildings, shall be so set and run Courts, banks, public offices, legal official proceedings shall be regulated thereby — Act performed at or within prescribed time - Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.....
- 91

- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces. United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents.....

CONSERVANCY DISTRICT ----

- 1. Conservancy district Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share, city not required to pay such excess to conservancy district nor to county treasurer Section 6828-50 G.C.

CONTRACT ----

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.
- 449

- Bond investment contract Bond investment company Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment contract — Section 697 G.C.
- Building to be used for county offices County commissioners authorized to purchase Contract Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- 3. Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness" — Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building Should not

CONTRACT — Concluded

be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building...... 384

- 1. Civil Service Commission. Cleveland Employment by resolution of a person, to "assist in collecting data"- Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe --- Attempt to make contract.
- 2. If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108. 546
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid - Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal - Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor...... 593

CONTRACTS, CONTINUING - TEACHERS SEE - EDUCATION, SUBDIVISIONS, CONTRACT — TEACHERS —

CONTRACT -

- 1. Fire apparatus and equipment State Council of Defense -No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- 2. Political subdivision Where it contracted to interchange such equipment --- Not liable in damages, injuries to person or property caused by such equipment --- Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Firemen Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C. 469

Fire fighters - Movement of fire companies in Ohio - Power of Ohio State Council of Defense - War emergencies. 664

1. Municipality --- Contract --- Where pursuant to section 4328

CONTRACT — Concluded	Page
G.C. contract executed, it may not be amended to pay addi- tional moneys in excess of \$500.00 without again complying with provisions section 4328.	U
2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete improvement within sixty additional days — Further advertis- ing for bids required.	42
Purchase, additional machinery for municipal light plant — De- ferred installments to be paid out of net profits of existing plant, together with machinery — Title to such machinery in seller — Invalid — Violates Article VIII, Section 6, Consti- tution of Ohio.	796
CONTRIBUTION — Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	897
CONVENTION CONFERENCE, WELFARE Probate judge Acting as judge of juvenile court in any county Has authority to approve expense account of em- ploye who attended state welfare conference, called by board of state charities in administration, aid to dependent chil- dren County commissioners not required to allow or ap- prove payment.	891
COPY — Photographic or photostatic copy of deed to real estate — Such instrument not entitled to record in county deed records — County recorder has no right nor duty to receive and record such instrument.	559
CORPORATION —	
1. Corporation for profit — Articles of incorporation — General Corporation Act of Ohio — Where one of principal objects is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or services, articles should be filed as corporation for profit.	
2. Corporation not for profit — Articles should state pecuniary gain or profit not principal purpose of proposed corporation	644
CORPORATION NOT FOR PROFIT —	
Astrology and allied subjects — Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance	
study of such subjects and give diplomas to such students	346

346

.

INDEA 1942
CORPORATION —
Operation trucks — Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipal- ity — Not required to pay motor vehicle license tax — Sec- tion 6291 G.C.
CORPORATIONS — PERSONS — FIRMS —
Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council — Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C.
CORPORATION
 Sleeping car, freight line and equipment company — Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so deter- mined, apportioned among taxing districts — Certified to ap- propriate county auditors, extended on proper tax lists and duplicates — Section 5416, 5423, 5425, 5446, 5447, 5448 G.C.
2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.
3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations — Section 5495 et seq. G. C.
4. Foreign corporation, engaged exclusively in interstate busi- ness in Ohio, as sleeping car, freight line or equipment com- pany, not subject to Ohio corporate franchise tax
COSMETOLOGY —
 Cosmetologist, managing — Retired more than three years — May be restored to practice — Elect to be manager or oper- ator — Pay lapsed renewal fees — License — Section 1082-13 G.C.

2. License lapsed more than one year - Cosmetologist may not keep within three year period by paying one annual renewal fee.....

430

265

COST ----

Cash deposit - Security for costs - Benefit, those entitled to costs taxed against plaintiff --- Costs which exceed cash deposit, or are uncollectible - Those earned in performance of services for plaintiff, paid first in order incurred --- Section 11615 G.C.

87

1. Engineer, county - Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes - Section 2782-2 G.C.

949

Page

397

COST — Concluded	Page
2. Engineer has no authority to collect fees, county ditch im- provement from general ditch improvement fund — County commissioners may transfer certain funds — Sections 5625-13a to 5625-13g, G.C.	32
Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall execute writ.	299
 Kennel dogs — Registration — Failure, application, required by section 5652-1 G.C. does not penalize owner — Section 5652 G.C. 	
2. Failure to apply for registration — Prosecution — Convic- tion — Fine and costs — Section 5652-14 G.C	29
Sentence to penitentiary or reformatory — Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C.	1
1. Unpaid transportation and criminal costs — Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.	
2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.	
3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.	
4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.	508
COUNCIL —	
City council, no authority to appropriate money from general fund to city recreation board — Purpose, purchase from own- ers of privately owned pools, swimming tickets to distribute to under privileged children — Section 4065-3 G.C	777
1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of prop- erty or funds, invalid — Violation Article VIII, section 6, Ohio Constitution.	
2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, in- valid.	

3. Free passes to entertainments held in municipal stadium ---Issued to municipal officials and employes, not illegal ---Proviso.

950

COUNCIL — Concluded	Page
4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor	593
1. Firemen's pension fund — Authority — Board of trustees — Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G. C.	
2. State has established tenure, villages, cities, members fire de- partment — Removal for cause — Municipal council without power to determine age — Retirement — Firemen — Sec- tions 486-17a, 4378, 4380, 4389 G.C.	840
1. Interest — Investments of moneys in city treasury — Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or cer- tificates of indebtedness — Interest should be paid into sink- ing fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.	
2. City council may not prescribe any other disposition of in- terest earned on treasury investments.	168
 Municipality — May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G. C. 	
2. Waterworks plant — Purchase material — If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by two-thirds vote may authorize such purchases without advertising — Section 3965 G.C.	
3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, be- longing to any other municipality, for use of certain mu- nicipality — Vital water supply — Section 5288 G.C.	746
Policeman, special — Village mayor may appoint — Detailed, special duties, manufacturing plant — Terms, payment by	

plant - Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C. 579

COUNCIL OF DEFENSE - SEE DEFENSE -

COUNCIL, VILLAGE ----

- 1. Municipal corporation --- Population less than 5000 at last federal census - Remains part of general health district despite increase in population - Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district --- Regulations affecting sanitation

93

68

COUNCIL, VILLAGE — Concluded

and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.

- Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C.

COUNTY AGRICULTURAL SOCIETY ----

- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardless of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.

AUDITOR, COUNTY ----

- Coal Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such acquisition, in assessing property should list and value entire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C...
- Children's home Inmates of county, semi-public or district

 Where before admission to home, children attended school
 in districts other than where home situated, such children may
 attend school in district where home located How county
 auditor should charge tuition to school districts and allocate
 funds.
- 2. Sections 7677, 7678 G.C. amended Installments due under foundation program not affected.
- Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C.
- 172
- Lands, delinquent County auditor required to prepare and certify list of all such in his county — Date, September settlement, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list —

684

711

AUDITOR, COUNTY Continued	Page
Charges — Arrears — Default — List published — Section 5704 G.C.	287
Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property described in deed does not appear on tax lists under name of grantor — Section 2573 G.C.	351
Newspaper — If only one affiliated with either political party casting largest and second largest vote in state at last gen- eral election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper — Section 2508 G.C.	852
1. All property, incorporated public utilities — Tax Com- missioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street, interurban and suburban railroad companies — Sections 5423, 5451 G.C.	
2. County auditor — Not authorized by law to assess real estate of incorporated public utility — Section 5415 G.C. — Certain utilities excepted.	
3. Duty, Tax Commissioner when assessing property, unincor- porated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.	·
4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.	316
 Sleeping car, freight line and equipment company — Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so deter- mined, apportioned among taxing districts — Certified to ap- propriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C. 	
2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" Sections 5462 to 5468 G.C.	
3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations — Section 5495 et seq. G.C.	
4. Foreign corporation, engaged exclusively in interstate busi- ness in Ohio, as sleeping car, freight line or equipment com- pany, not subject to Ohio corporate franchise tax.	265

1. Unpaid transportation and criminal costs - Due county from state --- Shall be allowed as a credit against any indebtedness 953
AUDITOR, COUNTY --- Concluded

due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.

- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts --- Section 2982 G.C.
- Vacancy Resignation county commissioner Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943.

COUNTY BOARD OF EDUCATION --- SEE EDUCATION ---

COUNTY BUDGET COMMISSION ---

- Relief Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power and duty to dispense poor relief as defined by law.
- Where county undivided local government fund allocated One subdivision erroneously received more than its proper share — Such subdivision should pay over to subdivision entitled to it.

423

384

354

COUNTY ----

1. Building to be used for county offices — County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.

the amount erroneously allocated and distributed.....

- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness" — Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building.....

954

Page

COUNTY — Continued

COUNTY CHILDREN'S HOME - SEE CHILDREN'S HOME -

COUNTY COMMISSIONERS ----

- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardless of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.
- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness"— Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building.
- Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
 - c. Positions director, Metropolitan Housing Authority and Trustee of said body.....

711

384

COUNTY — Continued

COUNTY COMMISSIONERS-Continued

- 1. Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund County commissioners may transfer certain funds Sections 5625-13a to 5625-13g, G.C.
- Files and cases Safe keeping and preservation, books and papers of probate court — Duty of county commissioners to provide — Probate judge without power to purchase out of appropriation for administrative expense — Sections 2419, 10501-4, 10501-5 G.C.
- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.
- 449

575

- Physician and surgeon Fees for professional services Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.
- 2. Status where indigent person has legal settlement in township, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local relief authority — Section 3391-2 G.C.
- Probate judge Acting as judge of juvenile court in any county — Has authority to approve expense account of em-

32

COUNTY COMMISSIONERS—Continued

ploye who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve payment.

- Sidewalks along township roads Within limits of road Designated on plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....
- 1. Tuberculosis clinic An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.
- 2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for prevention, cure, treatment of tuberculosis.....

480

11

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital

 Jurisdiction, county commissioners
 Unappropriated balance
 Special fund
 Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees No such authority where capacity fifty beds or more......
- Vacancy Resignation county commissioners Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943.
- Voting machines Board of county commissioners under no mandatory duty to adopt same because of recommendation, board of elections.

957

Page

891

783

COUNTY COMMISSIONERS-Concluded

- County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed — Petition requests board of elections to submit matter to electors.
- 3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors — Such board of electors should not submit matter to electors, where petition filed after such recommendation.
- 1. Witness fees When subpoenaed to appear in court in criminal case Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.
- 2. County in which court issues subpoen liable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.
- 4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense.

COUNTY - COMMON PLEAS JUDGE -

- Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.
- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.

CONSTABLE —

Not prohibited from making arrest — Where motorist failed to stop before entering intersection of state highway — Not applicable where motorist approaching such intersection is traveling on state highway — Section 6297 G.C. 394

CORONER ----

Coroner, acting county — May be compensated for medical care to indigent person — Paid from poor relief funds if proper procedure followed to obtain care.

COUNTY ----

Defense, local county council of — County commissioners may expend moneys in general revenue fund to pay necessary operating expenses, office space, supplies — Section 5290 249

734

214

COUNTY Continued	Page
G.C	147
Detention hospital — Person admitted by order, Department of	
Public Welfare — Payment, expense of care, provided by	
person legally liable - Sum paid should be divided equally	
between state and county from which person committed —	

If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C.

DITCH - COUNTY -

- 1. Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes - Section 2782-2 G.C.
- 2. Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund -- County commissioners may transfer certain funds--Sections 5625-13a to 5625-13g, G.C.

EMPLOYE, COUNTY ----

- Retirement System, State Employes'- Where state employe retired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in Public Employes' Retirement System, such retired state employe not entitled to credit for prior service as county employe or as public employe as defined in amended statutes.
- State, county, municipal or school Public Law 729 77th Congress - Chapter 578-2d Session - H.R. 7565 - Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes -- Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director - Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 --- Approved October 27, 1942.

ENGINEER --- COUNTY ---

- Salary Where county prosecuting attorney or county engineer enlists in military service or is drafted into service United States Government, each would carry responsibility for position during absence — Entitled to receive salary.
- 1. Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes --- Section 2782-2 G.C.
- 2. Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund - County transfer certain funds --- Sections commissioners may 5625-13a to 5625-13g, G.C.

222

32

341

866

637

COUNTY Continued	Page
Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall execute writ.	299
FOREIGN COUNTY —	
Civil Service Commission — Eligibility of persons certified — Residence qualifications — Foreign county — Powers, ap- pointing officer.	204
Health district board — Member must be resident of such dis- trict — Section 1261-6 et seq., G.C.	211
1. Tuberculosis clinic — An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.	
2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for pre- vention, cure, treatment of tuberculosis.	480
COUNTY	
Hospital care for indigents:	
1. Cities and townships authorized to arrange for such care — Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.	
2. Where legal settlement within city or township, private hos- pitals, when proper notice given, entitled to joint and reason- able payment for such care.	
3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township	461
Insurance, group life — County may not enter into agreement with life insurance company, covering county employes where agreement provides county is to pay portion of premium on policy — Sections 9426-1, 9426-2 G.C.	755
Newspaper — If only one affiliated with either political party casting largest and second largest vote in state at last gen- eral election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper — Section 2508 G.C.	852
 Poor relief — Privately owned home or lodging house to fur- nish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county — Public ex- pense — Sections 3391 to 3391-12 G.C. 	
2. Such subsistence at public expense to a person in a county home or county hospital not poor relief—Obligation of county Section 3476 G.C.	623

960

.

Probate judge — Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve payment.

RECORDER, COUNTY ----

- Photographic or photostatice copy of deed to real estate Such instrument not entitled to record in county deed records — County recorder has no right nor duty to receive and record such instrument.
- Vacancy Resignation county commissioner Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943.

COUNTY -

- Retirement System, Public Employes Contributions Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropriations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.
- Retirement System, Public Employes Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.
- 2. Those who retire before reaching age of seventy may be reemployed prior to attaining said age, by any federal, state, county or local government—Acceptance, re-employment during period such employment, will hold in abeyance pension provided, section 486-60 G.C.

SHERIFF ----

- 1. Apprehension deserter or soldier, absent without leave May legally accept reward offered by federal government U.S.C. Title 10, section 1431.
- Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C.
 131
- Fine When magistrate renders judgment Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall execute writ. 299

Page

891

121

559

SHERIFF - DEPUTY -

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio Authorized and empowered to fix tolls, state owned bridges Scope section 1084-13 G.C. Fund, bond issue and interest, maintenance, repair, operation Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons — Sections 12819, 2830 G.C.
- 1. Position not an office Article II, section 5, Constitution of Ohio.
- 2. Township trustee Duly elected Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff.....

704

835

TRUSTEES OF SINKING FUND -- COUNTY --

Sinking fund of county, trustees of — No power to sell securities in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in securities of United States Government.

TUBERCULOSIS HOSPITAL, COUNTY ---

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital

 Jurisdiction, county commissioners
 Unappropriated balance
 Special fund
 Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees No such authority where capacity fifty beds or more......

- 1. Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state --- Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor --- Auditor shall pay such moneys to persons entitled thereto --- Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts --- Section 2982 G.C.

508

COURT -

- 1. Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools - Authority to eliminate pupils - Suspension, expulsion -Sections 4750, 7707, 7685 G.C. 2. Authority, board of health to act where school authorities fail — Section 4424 G.C. 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court. 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by courts. 333 Name, change of - Court proceedings - Where certificate of
 - title, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle..... 141
- Sentence During term of court Person to serve four consecutive terms in penitentiary — Four to twenty years each — Court that imposed sentence may not at subsequent term change sentence to provide fourth term of imprisonment shall be concurrently served with other terms - When such attempt made, prison authorities may disregard attempted change in 810 sentence.
- Sentence to penitentiary or reformatory Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs --- Section 13455-5 et seq., G.C.
- Time, standard throughout state One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich - Began 2:00 a.m. February 9, 1942 - To con-

Page

COURT - Continued

tinue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942.

- All clocks, public buildings, shall be so set and run Courts, banks, public offices, legal official proceedings shall be regulated thereby — Act performed at or within prescribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.
- 1. Witness fees When subpoenaed to appear in court in criminal case Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.
- 2. County in which court issues subpoen aliable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.
- Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense.
 734

CLERK OF COURTS ----

- Children Payments for support or as alimony Clerk of courts, under order — Required to accept payments — Charge and collect fee from payer — Commission of 1% on first thousand, ¼ of 1% on sums exceeding thousand dollars.
- 2. Duty clerk of courts to report unpaid commissions to prosecuting attorney — Section 2979 G.C.....
- Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.

508 .

COURT HOUSE ----

1. Building to be used for county offices — County commissioners authorized to purchase — Contract — Title shall pass to 91

Page

COURT HOUSE — Concluded

county, part purchase price paid at time of conveyance, remainder in annual installments --- Section 2433 G.C.

- 2. Section 2333 G.C., applies only to erection of court house or other county building.
- Limitations, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue Uniform Bond Act "Net indebtedness"— Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building......

384

COURT —

COMMON PLEAS COURT -

- 1. Notary public commissions Examinations Court of common pleas' judges may require applicants to pay reasonable fee.
- Money derived from such examination fees, exclusive control, common pleas court — Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.

COMMON PLEAS JUDGE -

- Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.
- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.....
 - 214

164

Short hand reporters — Courts of common pleas — Sections 1546, 1547 G.C. — Authorize appointment one official short hand reporter — Counties having one common pleas judge — No authority to appoint additional reporter on full or parttime basis.

379

49

MUNICIPAL COURT --- CLERK ---

Money deposited by private individuals — Funds to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited.

Page

JUVENILE COURT ----

- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teathers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- 2. Authority, board of health to act where school authorities fail Section 4424 G.C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by courts.
- Ohio State Reformatory Inmates committed by Juvenile Court — Must be released when age twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.
- Probation Person convicted of crime Sections 13452-1 to 13452-11 G.C. — Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance"— Sections 13451-8a, 13451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Suspensions governed by sections 1639-49, 1639-50.
- Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes — Imprisonment—Before or during commitment — Jurisdiction, age or otherwise — Dependent, neglected or delinquent child.

JUVENILE COURT --- JUDGE ---

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentence under existent statute at time crime committed.
- Probate judge Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve payment.

891

186

PROBATE COURT ----

	Files and cases - Safe keeping and preservation, books and
	papers of probate court — Duty of county commissioners to
	provide — Probate judge without power to purchase out of
	appropriation for administrative expense — Sections 2419,
678	10501-4, 10501-5 G.C.

PROBATE JUDGE --- JUVENILE COURT JUDGE

COURT, TRIAL --- CRIME ---

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentence under existent statute at time crime committed.

80

COURT - FINIS -

CREAM OR MILK ---

"Handling"- Contemplates and includes receipt from producers	
or producers' organizations - Transactions between dealers	
not included — Section 1080 G.C.	144

CREDIT RATING ASSOCIATION -

Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.

CRIME - COURT TRIAL 80

CRIME -

1. Probation -- Person convicted of crime -- Sections 13452-1

967

Page

CRIME --- Concluded

to 13452-11 G.C. — Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance"— Sections 13451-8a, 13451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Suspensions governed by sections 1639-49, 1639-50.

2. Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes — Imprisonment — Before or during commitment — Jurisdiction, age or otherwise — Dependent, neglected or delinguent child.

186

Page

CRIME - SENTENCE - SEE SENTENCE -

CRIME ----

- Sheriff, deputy Position not an office Article II, Section 5, Constitution of Ohio.
- 2. Township trustee Duly elected Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff......

704

734

CRIMINAL CASE —

- 1. Witness fees When subpoenaed to appear in court in criminal case Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.
- 2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.
- 4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense.

CRIMINAL COSTS -

- 1. Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.

CRIMINAL COSTS — Concluded	Pa
4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.	5
CRIMINAL IDENTIFICATION, SUPERINTENDENT OF BUREAU OF — SEE — CRIMINAL CASE	73
CURBS AND GUTTERS —	
Taxes, excise, levied on the sale of gasoline — Motor vehicle tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C.	7
CUYAHOGA COUNTY	
1. Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5625-3 G.C. — Books and accounts subject to examination by Bureau.	
 No legal incompatibility between: a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland. 	
b. Position director of said body and assistant in central clear- ing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."	
c. Positions director, Metropolitan Housing Authority and Trustee of said body	5
1. Notary public commissions — Examinations — Court of com- mon pleas' judges may require applicants to pay reasonable fee.	
2. Money derived from such examination fees, exclusive control, common pleas court — Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.	1
DAIRY —	
Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — State- ments filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, section	

DAM - RESERVOIR -

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

449

DAMAGES ----

- 1. Fire apparatus and equipment State Council of Defense No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries, to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.
- Sidewalks along township roads Within limits of road Designated on plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks --- Township trustees, if guilty of negligence, may be liable in damages.....

DAYTIME DRIVING -

DEAD BODY ----

Inmate, institution, supervision, Department of Public Welfare:

- 1. Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund"— "Posthumous Fund."
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.
- 3. Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.

DEALERS -

- Milk or cream "Handling" Contemplates and includes receipt from producers or producers' organizations — Transactions between dealers not included — Section 1080 G.C. 144
- Milk marketing law Dealer in milk or cream Required to
pay producer Section 1080-15 G.C. Sections 1080 to
1080-24 G.C., not applicable to dealers outside Ohio State-
ments filed with director of agriculture Proof of financial
responsibility Filed by cooperative association and dealers
— License to dairy in receivership Compliance, section
1080-16 G.C.53

DEED ----

County auditor — Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property described in deed does not appear on tax lists under name of grantor — Section 2573 G.C.351Photographic or photostatic copy of deed to real estate — Such instrument not entitled to record in county deed records — County recorder has no right nor duty to receive and record such instrument.559

DEFENSE ---

1. Fire apparatus and equipment — State Council of Defense No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.

DEFENSE — Concluded

- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.
- Fire fighters Movement of fire companies in Ohio Power of Ohio State Council of Defense — War emergencies. 664
- 1. Defense councils, local Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.
- Expenses, housing, light, heat and materials Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.
- Defense, local county council of County commissioners may expend money's in general revenue fund to pay necessary operating expenses, office space, supplies — Section 5290 G.C.

DEFENSE, COUNCIL OF, DISTRICT ----

- 1. Defense, State Council of Resolution Moneys distributed to various counties — County budget commission must allocate to subdivisions within counties — Moneys must be used exclusively for civilian defense purposes — May not be allocated to local or district councils of defense.
- 2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civilian defense.
- 3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense.....
- 1. Municipality May sell personal property not needed by it.
- Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.
- Resolution Moneys distributed to various counties — County budget commission must allocate to subdivisions within counties — Moneys must be used exclusively for civilian defense purposes — May not be allocated to local or district councils of defense.

469

18

147

324

DEFENSE, COUNCIL OF, DISTRICT - Concluded

2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civilian defense.

3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense.	324
State council of defense — Emergency powers — SEE STATE — DEFENSE, COUNCIL OF	859

DELINQUENCY -

- 1. Probation --- Person convicted of crime --- Sections 13452-1 to 13452-11 G.C. - Remission, suspension or execution of sentence - Persons convicted of "misdemeanor forbidden by statute or ordinance"--- Sections 13451-8a, 13451-8b --- Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 --- Suspensions governed by sections 1639-49, 1639-50.
- 2. Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes - Imprisonment - Before or during commitment --- Jurisdiction, age or otherwise --- Dependent, neglected or delinquent child.

186

DELINQUENT LANDS -

Lands, delinguent — County auditor required to prepare and certify list of all such in his county - Date, September settlement, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list — Charges - Arrears - Default - List published - Section 5704 G.C.

287

DENTIST ----

- 1. Uniform Narcotic Drug Act of Ohio Without complying with general requirements of act, except as otherwise provided - Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. - Compliance with paragraphs a, b.
- 2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted. there must be compliance with general requirements of said act.

182

DEPOSIT, CASH ----

Cash deposit - Security for costs - Benefit, those entitled to costs taxed against plaintiff --- Costs which exceed cash deposit, or are uncollectible --- Those earned in performance of services for plaintiff, paid first in order incurred - Section 11615 G.C.

87

Page

DEPOSITS, STOCK	Page
Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the with- drawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default for payment, principal and in-	
terest.	406
 DEPOSITORY — 1. Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal government — U.S.C. Title 10, section 1431. 2. Reward, received by sheriff, required to be held as public 	
moneys of county, accounted for and so deposited — Section 2977 G.C.	131
DESERTER SEE DEPOSITORY ABOVE	131
DETENTION HOSPITAL — Person admitted by order, Department of Public Welfare — Pay- ment, expense of care, provided by person legally liable—Sum paid should be divided equally between state and county from which person committed — If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C.	222
	222
DEVISE — Inmate, institution, supervision, Department of Public Welfare:	
 Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund"— "Posthumous Fund." 	
2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.	
 Money deposited in bank — Interest earned, property of in- mates, pro rata. 	
4. Grant, gift, devise or bequest — Use or benefit such institu- tions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.	
5. Each such donation should be kept as separate fund under a separate account.	905
DIRECTOR — 1. Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real	•

Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section

974

•

DIRECTOR --- Concluded Page 5626-3 G.C. - Books and accounts subject to examination by Bureau. 2. No legal incompatibility between: a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland. b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House." c. Positions director, Metropolitan Housing Authority and Trustee of said body. 522 DISSECTION — SEE — DEAD BODY 905 DITCH, COUNTY - SEE COUNTY -DOCKS ----Public Works, Suprintendent --- No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electrical transmission lines - May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it. 856 DOGS -1. Kennel of dogs - Registration - Failure, application, required by section 5652-1 G.C. does not penalize owner - Section 5652 G.C. 2. Failure to apply for registration — Prosecution — Conviction - Fine and costs - Section 5652-14 G.C. 29 DOG WARDEN -Dog warden or other local officer - No authority to shoot and maim or kill a dog found running at large in violation of 895 rabies quarantine order. DONATION ----Inmate, institution, supervision, Department of Public Welfare: 1. Personal property, money - Deceased - Probate court should administer estate -- County where inmate resided, time of death --- If no heirs to inherit, property escheats to estate ---"Industrial and Entertainment Fund"--- "Posthumous Fund." 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses. 3. Money deposited in bank - Interest earned, property of inmates, pro rata.

DONATION --- Concluded

- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account.....

DRUGS ----

- Uniform Narcotic Drug Act of Ohio Without complying with general requirements of act, except as otherwise provided — Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. — Compliance with paragraphs a, b.
- 2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.

182

Page

905

EASEMENT -

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

ECONOMIC STABILIZATION DIRECTOR -

Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578 — 2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director—Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942.

EDUCATION

ABSENCE ----

Education, member, board of — Inducted into armed forces of United States — Absent ninety days — Discretion, remaining members to declare reasons for absence, insufficient — Vacancy — May be filled according to law. 808

APPOINTMENT ---

- School Examiners, Board of State Term of office, five years
 — Vacancy Director of education should make appointment
 for unexpired term Upon expiration of such term appoint ment should be made for full five year period.
- 2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.

689

ATTENDANCE ----

1. Tuition — Average daily attendance, pupils, to determine distribution, state public school fund — Where non-resident pupil admitted to district schools, tuition paid by parents, guardian or friends, district of attendance entitled to credit for such attendance — Section 7682 G.C.

2. Compensation, tuition fee, section 7595-1d G.C.

- 3. High school pupil Assigned to school outside district When he has right to elect to attend another high school, expense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.
- 4. Non-resident attendance of pupils When involved, determine if attendance lawful and if authorized Sections 7734, 7734-1 G.C.

AUTOMOBILES -

Automobiles or other transportation equipment — County board	
of education may not lawfully purchase - Use, county super-	
intendent of schools or county attendance officer in per-	
formance of official duties.	554

BONDS —

- Interest coupons on bonds Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district.

BUILDING - SCHOOL -

1. Board of education — Not empowered to discontinue any or all schools in district unless provision made for pupils to atPage

EDUCATION — Continued

BUILDING -- SCHOOL -- Concluded

tend school, full time, each school year under provision of law --- No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.

- 2. Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes ---Board unable to comply with order. State Department of Industrial Relations - Section 7730 G.C.
- 3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.
- 4. Teachers Contracts must be given consideration where school suspended — Section 7690-7 G.C. — Suspension — Reinstatement of such teachers.

914

BUS - SCHOOL -

- 1. Buses, school Board of education not authorized to transport persons for hire or permit use of school buses to transport passengers - Use, transport school children to and from public schools or public school functions.
- 2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle license tax — Section 6291 G.C.

805

740

CENTRALIZATION -

- 1. Transfer of territory County board of education may accept same --- No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election -- Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory. if at all, when transferred --- If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer. 257

CENTRALIZATION, DISTRICT SCHOOL ---

When board of education, village or rural school district, adopts resolution and certifies same to county board of elections, it is duty of such board to procure ballots and conduct election for centralization - Status, schools conducted in one central location in district --- Section 4726 G.C.

CHILDREN — SEE BUS — SCHOOL — ABOVE 805

CHILDREN -

Tuberculosis hospital - Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense --- No ex-

EDUCATION — Continued

CHILDREN — Concluded

ception if parents or guardians become residents of different school district — Exception, if children discharged and returned to homes — When children later re-admitted to hospital, expense chargeable to district from which they were re-admitted.

CLERK -

Education, board of — Rural school district — May elect cleik	
who is not an elector in such school district or township in	
which such school district situated.	78

CONTRACT, CONTINUING ---

- Teacher in public schools Taught for five full years immediately preceding end of school year 1939-1940 and for ten days, substitute teacher 1940-1941 not in position to demand continuing contract September 1, 1941 Section 7690-2 G.C., first proviso.
- 2. Provisions, second proviso, section 7690-2 G.C., 800 pupils, apply to "new teachers" and "beginning teachers."
- 3. Where teachers do not qualify for continuing contracts as matter of right who are eligible through years of service — May be recommended by superintendent of schools for reemployment — Regular teacher — Substitute teacher — To reject recommendation, three-fourths vote full membership of board required — Section 7690-2 G.C.

COUPONS — INTEREST —

- Interest coupons on bonds Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district.
- 2. Interest should be paid from moneys in sinking fund or bond retirement fund.

435

368

EDUCATION, BOARD OF ---

- 1. Board of education Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law — No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
- Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes — Board unable to comply with order, State Department of Industrial Relations — Section 7730 G.C.
- 3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.

Page

980	INDE	EX — 1942	<u>,</u>	
EDUCATION —	Continued			Page
EDUCATION, E	BOARD OF Con	ncluded		
school sus	Contracts must pended — Section ent of such teache	7690-7	G.C Suspensio	on
Buses, Scho	ol — SEE — BUS	- SCHO	OL — ABOVE	805
village or r same to cou procure bal Status, scho	, district school ural school distric nty board of elect llots and conduct ools conducted in 4726 G.C	t, adopts r tions, it is t election one centr	esolution and cer duty of such boar for centralizatio al location in dis	tifies rd to on — strict
require teac X-ray, Was	ns, health — Board hers and janitors f serman or other tion 7692-1 G.C.	to submit t	o health examinat	ions,
inations ma inations by sician not 1	rtificate of repu de and the result: school physician required to state public that facts	s, may be or health under oat	filed in lieu of e officers — Such	xam- phy-
3. No authorit of such exa	y to require teacl minations.	hers or jar	nitors to bear exp	ense
	lations apply equa Conduct of exami			
rules and re — Authorit	- Board of educa egulations to gove y to eliminate pu 50, 7707, 7685 G.	rn pupils a ıpils — Sup	nd teachers in sc	hools
2. Authority, b — Section 4	board of health to 4424 G.C.	act where	school authorities	s fail
3. Wards, juve	enile court, subjec	t to rules		nade

- by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by courts.
- 1. Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law - No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
- 2. Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes ----Board unable to comply with order, State Department of Industrial Relations --- Section 7730 G.C.

EDUCATION — Continued

3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.

4.	Teacher	s — Contracts	must	be	given	consideration	where	
	school	suspended - S	Section	76	590-7	G.C Suspen	sion —	
Reinstatement of such teachers.						91		

- Rural school district May elect clerk who is not an elector in such school district or township in which school district situated.....
- 1. Transfer of territory County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.....

EDUCATION, COUNTY BOARD OF -

Automobiles or other transportation equipment — County board	
of education may not lawfully purchase — Use, county super-	
intendent of schools or county attendance officer in per-	
formance of official duties	55

EDUCATION, MEMBER, BOARD OF ---

Inducted into armed forces of United States - Absent ninety
days — Discretion, remaining members to declare reasons for
absence, insufficient Vacancy May be filled according to
law

EDUCATION, RURAL BOARD OF ---

- 1. High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730 G.C.
- Signatures, parents or guardians of pupils not yet fifteen required on petition to reopen suspended school — Requirements Opinion 3077, page 1271, Opinions Attorney General, 1934, 1 and 3 branches of syllabus, overruled.

610

ELECTION -

Centralization, district school — When board of education, village or rural school district, adopts resolution and certifies same to county board of elections, it is duty of such board to 4

78

257

4

808

Page

EDUCATION --- Continued

Page

740

ELECTION --- Concluded

procure ballots and conduct election for centralization — Status, schools conducted in one central location in district — Section 4726 G.C.

- 1. Transfer of territory County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.

257

EMPLOYER - EMPLOYE -

- 1. Examination, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors — Conduct of examinations. 630

EQUIPMENT ---

- Automobiles or other transportation equipment County board of education may not lawfully purchase — Use, county superintendent of schools or county attendance officer in performance of official duties.
- Transfer of territory County board of education may accept same No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.....

982

EDUCATION — Continued

EDUCATION — Continued	Page
EXAMINATION —	
 Notary public commissions — Examinations — Court of com- mon pleas' judges may require applicants to pay reasonable fee. 	
 Money derived from such examination fees, exclusive con- trol, common pleas court — Unless requested by court, not subject to audit of Bureau of Inspection and Supervision of Public Offices — Section 120 G.C. 	164
FUNDS —	
Library, public school — Board of trustees — Required to de- posit all funds, bequest or otherwise, in accordance with Uni- form Depository Act — May invest funds, bequeathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.	657
HEALTH — SEE LICE	333
 INTEREST COUPONS — 1. Interest coupons on bonds — Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district. 2. Interest should be paid from moneys in sinking fund or bond 	
retirement fund.	435
 LICE, HEAD — 1. Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C. 	
2. Authority, board of health to act where school authorities fail — Section 4424 G.C.	
 Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith, not reviewable by courts. 	333
MOTOR VEHICLE	
Automobiles or other transportation equipment — County board of education may not lawfully purchase — Use, county super- intendent of schools or county attendance officer in per- formance of official duties.	554
NON-RESIDENT	
1. Tuition — Average daily attendance, pupils, to determine	
distribution, state public school fund — Where non-resident pupil admitted to district schools, tuition paid by parents,	

EDUCATION --- Continued

NON-RESIDENT --- Concluded

guardian or friends, district of attendance entitled to credit for such attendance — Section 7682 G.C.

- 2. Compensation, tuition fee, section 7595-1d G.C.
- High school pupil Assigned to school outside district When he has right to elect to attend another high school, expense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.
- Non-resident attendance of pupils When involved, determine if attendance lawful and if authorized Sections 7734, 7734-1 G.C.

154

630

689

Page

NOTARY PUBLIC ----

- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors Conduct of examinations.....

OFFICIAL -

- School Examiners, Board of State Term of office, five years — Vacancy — Director of education should make appointment for unexpired term — Upon expiration of such term appointment should be made for full five year period.
- 2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.

PARENT - GUARDIAN -

- 1. High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730 G.C.
- Signatures, parents or guardians of pupils not yet fifteen required on petition to reopen suspended school — Requirements — Opinion 3077, page 1271, Opinions Attorney General, 1934, 1 and 3 branches of syllabus overruled......

FDUCATION Continued

Page

	ruge
 PASSENGER — 1. Buses, school — Board of education not authorized to transport persons for hire or permit use of school buses to transport passengers — Use, transport school children to and from public schools or public school functions. 	
2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle li- cense tax — Section 6291 G.C.	805
PETITION — SEE PARENT — GUARDIAN	610
PRIVATE BUS — SEE PASSENGER	805
 PUPILS — 1. Board of education — Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law — No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law. 	
2. Rural or village school district — Board may suspend school if school building unfit, not suitable for school purposes — Board unable to comply with order, State Department of In- dustrial Relations — Section 7730 G.C.	
3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.	
4. Teachers — Contracts must be given consideration where school suspended — Section 7690-7 G.C. — Suspension —	

- Reinstatement of such teachers. 914
- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificates of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers --- Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors — Conduct of examinations.

630

1. High school grades, where three maintained by rural board of education in certain school building - Pupils assigned to another building - Suspension - If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location --- Sections 7684, 7730 G.C.

EDUCATION --- Continued

PUPILS — Continued

- Signatures, parents or guardians of pupils not yet fifteen required on petition to reopen suspended school — Requirements Opinion 3077, page 1271, Opinions Attorney General, 1934, 1 and 3 branches of syllabus, overruled......
- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- 2. Authority, board of health to act where school authorities fail Section 4424 G.C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by courts.
- 1. Tuition Average daily attendance, pupils, to determine distribution, state public school fund — Where non-resident pupil admitted to district schools, tuition paid by parents, guardian or friends, district of attendance entitled to credit for such attendance — Section 7682 G.C.
- 2. Compensation, tuition fee, section 7595-1d G.C.
- 3. High school pupil Assigned to school outside district When he has right to elect to attend another high school, expense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.

RESIDENCE -

SCHOOL ----

DISTRICT, SCHOOL ---

- Children's home Inmates in county, semi-public or district

 Where before admission to home, children attended school
 in district other than where home situated, such children may
 attend school in district where home located How county
 auditor should charge tuition to school districts and allocate
 funds.
- 2. Sections 7677, 7678 G.C., amended Installments due under foundation program not affected.
- 3. Director of Education, shall approve and pay allowances for

610

EDUCATION Continued	Page
DISTRICT — SCHOOL — Concluded	
such non-resident inmates — 1942 and thereafter — Sections 7595-1c 7595-1d G.C	172
 Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578-2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942. 	866
 Interest coupons on bonds — Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district. 	
2. Interest should be paid from moneys in sinking fund or bond retirement fund	435
 Legislature, section of act of — Where it adopts another section of same act by reference and it is subsequently amended — Subsequent amendment, from time of effective date, is to be considered as if adopted by adopting section. 	
2. Child, inmate of private children's home or orphan asylum — Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General As- sembly.	5
1. Transfer of territory — County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C.	
2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory trans- ferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.	257
Tuberculosis hospital — Where children of school age are re- ceived in such district hospital, school district from which children admitted, liable for educational expense — No ex- ception if parents or guardians become residents of different school district — Exception, if children discharged and re- turned to homes — When children later re-admitted to hospi- tal, expense chargeable to district from which they were re-	
admitted	235
TUITION —	

Tuition - Average daily attendance, pupils, to determine distribution, state public school fund 154

EDUCATION —	Continued
-------------	-----------

EDUCATION — Continued	Page
SCHOOL DISTRICT, CENTRALIZATION — Centralization, district school — When board of education, village or rural school district, adopts resolution and certifies same to county board of elections, it is duty of such board to procure ballots and conduct election for centralization — Status, schools conducted in one central location in district — Section 4726 G.C.	740
HIGH SCHOOL — 1. High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730, G.C.	
 Signatures, parents or guardians of pupils not yet fifteen re- quired on petition to reopen suspended school — Require- ments — Opinion 3077, page 1271, Opinions Attorney Gen- eral, 1934, 1 and 3 branches of syllabus, overruled 	610
COMPENSATION — High school pupil — Assigned to school outside district — When he has right to elect to attend another high school, ex- pense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.	
Non-resident attendance of pupils — When involved, determine if attendance lawful and if authorized — Sections 7734, 7734-1 G.C.	154
SEE — TUITION — ALSO —	
LIBRARY, PUBLIC SCHOOL —	
Library, public school — Board of trustees — Required to de- posit all funds, bequests or otherwise, in accordance with Uni- form Depository Act — May invest funds, bequeathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.	657
SCHOOL DISTRICT, RURAL	
Education, board of — Rural school district — May elect clerk who is not an elector in such school district or township in which such school district situated.	78
SUPERINTENDENT OF SCHOOLS —	
Automobiles or other transportation equipment — County board of education may not lawfully purchase — Use, county super- intendent of schools or county attendance officer in per- formance of official duties.	554
1. Continuing contract — Teacher in public schools — Taught for five full years immediately preceding end of school year 1939-1940 and for ten days, substitute teacher 1940-1941 not	

•

EDUCATION — Continued

SUPERINTENDENT OF SCHOOLS - Concluded

- in position to demand continuing contract September 1, 1941 - Section 7690-2 G.C., first proviso.
- 2. Provisions, second proviso, section 7690-2 G.C., 800 pupils, apply to "new teachers" and "beginning teacher."
- 3. Where teachers do not qualify for continuing contracts as matter of right who are eligible through years of service — May be recommended by superintendent of schools for reemployment — Regular teacher — Substitute teacher — To reject recommendation, three-fourths vote full membership of board required — Section 7690-2 G.C.

SUPERINTENDENT OF SCHOOLS --- COUNTY ---

- Workmen's Compensation Law County superintendent of schools — Official — Not employe, workman or operative — Excluded from provisions of law — Section 1465-61 G.C.
- 2. Assistant county superintendent is employe Entitled to benefits of said law.

SUSPENDED SCHOOL ---

- Board of education Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law — No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
- 2. Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes — Board unable to comply with order, State Department of Industrial Relations — Section 7730 G.C.
- 3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.
- 4. Teachers Contracts must be given consideration where school suspended — Section 7690-7 G.C. — Suspension — Reinstatement of such teachers.

914

SUSPENSION -

- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- 2. Authority, board of health to act where school authorities fail Section 4424 G. C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public

Page
EDUCATION — Continued

SUSPENSION --- Concluded

schools, as are children not wards of court.

4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by court. 333

VILLAGE OR RURAL SCHOOL DISTRICT -

Centralization, district school When board of education,	
village or rural school district, adopts resolution and certifies	
same to county board of elections, it is duty of such board to	
procure ballots and conduct election for centralization —	
Status, schools conducted in one central location in district	
— Section 4726 G.C.	740

VILLAGE SCHOOL -- SEE TEACHER 914

SCHOOL - FINIS -

TEACHER —

- Board of education Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law — No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
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- 4. Teachers Contracts must be given consideration where school suspended — Section 7690-7 G.C. — Suspension — Reinstatement of such teachers.
- Continuing contract Teacher in public schools Taught for five full years immediately preceding end of school year 1939-1940 and for ten days, substitute teacher 1940-1941 not in position to demand continuing contract September 1, 1941 — Section 7690-2 G.C., first proviso.
- 2. Provisions, second proviso, section 7690-2 G.C., 800 pupils, apply to "new teachers" and "beginning teachers."
- 3. Where teachers do not qualify for continuing contracts as matter of right who are eligible through years of service — May be recommended by superintendent of schools for reemployment—Regular teacher — Substitute teacher — To reject recommendation, three-fourths vote full membership of board required — Section 7690-2 G.C.
- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examin-

EDUCATION — Continued

TEACHER — Concluded

ations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.

- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors Conduct of examinations.
- 630

333

689

78

805

- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- 2. Authority, board of health to act where school authorities fail — Section 4424 G.C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith not reviewable by courts.

TERM OF OFFICE —

- 1. School Examiners, Board of State Term of office, five years — Vacancy — Director of education should make appointment for unexpired term — Upon expiration of such term appointment should be made for full five year period.
- 2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.

TOWNSHIP -

Education, board of — Rural school district — May elect clerk who is not an elector in such school district or township in which such school district situated.

TRANSPORTATION ---

- 1. Buses, school Board of education not authorized to transport persons for hire or permit use of school buses to transport passengers — Use, transport school children to and from public schools or public school functions.
- 2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle license tax — Section 6291 G.C.

EDUCATION — Continued

TUITION -

- Average daily attendance, pupils, to determine distribution, state public school fund — Where non-resident pupil admitted to district schools, tuition paid by parents, guardian or friends, district of attendance entitled to credit for such attendance — Section 7682 G.C.
- 2. Compensation, tuition fee, section 7595-1d G.C.
- High school pupil Assigned to school outside district When he has right to elect to attend another high school, expense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.
- 4. Non-resident attendance of pupils When involved determine if attendance lawful and if authorized — Sections 7734, 7734-1 G.C.
 - Children's home Inmates in county, semi-public or district

 Where before admission to home, children attended school
 in districts other than where home situated, such children may
 attend school in district where home located How county
 auditor should charge tuition to school districts and allocate
 funds.
 - 2. Sections 7677, 7678 G.C., amended Installments due under foundation program not affected.
 - Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C.
 - Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended
 — Subsequent amendment, from time of effective date, is to
 be considered as if adopted by adopting section.
 - 2. Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly.

VACANCY -

- Education, member, board of Inducted into armed forces of United States — Absent ninety days — Discretion, remaining members to declare reasons for absence, insufficient — Vacancy — May be filled according to law.....
- School Examiners, Board of State Term of office, five years — Vacancy — Director of education should make appointment for unexpired term — Upon expiration of such term appointment should be made for full five year period.
- 2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.

154

689

808

EDUCATION — Concluded

VERMIN ---

- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- Authority, board of health to act where school authorities fail
 Section 4424 G.C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith, not reviewable by courts.

333

121

EDUCATION - FINIS -

ELECTION -

- Vacancy Resignation county commissioner Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943.
- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents....
- 694

249

- 1. Voting machines Board of county commissioners under no mandatory duty to adopt same because of recommendation, board of elections.
- County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed — Petition requests board of elections to submit matter to electors.
- 3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors — Such board of electors should not submit matter to electors, where petition filed after such recommendation.

Page

ELECTIVE OFFICE ----

Public Employes Retirement Board — Public Employes Retirement System — Duty to allow member credit, full year, prior service for each year served in any position or office where service may be legally credited — Appointive position — Elected to office — Time — Year or years — Salary — Rule applies even though such employe or officer did not serve full time — No authority for board to otherwise rule or regulate.

ELECTOR ---

- Sheriff, deputy Position not an office Article II, section 5, Constitution of Ohio.
- 2. Township trustee Duly elected Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff......

ELECTRIC TRANSMISSION -

Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.

EMERGENCY -

- 1. Municipality May sell personal property not needed by it — Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by twothirds vote may authorize such purchases without advertising — Section 3965 G.C.
- 3. Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.....
- Sewage disposal plant Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C.
 If a city, under section 4328 et seq., G.C.
- 2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another municipality advertises to purchase such materials.

441

704

856

995

EMERGENCY VEHICLE — Uniform Traffic Act — Motor vehicle owned by volunteer fire- man — Used occasionally to transport owner to scene of fire — Not "emergency vehicle"— Not entitled to privileges granted, sections 6307-2 and 6307-1 to 6307-110 G.C	Page 96
EMERGENCY, WAR Fire fighters Movement of fire companies in Ohio Power of Ohio State Council of Defense War emergencies	664
 EMPLOYER — EMPLOYE — Civil service, classified — When employe is separated from service more than one year and under new appointment again enters service — Service prior to new appointment may not be considered to determine seniority rights in regard to layoff — Section 486-17b G.C. 	364
1. Civil Service Commission, Cleveland — Employment by reso- lution of a person to "assist in collecting data"— Under pro- visions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal em- ploye — Attempt to make contract.	
2. If expenditure involved exceeds five hundred dollars, con- tract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.	546
1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of prop- erty or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.	
2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, in- valid.	
3. Free passes to entertainments held in municipal stadium — Issued to municipal officials and employes, not illegal — Pro- viso.	
4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor	593
 Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578-2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulation of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942. 	866
Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, matrons, cooks, kitchen assistants or like capacity — Public Employes Retirement Act — Section 486-32 G.C	730

Insurance, group life - County may not enter into agreement

EMPLOYER — EMPLOYE — Continued	Page
with life insurance company, covering county employes where agreement provides county is to pay portion of premium on policy — Sections 9426-1, 9426-2 G.C.	755
Insurance policy, life — Section 9420 G.C. does not prohibit issuance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.	492
Municipality — Officials of municipally owned transit system — May authorize publication and distribution of monthly maga- zine — Cost — Legitimate part of operating expense — Cleve- land Railway Company.	773
Policeman, special — Village mayor may appoint — Detailed, special duties, manufacturing plant — Terms, payment by plant — Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C.	579
Probate judge — Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve pay- ment.	891
Provisional employe — Classified service, state — No preferential right to be re-established in position from which he was laid off in good faith — Event, necessary to refill position within year from date of lay-off and prior to established eligible list.	438
Public Employes Retirement Board — Public Employes Retire- ment System — Duty to allow member credit, full year, prior service for each year served in any position or office where service may be legally credited — Appointive position — Elected to office — Time — Year or years — Salary — Rule applies even though such employe or officer did not serve full time — No authority for board to otherwise rule or reg- ulate.	441
1. Retirement System, Public Employes — Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.	
2. Those who retire before reaching age of seventy may be re- employed prior to attaining said age, by any federal, state, county or local government — Acceptance, re-employment dur- ing period such employment, will hold in abeyance pension provided, section 486-60 G.C.	99
Retirement System, State Employes'— Where state employe re- tired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in	

EMPLOYER — EMPLOYE — Concluded

Public Employes' Retirement System, such retired state employe not entitled to credit for prior service as county employe or as public employe as defined in amended statutes.....

- 1. Witness fees When subpoenaed to appear in court in criminal case — Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.
- 2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.
- 4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense.
- Workmen's Compensation Law County superintendent of schools — Official — Not employe, workman or operative — Excluded from provisions of law — Section 1465-61 G.C.
- 2. Assistant county superintendent is employe Entitled to benefits of said law.
- 3. Members, office force, secretary and attendance officer of county superintendent of schools, are employes, workmen or operatives — Entitled to benefits of said law.....

ENDORSEMENT -----

County auditor — Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property described in deed does not appear on tax lists under name of grantor — Section 2573 G.C.

EQUIPMENT — APPARATUS — FIRE —

- 1. Fire apparatus and equipment State Council of Defense No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- 2. Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.

341

374

351

EQUIPMENT	Page
Automobiles or other transportation equipment — County board of education may not lawfully purchase — Use, county super- intendent of schools or county attendance officer in per- formance of official duties.	554
Motor vehicle equipment — Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C	208
 EQUIPMENT COMPANY — 1. Sleeping car, freight line and equipment company — Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates 	

2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.

--- Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.

- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

ESCAPE ----

- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.
- 3. No minimum term prescribed for such offense Prisoner eligible for parole any time after incarceration — Subject to requirements section 2209-17 G.C. as to notice.....

ESCHEAT — ESTATE —

Inmate, institution, supervision, Department of Public Welfare:

- Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property eacheats to state — "Industrial and Entertainment Fund"—"Posthumous Fund."
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for

998

265

 ESCHEAT — ESTATE — Concluded
 Page

 burial at his own expense, estate of decedent is liable for
 burial expenses.

 3. Money deposited in bank — Interest earned, property of inmates, pro rata.
 Interest earned, property of inmates, pro rata.

 4. Grant, gift, devise or bequest — Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
 905

 5. Each such donation should be kept as separate fund under a separate account.
 905

EXAMINATION -

- Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustees, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."

EXAMINATIONS. HEALTH ----

- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.

EXECUTION Fine When magistrate renders judgment Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property Sheriff shall execute writ.	Ра 2
 EXPENDITURE — 1. Sewage disposal plant — Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C. 	
2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another mu- nicipality advertises to purchase such materials.	
3. State council of defense — Emergency powers	8
EXPENSE ACCOUNT —	
Probate judge — Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — County commissioners not required to allow or approve pay- ment.	8
EXPENSE —	
Blind and Deaf, The State Schools for, and Welfare Institutions — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole pur- pose, to cover reasonable expenses, compensation of ap- praisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options.	
Bureau of Unemployment Compensation, Administrator — Authorized to pay, extent of allotments made by social secur- ity board, in administration of fund, bills for equipment, premiums, supplies, services and other facilities furnished by United States Employment Service of Ohio — Certification shall be approved for payment by party designated by social security board.	2
EXPENSE, CURRENT —	
Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing district pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	8
EXPENSE —	

1. Defense councils, local — Traveling and necessary expenses to function — Municipalities, through legislative authority,

1000

,

EXPENSE — Continued

may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.

 Expenses, housing, light, heat and materials — Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.

Defense, local county council of — County commissioners may expend moneys in general revenue fund to pay necessary operating expenses, office space, supplies — Section 5290 G.C. 147

- Detention hospital Person admitted by order, Department of Public Welfare — Payment, expense of care, provided by person legally liable — Sum paid should be divided equally between state and county from which person committed — If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C.....
- 1. Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund County commissioners may transfer certain funds Sections 5625-13a to 5625-13g, G.C.
- Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G. C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- Files and cases Safe keeping and preservation, books and papers of probate court — Duty of county commissioners to provide — Probate judge without power to purchase out of appropriation for administrative expense — Sections 2419, 10501-4, 10501-5 G.C.

Hospital care for indigents:

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.

18

1001

Page

222

32

EXPENSE — Concluded	Pag
3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township	46
Municipality — Officials of municipally owned transit system — May authorize publication and distribution of monthly magazine — Cost — Legitimate part of operating expense — Cleveland Railway Company.	77:
Quarantine — Hospitalization — Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.	7
Tuberculosis hospital — Where children of school age are re- ceived in such district hospital, school district from which children admitted, liable for educational expense — No excep- tion if parents or guardians become residents of different school district — Exception, if children discharged and re- turned to homes — When children later re-admitted to hos- pital, expense chargeable to district from which they were re-admitted.	23
1. Water — Superintendent of public works — Authorized, subject to written approval of governor, to drill wells, con- struct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.	
2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.	
3. Management and operation — Jurisdiction, superintendent of public works.	22
1. Witness fees — When subpoenaed to appear in court in criminal case — Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.	
2. County in which court issues subpoena liable only for wit- ness fee and mileage provided in section 3014 G.C.	
3. Expert witness — County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.	
4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense.	73
FAIR, COUNTY —	
1. Agricultural society, county — Unless it has purchased or leased real estate as site to hold fairs, term not less than	

twenty years, county commissioners may not appropriate from

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FAIR, COUNTY --- Concluded

general fund and pay to said society monies provided for in section 9887 G.C.

- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardless of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.

711

FARE - RATE - TICKETS -

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons --- Sections 12819, 2830 G.C.

FARNSWORTH ACT ---

Public Works, Department of — Scope of authority — Rules,
regulations, improvement, operation, maintenance — Lease
License — Canal lands — Farnsworth Act — Ohio and Erie
Canal, Summit County.292

FEDERAL AREA —

- Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.

413

- FEDERAL CENSUS -
 - 1. Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 County should pay

Page

FEDERAL CENSUS --- Concluded

county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.

- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.
- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.....

759

FEDERAL FUNDS -

- 1. Water Superintendent of public works Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.
- 2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.

229

FEDERAL GOVERNMENT ---

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- Upon vacation, county or township highway, title remains in abutting land owners — Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in

1004

Page

construction of dam by Federal Government to forever save harmless from any damaged highways, such Federal Government.

 5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

FEDERAL OFFICER --- AGENCY ---

Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578-2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942.

FEDERAL ----

- 1. Retirement System, Public Employes Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.
- 2. Those who retire before reaching age of seventy may be re-employed prior to attaining said age, by any federal, state, county or local government — Acceptance, re-employment during period such employment, will hold in abeyance pension provided, section 486-60 G.C.

FEDERAL - SEE UNITED STATES - ALSO -

FEE -

- 1. Cosmetologist, managing Retired more than three years — May be restored to practice — Elect to be manager or operator — Pay lapsed renewal fees — License — Section 1082-13 G.C.
- 2. License lapsed more than one year Cosmetologist may not keep within three year period by paying one annual renewal fee.
- 1. Engineer county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund — County commissioners may transfer certain funds—Sections 5625-13a to 5625-13g, G.C.
- 1. Gas and oil leases Included within meaning of "real estate"— Section 6373-25 G.C.

Page

99

866

430

FEE Concluded	Page
2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.	517
 Notary public commissions — Examinations — Court of common pleas' judges may require applicants to pay reason- able fee. 	
2. Money derived from such examination fees, exclusive control, common pleas court — Unless requested by court, not sub- ject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.	164
1. Physician and surgeon — Fees for professional services — Where indigent person has legal settlement in township, trus- tees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.	
2. Status where indigent person has legal settlement in town- ship, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local re- lief authority Section 3391-2 G.C.	575
1. Streets and highways — Good and safe condition for public travel — "Maintenance"— Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C.	
 Municipality — May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay ice conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C. 	
1. Unpaid transportation and criminal costs — Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.	
2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.	
3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.	
4. Criminal cost's and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.	508
 FEES, WITNESS — 1. When subpoenaed to appear in court in criminal case — Superintendent of Bureau of Criminal Identification and In- vestigation and assistants and employes may legally collect witness fees. 	

2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.

1006

.

FEES, WITNESS — Concluded

3. Expert witness — County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.

4.	Where	e witness	testifies	in	court	purs	uant	to	subpoena,	ex-	•
	pense	incurred	may not	be	paid	from	fund	s a	ppropriated	l to	
	such]	Bureau fo	or traveli	ng	expen	se.					734

FELONY -

Ohio	State I	Reforn	natory — I	Inmates	s co	mm	itted l	эy	Juver	nile	
Cou	irt — Mu	st be	released	when	age	tw	enty-on	e ;	years	at-	
tair	ned — Se	ctions	1639-30,	paragi	raph	5,	2131-1	G.	C	 .	302

Sentence to penitentiary or reformatory — Person convicted of
felony — Where placed on probation by court — Where court
terminated probation and passed sentence, state liable for
criminal costs — Section 13455-5 et seq., G.C.

FELONY CASES —

- 1. Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts --- Section 2982 G.C.

508

1

FILES — CASES —

Files and cases — Safe keeping and preservation, books and papers of probate court — Duty of county commissioners to provide — Probate judge without power to purchase out of appropriation for administrative expense — Sections 2419, 10501-4, 10501-5 G.C.

678

53

FINANCIAL RESPONSIBILITY ---

Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — Statements filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, section 1080-16 G.C.

Page

.

 FINE — 1. Kennel of dogs — Registration — Failure, application, required by section 5652-1 G.C. does not penalize owner — Section 5652 G.C. 	Page
°2. Failure to apply for registration — Prosecution — Conviction — Fine and costs — Section 5652-14 G.C.	29
When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defend- ant resides, is found or has property — Sheriff shall execute writ.	299
 FIRE APPARATUS AND EQUIPMENT — 1. State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency. 	
2. Political subdivision — Where it contracted to interchange such equipment — Not liable in damage, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emer- gency alarm.	
3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdi- vision, owner.	
4. Fireman — Status where equipment interchanged — Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.	469
FIRE FIGHTERS — FIRE COMPANIES — Movement in Ohio — Power of Ohio State Council of Defense — War emergencies.	664
FIREMAN Uniform Traffic Act Motor vehicle owned by volunteer fire- man Used occasionally to transport owner to scene of fire Not "emergency vehicle" Not entitled to privileges granted, sections 6307-2 and 6307-1 to 6307-110 G.C	96
FIREMEN'S PENSION FUND —	
 Authority — Board of trustees — Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C. 	
2. State has established tenure, villages, cities, members fire department — Removal for cause — Municipal council with- out power to determine age — Retirement — Firemen — Sections 486-17a, 4378, 4380, 4389 G.C.	840
1. Fire apparatus and equipment — State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equip- ment during emergency.	

FIREMEN'S PENSION FUND — Concluded

- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.

469

FIXTURE ----

Lease, portion of airport — Right of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

65

FLOWAGE EASEMENT -

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

449

FOREIGN STATE ----

1. Bridge Commission, State — Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and em-

Page

FOREIGN STATE --- Concluded

powered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons --- Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia.....
- Milk marketing law Dealer in milk or cream Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C. not applicable to dealers outside Ohio — Statements filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, section 1080-16 G.C.
- Sleeping car, freight line and equipment company Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.
- 1. Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.

FORFEITED LAND LIST --- FORECLOSURE ---

Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.

Page

265

413

246

FORTUNE --- TELLING ---

Astrology and allied subjects — Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students.

FOSTER CHILD -

- Foster home Boarding home Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home Section 3096 G.C.

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FREIGHT LINE —

- Sleeping car, freight line and equipment company Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq., G.C.

FUND ----

- Adjutant General Duties Certain moneys State depository trust fund — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund Ohio Guardsman — Gifts.
- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments pro-

346

724

FUND Continued	Page
vided for therein, regardless of any interest in real estate used as site for holding fairs.	
3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in sec- tion 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.	711
Bond issue, interest, maintenance, repair, operation, state own- ed bridges — Tolls — Schedule, may differentiate between single fare rate, tickets purchased in larger amounts	107
Bonds issued for municipal university purposes — When pro- ceeds from sale paid to directors of university, interest earned may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund of the issuing municipality.	402
1. Building to be used for county offices — County commission- ers authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, re- mainder in annual installments — Section 2433 G.C.	
2. Section 2333 G.C. applies only to erection of court house or other county building.	
3. Limitation, \$20,000.00, section 2293-16 G.C. — No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness"— Bonds and notes.	
4. Outstanding bonds issued by county commissioners — To im- prove and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds com- missioners may issue to purchase another county building.	384
Bureau of Unemployment Compensation, Administrator — Authorized to pay, extent of allotments made by social secur- ity board, in administration of fund, bills for equipment, premiums, supplies, services and other facilities furnished by United States Employment Service of Ohio — Certification shall be approved for payment by party designated by social security board.	238
1. Children's home — Inmates of county, semi-public or district — Where before admission to home, children attended school in districts other than where home situated, such children may attend school in district where home located — How county auditor should charge tuition to school districts and allocate funds.	
 Sections 7677, 7678 G.C., amended — Installments due under foundation program not affected. 	
3. Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C.	172

1012

.

.

.

FUND --- Continued

- Clerk of municipal court Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited.
- Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustees, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
 - c. Positions director, Metropolitan Housing Authority and Trustees of said body.....
- 1. Conservancy district Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share, city not required to pay such excess to conservancy district nor to county treasurer — Section 6828-50 G.C.
- Such excess fund may be transferred from special fund where deposited to city general fund, or sinking fund or bond retirement fund — Section 5625-13 G.C.
 563
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor. 593

49

FUND Concluded	Page
Council, city — No authority to appropriate money from general funds to city recreation board — Purpose, purchase from own- ers of privately owned pools, swimming tickets to distribute to under privileged children — Section 4065-3 G.C	777
County budget commission — Where county undivided local government fund allocated — One subdivision erroneously received more than its proper share — Such subdivision should pay over to subdivision entitled to it, the amount erroneously allocated and distributed.	423
 Defense councils, local — Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C. 	
2. Expenses, housing, light, heat and materials — Paid from gen- eral fund by appropriation — Purchase, material to knit gar- ments, question of fact, determined by proposed use of gar- ments.	18
Defense, local county council of — County commissioners may expend moneys in general revenue fund to pay necessary op- erating expenses, office space, supplies — Section 5290 G.C	147
1. Defense, State Council of — Resolution — Moneys distri- buted to various counties — County budget commission must allocate to subdivisions within counties — Moneys must be used exclusively for civilian defense purposes — May not be allocated to local or district councils of defense.	
2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civil- ian defense.	
3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense	324
Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, matrons, cooks, kitchen assistants or like capacity — Public Employes Retirement Act — Section 486-32 G.C.	730
1. Engineer, county — Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.	
2. Engineer has no authority to collect fees, county ditch im- provement from general ditch improvement fund — County commissioners may transfer certain funds — Sections 5625-13a to 5625-13g, G.C.	32
 FUND — FIREMEN'S PENSION — 1. Fire apparatus and equipment — State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment 	

during emergency.

FUND — FIREMEN'S PENSION — Concluded

- 2. Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.
- 1. Firemen's pension fund Authority Board of trustees Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C.
- State has established tenure, villages, cities, members fire department — Removal for cause — Municipal council without power to determine age — Retirement — Firemen — Sections 486-17a, 4378, 4380, 4389 G.C.
 840

FUND -

Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.

 $\mathbf{483}$

Inmate, institution, supervision, Department of Public Welfare:

- Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund"— "Posthumous Fund."
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.
- Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account.....
- 905
- 1. Interest Investments of money in city treasury Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certificates of indebtedness — Interest should be paid into

Page

FUND — Continued sinking fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.	Page
2. City council may not prescribe any other disposition of inter- est earned on treasury investments	168
 Interest coupons on bonds — Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district. 	
2. Interest should be paid from moneys in sinking fund or bond retirement fund.	435
1. Notary public commissions — Examinations — Court of com- mon pleas' judges may require applicants to pay reasonable fee.	
2. Money derived from such examination fees, exclusive con- trol, common pleas court — Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.	164
Relief — Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classi- fied property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power and duty to dispense poor relief as defined by law.	354
Retirement fund, public employes — Payments made — Current appropriation, State Highway Patrol — Retired member	819
 Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal govern- ment — U.S.C. Title 10, section 1431. 	
2. Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C.	131
 Sheriff, deputy — Position not an office — Article II, section Constitution of Ohio. 	
2. Township trustee — Duly elected — Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff	704
FUND, SINKING — Municipal corporation — Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell cer- tain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid or- dinance.	198
Sinking fund of county, trustees of — No power to sell securities in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in securities of United States Government.	835

FUND --- Concluded

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- Major replacements and additions Provided for by county commissioners — Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital — Jurisdiction, county commissioners — Unappropriated balance — Special fund — Section 5625-9 G.C.
- Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees No such authority where capacity fifty beds or more......
- 1. Uniform Depository Act No application to university funds, custody treasurer, Kent State University.
- 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive.
- Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.
- 1. Water Superintendent of public works Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.
- 2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.
- Management and operation Jurisdiction, superintendent of public works.

503

508

229

- 1. Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.

GARMENTS, KNITTED ----

- 1. Defense councils, local Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.
- Expenses, housing, light, heat and materials Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.

GAS AND OIL -

- 1. Gas and oil leases Included within meaning of "real estate" Section 6373-25 G.C.

GENERAL ASSEMBLY — SEE STATE — GENERAL ASSEMBLY —

GIFTS -

- Adjutant General Duties Certain moneys State depository trust fund — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund — Ohio Guardsman — Gifts.
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.

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4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor. 593

GIFTS — Concluded Inmate, institution, supervision, Department of Public Wel- fare:	Page
1. Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthumous Fund."	
2. If body, deceased inmate, not delivered to authorities for dis- section, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial ex- penses.	
3. Money deposited in bank — Interest earned, property of in- mates, pro rata.	
4. Grant, gift, devise or bequest — Use or benefit such insti- tutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.	
5. Each such donation should be kept as separate fund under a separate account	905
GOVERNMENT -	
Sinking fund of county, trustees of — No power to sell secur- ities in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in secur- ities of United States Government.	835
GOVERNOR SEE STATE	
GRANT — SEE — GIFT	905
GRANTOR —	
County auditor — Mandatory duty to endorse on deed or evi- dence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property de- scribed in deed does not appear on tax lists under name of	
grantor — Section 2573 G.C.	351
GRAVEL PIT — Gravel, other material, taken from county owned gravel pit — May not legally be sold by county commissioners to subdi- visions within county — Opinions Attorney General, 1930 Vol.	
II page 1471 — 1940 Vol. I page 162.	477
GUARD —	
 Bridge Commission, State — Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and em- 	

powered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance,

GUARD — Concluded

repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

- War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons — Sections 12819, 2830 G.C.

GUARDIAN - PARENT -

- High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730 G.C.
- 2. Signatures, parents or guardians of pupils not yet fifteen required on petition to reopen suspended school — Requirements — Opinion 3077, page 1271, Opinions Attorney General, 1934, 1 and 3 branches of syllabus overruled.....
- Tuberculosis hospital Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense — No exception if parents or guardians become residents of different school district — Exception, if children discharged and returned to homes — When children later re-admitted to hospital, expense chargeable to district from which they were re-admitted.

GUTTERS AND CURBS ----

Taxes, excise, levied on the sale of gasoline — Motor vehicle tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C. 720

"HANDLING" MILK OR CREAM ----

Contemplates and includes receipt from producers or producers'	
organizations — Transactions between dealers not included	
Section 1080 G.C.	144

HARBOR —

Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.

856

Page

610

 HEALTH, DIRECTOR OF — Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council — Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C. 	Pag 68
1. Tuberculosis clinic — An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.	
2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for pre- vention, cure, treatment of tuberculosis.	48
HEALTH DISTRICT	
Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	89
HEALTH DISTRICT BOARD — Member must be resident of such district — Section 1261-6 et seq., G.C.	21
HEALTH DISTRICT, GENERAL —	
1. Municipal corporation — Population less than 5000 at last federal census — Remains part of general health district de- spite increase in population — Section 1261-16 G.C.	
2. Village in general health district — Has legal right to enact ordinance to regulate licensing of plumbers, issuance of per- mits for installation and inspection of plumbing.	
3. Village council — Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if incon- sistent with regulations of general health district.	
4. If owner or plumber complied with village regulations in mat- ter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.	75
HEALTH EXAMINATIONS —	

- Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not re-

HEALTH EXAMINATIONS — Concluded	Page
quired to state under oath or acknowledge before notary pub- lic that facts are true.	-
3. No authority to require teachers or janitors to bear expense of such examinations.	
4. Health regulations apply equally to school pupils, teachers and janitors — Conduct of examinations	630
 HEALTH NURSE, PUBLIC — 1. Tuberculosis clinic — An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C. 	
2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for pre- vention, cure, treatment of tuberculosis.	480
 HIGHWAY — Constable — Not prohibited from making arrest — Where motorist failed to stop before entering intersection of state highway — Not applicable where motorist approaching such intersection is traveling on state highway — Section 6297 G.C. 	394
Corporation — Operation trucks — Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipality — Not required to pay motor vehicle license tax — Section 6291 G.C.	397
Boards of County Commissioners:	
1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare de- mands such action.	
2. No authority to convey flowage easements to Federal Govern- ment over portions county and township roads, construction of reservoir — County has only easement for public travel.	
3. Upon vacation, county or township highway, title remains in abutting land owners — Commissioners have no title to convey.	
4. Board has no power to enter into purported agreement in con- struction of dam by Federal Government to forever save harm- less from any damage to highways, such Federal Government.	
5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County commission- ers as joint board have authority to undertake and complete such improvement — Section 6874 G.C.	449
Uniform Traffic Act — Director of Highways — May not deter- mine and declare different prima facie speed limits for night and daytime driving — Section 6307-21 G.C.	359

- HIGHWAY PATROL, STATE SEE STATE PATROL, HIGHWAY —
- HIGHWAYS STREETS
 - 1. Streets and highways Good and safe condition for public travel "Maintenance"— Use of materials and processes reasonably necessary Sections 5537, 5541-8, 6309-2 G.C.
 - Municipality May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.

HOME, FOSTER - BOARDING -

- 1. Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home — Section 3096 G.C.

HOSPITAL CARE —

Indigents:

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.
 461

HOSPITAL -

- Corporation for profit Article of incorporation General Corporation Act of Ohio — Where one of principal object is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or services, articles should be filed as corporation for profit.
- 2. Corporation not for profit Articles should state pecuniary gain or profit not principal purpose of proposed corporation.

HOSPITAL, COUNTY TUBERCULOSIS ---

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.

Page

825

HOSPITAL, COUNTY TUBERCULOSIS - Concluded

- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- 4. Special levy voted for support of county tuberculosis hospital — Jurisdiction, county commissioners — Unappropriated balance — Special fund — Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees — No such authority where capacity fifty beds or more.

HOSPITAL ----

Detention hospital — Person admitted by order, Department of Public Welfare — Payment, expense of care, provided by person legally liable — Sum paid should be divided equally between state and county from which person committed — If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C.

HOSPITAL - MUNICIPAL -

Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.....

HOSPITAL -

- 1. Poor relief Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C.

HOSPITAL — TUBERCULOSIS —

- 1. Tuberculosis clinic An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.
- 2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for prevention, cure, treatment of tuberculosis.....
- Tuberculosis hospital Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense — No exception if parents or guardians become residents of different

783

222

483

HOSPITAL — TUBERCULOSIS — Concluded	Page
school district — Exception, if children discharged and re- turned to homes — When children later re-admitted to hos- pital, expense chargeable to district from which they were re-admitted.	235
HOSPITALIZATION — Quarantine — Hospitalization — Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, up- on notification, municipality or township liable for expenses — Section 4438-1 G.C.	73
IMPRISONMENT — SEE SENTENCE —	
 INCUMBENT — 1. Common pleas judge — Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273. 	
2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.	214
1. Township clerk — Salary — Township trustees may not in- crease or diminish during term of office — Section 3308 G.C.	
2. Salary, new incumbent — Action subsequent to commence- ment of clerk's term valid where township trustees for first time provide for salary.	390
INDIGENT —	
Coroner, acting county — May be compensated for medical care to indigent person — Paid from poor relief funds if proper procedure followed to obtain care.	832
 Hospital care for indigents: 1. Cities and townships authorized to arrange for such care — Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C. 	
2. Where legal settlement within city or township, private hos- pitals, when proper notice given, entitled to joint and reason- able payment for such care.	
3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.	461
Quarantine — Hospitalization — Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses —	
Section 4438-1 G.C.	73
INDIGENT — SEE RELIEF — ALSO —

INJURY -

- Sidewalks along township roads Within limits of road Designated on plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....

11

INMATE - INSTITUTION -

Supervision, Department of Public Welfare:

- Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthuomus Fund."
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.
- Money deposited in bank Interest earned, property of inmates, pro rata.
- Grant, gift, devise or bequest Use or benefit such institution — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.

--- INSURANCE ----

INSURANCE —

Bond investment contract — Bond investment company — Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment contract — Section 697 G.C. 311

EXEMPTION -

Life insurance policy — Section 9420 G.C. does not prohibit issuance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.

INSURANCE, GROUP LIFE —	Page
County may not enter into agreement with life insurance com- pany, covering county employes where agreement provides	1 uge
county is to pay portion of premium on policy — Sections 9426-1, 9426-2 G.C.	755
INSURANCE — LIFE —	
Life insurance policy — Section 9420 G.C. does not prohibit issuance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.	492
PREMIUM —	
Insurance, group life — County may not enter into agreement with life insurance company, covering county employes where agreement provides county is to pay portion of premium on policy — Sections 9426-1, 9426-2 G.C.	755
INSURANCE — FINIS —	
INTEREST —	
Bonds issued for municipal university purposes — When pro- ceeds from sale paid to directors of university, interest earned may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund of the issuing municipality.	402
Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the with- drawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default for payment, principal and interest.	406
Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.	246
Fund, bond issue, interest, maintenance, repair, operation, state owned bridges.	107
Inmate, institution, supervision, Department of Public Welfare:	
1. Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to estate — "Industrial and Entertainment Fund"— "Posthumous Fund."	
2. If body, deceased inmate, not delivered to authorities for dis- section, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial	

expenses.

INTEREST -	Concluded
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- Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under • a separate account......
- 905
- Investments of money in city treasury Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certificates of indebtedness — Interest should be paid into sinking fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.

INTERSTATE —

- Sleeping car, freight line and equipment company Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax"— Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

265

INTERSTATE COMMERCE -

- 1. Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.

INVENTORY -

1. Cleveland Metropolitan Housing Authority. City of Cleveland, Cuyahoga County - May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory - Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.

2. No legal incompatibility between:

- a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
- b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
- c. Positions director, Metropolitan Housing Authority and Trustee of said body. 522

INVENTORY - LIQUOR -

Whiskey or other spirituous liquors --- When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors should be listed and assessed for taxation, at seventy per centum of average value during twelve months of preceding calendar year --- Sections 5382, 5388, 5388-1, 5389 G.C.....

INVESTMENT CONTRACT ---

311

JANITOR -

- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests - Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers - Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors --- Conduct of examinations. 630

Page

,

JOURNAL ENTRY ----

- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- 2. Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

JUDGE - SEE COURT - SUBDIVISION -

JUDGMENT —

Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall execute writ.	299
JURISDICTION — JUSTICE OF PEACE	539
JUSTICE OF PEACE	

JUVENILE COURT - SEE COURT -

KENNEL -

- 1. Kennel of dogs Registration Failure, application, required by section 5652-1 G.C. does not penalize owner — Section 5652 G.C.
- 2. Failure to apply for registration Prosecution Conviction — Fine and costs — Section 5652-14 G.C.

KNITTED GARMENTS -

- 1. Defense councils, local Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.
- Expenses, housing, light, heat and materials Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.

LABOR - SEE EMPLOYER - EMPLOYE -

29

LAKE ERIE — Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.	<i>Page</i> 856
LAKESIDE — Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.	483
LAND SEE REAL ESTATE	
 LAPSED LICENSE — 1. Cosmetologist, managing — Retired more than three years — May be restored to practice — Elect to be manager or oper- ator — Pay lapsed renewal fees — License — Section 1082-13 G.C. 	
2. License lapsed more than one year — Cosmetologist may not keep within three year period by paying one annual renewal fee.	430
 LEASE — 1. Agricultural society, county — Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C. 	
2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments pro- vided for therein, regardless of any interest in real estate used as site for holding fairs.	
3. Said society entitled to receive from county commissioners, where it has complete control and management of real	

estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.....

- 711
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium ---

LEASE — Concluded Page Issued to municipal officials and employes, not illegal - Proviso. 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor. 593 1. Gas and oil leases — Included within meaning of "real estate" --- Section 6373-25 G.C. 2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C. 517 Lease, portion of airport - Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew - Lessee given right to erect structures and buildings - Removal - Fixture - Trade fixture - Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee --- Where removal upon order of lessor, salvage value belongs to lessee - Period of time - Limitation. 65 Public Works, Department of - Scope of authority - Rules, regulations, improvement, operation, maintenance - Lease - License - Canal lands - Farnsworth Act - Ohio and Erie Canal. Summit County. 292 LEGAL SETTLEMENT -Hospital care for indigents: 1. Cities and townships authorized to arrange for such care --Legal settlement --- Sections 3476, 3480, 3480-1, 3484-2 G.C. 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care. 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received ---Established rate of county, city or township. 461 1. Physician and surgeon - Fees for professional services --Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees --- Services defined as poor relief - Sections 3391 to 3391-12 G.C. 2. Status where indigent person has legal settlement in township, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local relief authority — Section 3391-2 G.C. 5751. Poor relief - Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county ---Public expense --- Sections 3391 to 3391-12 G.C. 2. Such subsistence at public expense to a person in a county home or county hospital not poor relief --- Obligation of

county — Section 3476 G.C.

1032

Quarantine — Hospitalization — Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.

LEVY --- VOTE ---

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital

 Jurisdiction, county commissioners
 Unappropriated balance
 Special fund
 Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County Commissioners would have authority to serve as board of trustees — No such authority where capacity fifty beds or more....

LIABILITY -

- 1. Fire apparatus and equipment State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.
- 1. Uniform Depository Act No application to university funds, custody treasurer, Kent State University.
- 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive.

469

503

LIBRARY, PUBLIC —	Page
Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g 5625-1 et seq., 5625-5, 5625-10 G.C.	897
LIBRARY, PUBLIC SCHOOL — Board of trustees — Required to deposit all funds, bequests or otherwise, in accordance with Uniform Depository Act — May invest funds, bequeathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.	657
LICE - SEE EDUCATION	333
LICENSE	
Bond investment contract — Bond investment company — Sub- scription agreement — Trustees certificate — Mortgage in- debtedness — Security — License — Proposed church refi- nancing plan — Held to constitute bond investment contract Section 697 G.C.	311
Corporation — Operation trucks — Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipality — Not required to pay motor vehicle license tax — Section 6291 G.C.	397
1. Cosmetologist, managing — Retired more than three years — May be restored to practice — Elect to be manager or op- erator — Pay lapsed renewal fees — License — Section 1082-13 G.C.	
2. License lapsed more than one year — Cosmetologist may not keep within three year period by paying one annual renewal fee.	430
Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — Statements filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, section 1080-16 G.C.	53
LICENSE MOTOR VEHICLE	
1. Engineer, county — Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.	
2. Engineer has no authority to collect fees, county ditch im- provement from general ditch improvement fund — County commissioners may transfer certain funds — Sections	

5625-13a to 5625-13g, G.C.

.

LICENSE — MOTOR VEHICLE — Concluded

- 1. Streets and highways Good and safe condition for public travel "Maintenance" Use of materials and processes reasonably necessary Sections 5537, 5541-8 6309-2 G.C.
- Municipality May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay ice conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.

LICENSE - PLUMBER -

- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.

759

796

LICENSE —

Public Works, Departme	ent of — Scope of authority — F	lules,
regulations, improvem	nent, operation, maintenance — I	Lease
— License — Canal la	ands — Farnsworth Act — Ohio	and
Erie Canal, Summit C	County	
,	•	

LICENSE — REAL ESTATE —

- 1. Gas and oil leases Included within meaning of "real estate"— Section 6373-25 G.C.

LIGHT PLANT —

Contract — Purchase, additional machinery for municipal light plant — Deferred installments to be paid out of net profits of existing plant, together with machinery — Title to such machinery in seller — Invalid — Violates Article VIII, Section 6, Constitution of Ohio.....

LIMITATION -

1. Building to be used for county offices — County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.

LIMITATION — Continued

- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act —"Net indebtedness"— Bonds and notes.
- Civil service, classified When employe is separated from service more than one year and under new appointment again enters service — Service prior to new appointment may not be considered to determine seniority rights in regard to layoff — Section 486-17b G.C.
- 1. Civil Service Commission, Cleveland Employment by resolution of a person, to "assist in collecting data"— Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe — Attempt to make contract.
- 2. If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.....
- Lease, portion of airport Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.
- Municipality Contract Where pursuant to section 4328 G.C. contract executed, it may not be amended to pay additional moneys in excess of \$500.00 without again complying with provisions section 4328.
- 2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete improvement within sixty additional days — Further advertising for bids required.

LIMITATION — TIME —

Public Employes Retirement Board -

Public Employes Retirement System — Duty to allow member credit, full year, prior service for each year served in any position or office where service may be legally credited — Appointive position — Elected to office — Time — Year or years — Salary — Rule applies even though such employe or officer did not serve full time — No authority for board to otherwise rule or regulate. Page

546

364

LIMITATION — Concluded

- 1. Transfer of territory County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.

257

LINE - DIVIDING - COUNTY -

County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

449

LIQUOR ----

- 1. Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.
- Liquor purchased in Ohio Department of Liquor Control — Officers' club, situs, federal area — Purchase price must include so-called "mark-up" and "gallonage tax.".....
- Whiskey or other spirituous liquors When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of

Page

	liquors should be listed and assessed for taxation, at sevents per centum of average value during twelve months of pre ceding calendar year — Sections 5382, 5388, 5388-1, 5388 G.C.
LIST	ſ
L	ands, delinquent — County auditor required to prepare and certify list of all such in his county — Date, September settle ment, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list — Charges — Arrears — Default — List published — Section 5704 G.C.
LIST	r — Eligible —
Р 1	rovisional employe — Classified service, state — No pre- ferential right to be re-established in position from which he was laid off in good faith — Event, necessary to refil position within year from date of lay-off and prior to es- tablished eligible list.
LOC	AL COUNTY DEFENSE
D	efense, local county council of — County commissioners may expend moneys in general revenue fund to pay necessary operating expenses, office space, supplies — Section 5290 G.C.
LOC	AL GOVERNMENT
1.	Retirement System, Public Employes — Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.
2.	Those who retire before reaching age of seventy may be re- employed prior to attaining said age, by any federal, state county or local government — Acceptance, re-employment during period such employment, will hold in abeyance pension provided, section 486-60 G.C.
LOC	AL GOVERNMENT FUND — .
	bunty budget commission — Where county undivided local government fund allocated — One subdivision erroneously re- ceived more than its proper share — Such subdivision should pay over to subdivision entitled to it, the amount erroneously allocated and distributed.
MAC	CHINERY —
	ontract — Purchase, additional machinery for municipal light plant — Deferred installments to be paid out of net profits of existing plant, together with machinery — Title to such machinery in seller — Invalid — Violates Article VIII, Sec-

.

LIQUOR — Concluded

MACHINES. VOTING -Page 1. Voting machines - Board of county commissioners under no mandatory duty to adopt same because of recommendation. board of elections. 2. County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed ---Petition requests board of elections to submit matter to electors. 3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors - Such board of electors should not submit matter to electors, where petition filed after such recommendation. 249 MAGAZINE ----Municipality --- Officials of municipally owned transit system ---May authorize publication and distribution of monthly magazine - Cost - Legitimate part of operating expense - Cleveland Railway Company. 773 MAGISTRATE ----Fine --- When magistrate renders judgment --- Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property - Sheriff shall execute writ..... 299 MAINTENANCE ----1. Engineer, county - Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch. paid out of county's share, motor vehicle license and motor vehicle fuel taxes - Section 2782-2 G.C. 2. Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund --- County commissioners may transfer certain funds - Sections 32 5625-13a to 5625-13g G.C. 1. Streets and highways - Good and safe condition for public travel — "Maintenance"—Use of materials and processes reasonably necessary --- Sections 5537, 5541-8, 6309-2 G.C. 2. Municipality - May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles - Sections 5537, 5541-8, 6309-2 G.C. 825 MAINTENANCE OR UPKEEP ---Inmate, institution, supervision, Department of Public Welfare: 1. Personal property, money — Deceased — Probate court

should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to estate — "Industrial and Entertainment Fund"—"Posthumous Fund."

MAINTENANCE OR UPKEEP --- Concluded Page 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses. 3. Money deposited in bank — Interest earned, property of inmates, pro rata. 4. Grant, gift, devise or bequest --- Use or benefit such institutions --- Section 1840 G.C. --- May be used for maintenance or upkeep - Proviso. 5. Each such donation should be kept as separate fund under a 905 separate account. MANUFACTURING PLANT ----Policeman, special - Village mayor may appoint - Detailed, special duties, manufacturing plant -- Terms, payment by plant - Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C. 579 1. Water - Superintendent of public works - Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir - May sell or lease such water to manufacturing plants --- Sections 412-1 to 412-15 G.C. 2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds. 3. Management and operation - Jurisdiction, superintendent of public works. 229 MATERIALS - PROCESSES -1. Streets and highways - Good and safe condition for public travel -- "Maintenance" -- Use of materials and processes reasonably necessary - Sections 5537, 5541-8, 6309-2 G.C. 2. Municipality --- May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay ice conditions and prevent skidding of motor vehicles --- Sections 5537, 5541-8, 6309-2 G.C. 825 MATERIAL --- PROPERTY ----1. Municipality - May sell personal property not needed by it - Manner provided by charter - Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C. 2. Waterworks plant - Purchase material - If expenditure exceeds five hundred dollars - Procedure shall be under section 4328 et seq. G.C. - Where emergency, council by two-thirds vote may authorize such purchases without advertising --- Section 3965 G.C. 3. Defense, State Council of - Emergency - Present war -

3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.....

1040

 MATERIAL — 1. Sewage disposal plant — Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a 	<u>P</u> age
city, under section 4328 et seq., G.C.	
2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another mu- nicipality advertises to purchase such materials.	
3. State council of defense — Emergency powers.	859
MAYOR — VILLAGE —	
Policeman, special — Village mayor may appoint — Detailed, special duties, manufacturing plant — Terms, payment by plant — Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1,	
4384-2 G.C	579
MEDICAL CARE —	
Coroner, acting county — May be compensated for medical care to indigent person — Paid from poor relief funds if proper procedure followed to obtain care.	832
MEDICAL SERVICES	
1. Physician and surgeon — Fees for professional services — Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Serv- ices defined as poor relief — Sections 3391 to 3391-12 G.C.	
2.Status where indigent person has legal settlement in town- ship, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local relief authority — Section 3391-2 G.C.	575
MILITARY SERVICE — Salary — Where county prosecuting attorney or county engineer enlists in military service or is drafted into service United States Government, each would carry responsibility for posi- tion during absence — Entitled to receive salary.	637
MILK OR CREAM —	
"Handling" — Contemplates and includes receipt from pro- ducers or producers' organizations — Transactions between dealers not included — Section 1080 G.C.	144
MILK MARKETING LAW —	
Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — Statements filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in	
receivership Compliance, section 1080-16 G.C.	53

1041

MINOR ----Page Ohio State Reformatory --- Inmates committed by Juvenile Court — Must be released when age twenty-one years attained - Sections 1639-30, paragraph 5, 2131-1 G.C. 302 MISDEMEANOR -1. Probation — Person convicted of crime — Sections 13452-1

- to 13452-11 G.C. Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance" --- Sections 13451-8a, 13451-8b,---Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 --- Suspensions governed by sections 1639-49, 1639-50,
- 2. Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes - Imprisonment - Before or during commitment - Jurisdiction, age or otherwise - Dependent, neglected or delinquent child. 186

MISTAKE ----

- County budget commission Where county undivided local government fund allocated - One subdivision erroneously received more than its proper share - Such subdivision should pay over to subdivision entitled to it, the amount erroneously allocated and distributed.
- 1. Sentence --- Where person convicted and sentenced to Ohio Penitentiary --- Commitment papers do not contain sentence actually imposed as shown by journal entry of court - Duty of warden to correct records to conform to corrected copy of sentence --- Section 13455-1 G.C.
- 2. Person convicted, attempting to induce convict to escape ----Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first --- Such person should be imprisoned in penitentiary, term not exceeding fifteen years.
- 3. No minimum term prescribed for such offense Prisoner eligible for parole any time after incarceration - Subject to requirements section 2209-17 G.C. as to notice.

651

423

MONEY ---

Inmate, institution, supervision, Department of Public Welfare: 1. Personal property, money - Deceased - Probate court should

- administer estate --- County where inmate resided, time of death --- If no heirs to inherit, property escheats to state --- "Industrial and Entertainment Fund' '--- "Posthumous 0 Fund."
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.

MONEY — Concluded	Page
3. Money deposited in bank — Interest earned, property of in- mates, pro rata.	
4. Grant, gift, devise or bequest — Use or benefit such insti- tutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.	
5. Each such donation should be kept as separate fund under a separate account.	905
MONEYS — SEE FUND — ALSO —	
MORTGAGE — Bond investment contract — Bond investment company — Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment con- tract — Section 697 G.C.	311
MOTOR VEHICLE — Automobiles or other transportation equipment — County board of education may not lawfully purchase — Use, county superintendent of schools or county attendance officer in performance of official duties.	554
1. Buses, school — Board of education not authorized to trans- port persons for hire or permit use of school buses to trans- port passengers — Use, transport school children to and from public schools or public school functions.	
2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle license tax — Section 6291 G.C.	808
Corporation — Operation trucks — Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipality — Not required to pay motor vehicle license tax — Section 6291 G.C.	39'
MOTOR VEHICLE EQUIPMENT — Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C.	20
 MOTOR VEHICLE FUND — 1. Engineer, county — Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C. 2. Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund — County commissioners may transfer certain funds — Sections 5625-13a to 5625-13g, G.C. 	35

1043

 $\mathbf{32}$

.

.

MOTOR VEHICLE LICENSE FEE	Page
 Streets and highways — Good and safe condition for public travel — "Maintenance"—Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C. 	-
 Municipality — May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C. 	825
MOTOR VEHICLE	
Name, change of — Court proceedings — Where certificate of title, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle	141
Uniform Traffic Act — Director of Highways — May not de- termine and declare different prima facie speed limits for night and daytime driving — Section 6307-21 G.C	359
Uniform Traffic Act — Motor vehicle owned by volunteer fire- man — Used occasionally to transport owner to scene of fire — Not "emergency vehicle"— Not entitled to privileges granted, sections 6307-2 and 6307-1 to 6307-110 G.C.	96
MOTORIST	
Constable — Not prohibited from making arrest — Where motorist failed to stop before entering intersection of state highway — Not applicable where motorist approaching such intersection is traveling on state highway — Section 6297 G.C.	394
u.u.	074
MUNICIPAL CORPORATION —	
Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell certain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid ordinance.	198
MUNICIPAL HOODIMAL	
MUNICIPAL HOSPITAL — Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.	483
MUNICIPALITY	
Bonds issued for municipal university purposes — When pro- ceeds from sale paid to directors of university, interest earned may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund of the issuing municipality.	402
1. Civil Service Commission, Cleveland — Employment by resolution of a person to "assist in collecting data"— Under provisions of charter does not amount to creation of a pub-	

MUNICIPALITY — Continued

lic position, fixing a salary nor appointment of municipal employe — Attempt to make contract.

1. Conservancy district — Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share, city not required to pay such excess to conservancy district nor to county treasurer — Section 6828-50 G.C.

2.	Such	excess	fund	may b	e transfe	rred from	special	fund	
	where	deposit	ed to	city gen	eral fund,	or sinking	fund or	bond	
	retire	ment fu	ınd —	Section	5625-13	G.C		••••	563

- 1. Contract Where pursuant to section 4328 G.C., contract executed, it may not be amended to pay additional moneys in excess of \$500.00 without again complying with provisions section 4328.
- 2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete improvement within sixty additional days — Further advertising for bids required.
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor.
- Council, city No authority to appropriate money from general fund to city recreation board — Purpose, purchase from owners of privately owned pools, swimming tickets to distribute to under privileged children — Section 4065-3 G.C....
- Employes State, county, municipal or school Public Law 729 77th Congress Chapter 578 2d Session H.R. 7565 Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or

1045

777

MUNICIPALITY — Continued

wages of such employes — Such salaries and wages may be increased without compliance with regulation of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942.....

- 1. Fire apparatus and equipment State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- 2. Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.

- 1. Firemen's pension fund Authority Board of trustees Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C.

Hospital care for indigents:

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.....
- 1. Interest Investments of money in city treasury Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certificates of indebtedness — Interest should be paid into sinking fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.

MUNICIPALITY — Continued

- 2. City council may not prescribe any other disposition of interest earned on treasury investments.
- Lease, portion of airport Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.
- May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchase without advertising Section 3965 G.C.
- Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.
- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.
- 1. Physician and surgeon Fees for professional services Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.

168

65

.

MUNICIPALITY — Concluded	Page
2. Status where indigent person has legal settlement in town- ship, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local re- lief authority — Section 3391-2 G.C.	575
Quarantine — Hospitalization — Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.	73
Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	897
 Sewage disposal plant — Municipality, to construct or ex- tend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C. 	
2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another municipality advertises to purchase such materials.	
3. State council of defense — Emergency powers	859
 Streets and highways — Good and safe condition for public travel — "Maintenance" — Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C. 	
2. Municipality — May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay ice conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.	825
Taxes, excise, levied on the sale of gasoline — Motor vehicle tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C.	720
NAME —	
Change of name — Court proceedings — Where certificate of title, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle	141
NARCOTICS	
1. Uniform Narcotic Drug Act of Ohio — Without complying with general requirements of act, except as otherwise pro- vided — Physician, dentist or veterinarian may administer or	

narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. — Compliance with paragraphs a, b.

dispense, and apothecary may sell at retail, kind and quality,

NARCOTICS — Concluded	Page
2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.	182
NAVIGABLE STREAM — Public Works, Department of — Without legal authority to re- quire permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authority to charge royalty therefor.	674
NAVY —	
1. Vote — Ballot — Secretary of State — Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county of- fices.	
2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in cer- tain names.	
3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents.	694
 NECESSITIES — 1. Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. 2. Such subsistence at public expense to a person in a county home or county hospital not poor relief — Obligation of county — Section 3476 G.C. 	623
NEWSPAPER — If only one affiliated with either political party casting largest and second largest vote in state at last general election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper — Sec- tion 2508 G.C.	852
NIGHT DRIVING — Uniform Traffic Act — Director of Highways — May not deter- mine and declare different prima facie speed limits for night and daytime driving — Section 6307-21 G.C.	359
NON-PROFIT CORPORATION -	
 Corporation for profit — Articles of incorporation — General Corporation Act of Ohio — Where one of principal objects is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or 	

2. Corporation not for profit - Articles should state pecuniary gain or profit not principal purpose of proposed corporation. 644

services, articles should be filed as corporations for profit.

NOTARY PUBLIC ---

- Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors Conduct of examinations......
- 1. Notary public commissions Examinations Court of Common pleas' judges may require applicants to pay reasonable fee.
- 2. Money derived from such examination fees, exclusive control, common pleas court — Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.

NOTE ----

- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- 3. Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness" — Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building.....
- 384
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor.....

630

NOTICE -

Hospital care for indigents:

- 1. Cities and twonships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.....
- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- 2. Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

NURSE ----

- Quarantine Hospitalization Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.
- 1. Tuberculosis clinic An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.
- County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain tuberculosis clinics

 May lawfully employ public health nurses for prevention, cure, treatment of tuberculosis.
 480

NURSING -

- Corporation for profit Articles of incorporation General Corporation Act of Ohio — Where one of principal objects is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or services, articles should be filed as corporation for profit.
- 2. Corporation not for profit Articles should state pecuniary gain or profit not principal purpose of proposed corporation.

Page

461

73

OATH ----

- 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or to acknowledge before a notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.

OCCUPATION -

Life insurance policy — Section 9420 G.C. does not prohibit issuance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.

OFFICE — COMPATIBLE — INCOMPATIBLE — SEE COMPATIBLE — INCOMPATIBLE —

OFFICE - COUNTY -

OFFICE ---

Public Employes Retirement Board — Public Employes Retirement System — Duty to allow member credit, full year, prior service for each year served in any position or office where service may be legally credited — Appointive position — Elected to office — Time — Year or years — Salary — Rule applies even though such employe or officer did not serve full time — No authority for board to otherwise rule or regulate.....

OFFICE — PUBLIC —

- Clerk of municipal court Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited.
- Time, standard throughout state One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich — Began 2:00 a.m. February 9, 1942 — To continue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942.

492

441

OFFICE — PUBLIC — Concluded	Page
All clocks, public buildings, shall be so set and run — Courts, banks, public offices, legal official proceedings shall be regu- lated thereby — Act performed at or within prescribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.	91
OFFICE 1. Sheriff, deputy Position not an office Article II, section 5, Constitution of Ohio.	
2. Township trustee — Duly elected — Qualified elector of coun- ty — Convicted of embezzlement of public funds who there- after made restitution and was restored to citizenship is eligi- ble to be appointed and may serve as deputy sheriff	704
OFFICER — Patrolmen — Appointed by Superintendent of Public Works — Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.	39
 OFFICERS' CLUB — 1. Tax — Public Act 819, H.R. 6687, 76 Congress — Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C. 	
 Liquor purchased in Ohio — Department of Liquor Control — Officers' club, situs, federal area — Purchase price must include so-called "mark-up" and "gallonage tax." 	413
OFFICIAL —	
1. Contract, lease of municipal property, wherein municipality be- comes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.	
2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, in- valid.	
 Free passes to entertainments held in municipal stadium — Issued to municipal officials and employes, not illegal — Pro- viso. 	
4. Were municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor.	593
Health district board — Member must be resident of such dis- trict — Section 1261-6 et seq., G.C.	211
1. Workmen's Compensation Law — County superintendent of	

1053

•

.

FFICIAL Concluded schools Official Not employe, workman or operative
Excluded from provisions of law — Section 1465-61 G.C.
2. Assistant county superintendent is employe — Entitled to benefits of said law.
 Members, office force, secretary and attendance officer of county superintendent of schools, are employes, workmen or operatives — Entitled to benefits of said law.
HIO — SEE STATE —
IL AND GAS — 1. Gas and oil leases — Included within meaning of "real estate" — Section 6373-25 G.C.
 Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.
PERATIVES
 Workmen's Compensation Law — County superintendent of schools — Official — Not employe, workman or operative — Excluded from provisions of law — Section 1465-61 G.C.
2. Assistant county superintendent is employe — Entitled to bene- fits of said law.
3. Members, office force, secretary and attendance officer of county superintendent of schools, are employes, workmen or operatives — Entitled to benefits of said law
PTION —
Blind and Deaf, The State Schools for, and Welfare Institutions — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole pur- pose, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obetain op- tions
Lease, portion of airport — Rights of lessor, lessee, where munic- ipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, sub- stitutions, such structures on premises — Title remains in les- see — Where removal upon order of lessor, salvage value be- longs to lessee — Period of time — Limitation.

Municipal corporation — Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell certain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid ordinance......

198

1054

ç

ORDINANCE — Concluded

- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.....
- Municipality May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.

PALMISTRY -

Astrology and allied subjects — Fortune telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students.....

PARENT — GUARDIAN —

Tuberculosis hospitals — Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense — No exception if parents or guardians become residents of different school district — Exception, if children discharged and returned to homes — When children later re-admitted to hospital, expense chargeable to district from which they were readmitted. Page

759

PARK DISTRICT ----

Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — A p p r o priations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g,5625-1 et seq., 5625-5, 5625-10 G.C.

PAROLE -

- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

651

Page

897

PARTNER -

- 1. Contract, lease of muncipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.

PATROLMAN ---

Appointed by Superintendent of Public Works — Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.

PENALTY ----

Forfeited land list — No authority to subsequently transfer such lands to forclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.

39

PENSION — SEE RETIREMENT BOARD — STATE — FIREMEN —

PERMIT ----

Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.	856
 PERSONS — FIRMS — CORPORATIONS — Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council — Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C. 	684
PETITION —	
1. Voting machines — Board of county commissioners under no mandatory duty to adopt same because of recommendation, board of elections.	
2. County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed — Pe- tition requests board of elections to submit matter to electors.	
3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors — Such board of electors should not submit matter to electors, where petition filed after such recommendation.	249
PHOTOGRAPHIC — PHOTOSTATIC COPY —	
Photographic or photostatic copy of deed to real estate — Such instrument not entitled to record in county deed records — County recorder has no right nor duty to receive and record such instrument.	559
PHYSICIAN —	

- Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
- 2. Written certificate of reputable physician stating examinations were made and the results, may be filed in lieu of examinations by school or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
- 3. No authority to require teachers or janitors to bear expense of such examinations.
- 4. Health regulations apply equally to school pupils, teachers and janitors Conduct of examinations. 630

Page

PHYSICIAN — Concluded

۱.	. Uniform 1	Narcotic	Drug .	Act of	Ohio —	Without	comply	ying
	with gener	al requi <mark>r</mark>	ements	of act,	except as	otherwis	e prov	ided
	- Physicia	n, denti	st or v	veterina	rian may	adminst	er or	dis-
	pense, and	apotheo	eary ma	ay sell	at retail,	kind ar	nd qua	lity,
	narcotic di	rugs liste	ed, sect	ion 126	572-7, pai	ragraphs	1, 2	G.C.
	Compliance	e with pa	ragraph	ns a, b.				

2. When such persons admin	ister, dispense or sell narcotic drugs
not listed in said section,	or in excess of quantity permitted,
there must be compliance	e with general requirements of said
act	-

PHYSICIAN AND SURGEON ----

1.	Fees for professional services — Where indigent person has						
	legal settlement in township, trustees have no power or au-						
	thority to pay such fees Services defined as poor relief						
	Sections 3391 to 3391-12 G.C.						
2.	Status where indigent person has legal settlement in township,						
	outside of city, such services constitute "poor relief" and						

PIERS -

Public Works, Superintendent — No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.....

8	356
	8

PIT --- GRAVEL ---

Gravel, other material, taken from county owned gravel pit — May not legally be sold by county commissioners to subdivisions within county — Opinions Attorney General, 1930 Vol. II page 1471 — 1940 Vol. I page 162.....

PLAT ----

- Sidewalks along township roads Within limits of road Designated on plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages....

11

PLUMBER - LICENSE -

- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact

182

856

PLUMBER — LICENSE — Concluded	Page
ordinance to regulate licensing of plumbers, issuance of per- mits for installation and inspection of plumbing.	
3. Village council — Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if in- consistent with regulations of general health district.	
4. If owner or plumber complied with village regulations in mat- ter of license or permit, plumbing installations, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.	759
POLICEMAN —	
Special policeman — May lawfully carry concealed weapons, while on duty — Required to furnish bond, one thousand dol- lars — Sections 7925, 7925-1, 12819 G.C.	137
POLICEMAN — SPECIAL —	
Village mayor may appoint — Detailed, special duties, manu- facturing plant — Terms, payment by plant — Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C	579
POLICY — INSURANCE — Life insurance policy — Section 9420 G.C. does not prohibit is- suance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.	492
POOR RELIEF SEE RELIEF	
POPULATION	
Newspaper — If only one affiliated with either political party casting largest and second largest vote in state at last general election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper — Section 2508 G.C.	852
POSTHUMOUS FUND —	
 Inmate, institution, supervision, Department of Public Welfare: 1. Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthumous Fund." 	
2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for bur- ial expenses.	

3. Money deposited in bank — Interest earned, property of inmates pro rata.

.

POSTHUMOUS FUND — Concluded Page
4. Grant, gift, devise or bequest — Use or benefit such instituttions or upkeep — Proviso.
5. Each such donation should be kept as separate fund under a separate account.
905
POWER — SEE AUTHORITY —
PREMIUM — INSURANCE — SEE INSURANCE, PREMIUM —
PRINTED BOOKLET —

- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents. 694

PRIOR SERVICE ----

Retirement System, State Employes' — Where state employe retired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in Public Employes' Retirement System, such retired state employe not entitled to credit for prior service as county employe or as public employe as defined in amended statutes.....

PRIORITY ----

- 1. Municipal corporation Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.
- 2. Villages in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.....

PRISONER -

 Offense — Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.

1060

341

PRISONER — Concluded

- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentence under existent statute at time crime committed.
- Sentence During term of court Person to serve four consecutive terms in penitentiary — Four to twenty years each — Court that imposed sentence may not at subsequent term change sentence to provide fourth term of imprisonment shall be concurrently served with other terms — When such attempt made, prison authorities may disregard attempted change in sentence.
- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

PRIVATE HOSPITAL ----

Hospital care for indigents ----

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.....

PRIVATE SWIMMING POOL -

- PROBATE COURT SEE COURT -

PROBATE JUDGE - SEE COURT -

80

810

001
PROBATION —	Page
 Person convicted of crime — Sections 13452-1 to13452-11 G.C. — Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance" — Sections 13451-8a, 13451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Suspensions governed by sections 1639-49, 1639-50. 	
 Juvenile Court authorized and empowered to suspend indefi- nitely or permanently execution of sentences under certain statutes — Imprisonment — Before or during commitment — Jurisdiction, age or otherwise — Dependent, neglected or de- linquent child. 	186
Sentence to penitentiary or reformatory — Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C.	1
PRODUCERS —	
Milk or cream — "Handling" — Contemplates and includes re- ceipt from producers or producers' organizations — Transac- tions between dealers not included — Section 1080 G.C	144
Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — State- ments filed with director of agriculture — Proof of financial responsibility — Filed by cooperative association and dealers — License to dairy in receivership — Compliance, section 1080-16 G.C.	53
PROFIT —	
Contract — Purchase, additional machinery for municipal light plant — Deferred installments to be paid out of net profits of existing plant, together with machinery — Title to such ma- chinery in seller — Invalid — Violates Article VIII, Section 6, Constitution of Ohio.	796
PROFIT — CORPORATION —	
1. Corporation for profit — Articles of incorporation — General Corporation Act of Ohio — Where one of principal objects is distribution of dividends or profits to members, or to se- cure more favorable terms or savings in purchasing of prop- erty or services, articles should be filed as corporation for profit.	
 Corporation not for profit — Articles should state pecuniary gain or profit not principal purpose of proposed corporation 	644
PROPERTY —	
Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall ex-	

ecute writ.

-

299

.

PROPERTY, MUNICIPAL ----

- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Airport Exhibition Company, Inc., through resolution of council, invalid.
- Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor......

593

PROPERTY, PERSONAL ---

Inmate, institution, supervision, Department of Public Welfare:

- Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthumous Fund".
- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.
- Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account.....
 - 905
- Municipality May sell personal property not needed by it

 Manner provided by charter Manner provided by ordinance Article XVIII, section 3, Constitution of Ohio Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq., G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.
- 3. Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.

PROPERTY --- PERSONAL --- REAL ---

- Sleeping car, freight line and equipment company Tax Commissioner of Ohio Required to ascertain and assess all taxable property of such companies Valuation so determined, apportioned among taxing districts Certified to appropriate county auditors, extended on proper tax lists and duplicates Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" — Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations — Section 5495 et seq., G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

PROPERTY, REAL ----

- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardless of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.
- All property, incorporated public utilities Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street, interurban and suburban railroad companies — Sections 5423, 5451 G.C.
- 2. County auditor Not authorized by law to assess real estate of incorporated public utility Section 5415 G.C. Certain utilities excepted.
- 3. Duty, Tax Commissioner when assessing property, unincorporated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.
- 4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.

Blind and Deaf, The State Schools for, and Welfare Institutions

Page

265

711

PROPERTY, **REAL** — Continued

- Commission for Re-Location - Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly - Sole purpose, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed - No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options.

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.

5. Road forming dividing line between two or more counties	
To reconstruct, relocate, alter or lower - County commis-	
sioners as joint board have authority to undertake and com-	
plete such improvement — Section 6874 G.C.	449

Coal — Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such acquisition, in assessing property should list and value entire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C.....

Corporation — Operations trucks — Cross public highways at	
right angles when passing one part of land to another Cor-	
poration owns abutting land, both sides public highway out-	
side of municipality — Not required to pay motor vehicle tax	
— Section 6291 G.C.	397

- County auditor Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property described in deed does not appear on tax lists under name of grantor — Section 2573 G.C.
- Forfeited land list No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.
- 1. Gas and oil leases Included within meaning of "real estate"

Page

61

911

351

PROPERTY, REAL - Concluded

---- Section 6373-25 G.C.

- 2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.
- Lease, portion of airport Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

Photographic or photostatic copy of deed to real estate — Such instrument not entitled to record in county deed records — County recorder has no right nor duty to receive and record such instrument.

 Public Works, Department of — Without legal authority to require permit to remove sand and gravel from navigable stream

 — Wholly within boundaries of state — No authority to charge royalty therefor.

 674

PROPERTY, REAL, INVENTORY OF METROPOLITAN CLEVE-LAND —

 Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.

2. No legal incompatibility between:

- a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
- b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
- c. Positions director, Metropolitan Housing Authority and Trustee of said body.....

522

PROSECUTING ATTORNEY ----

1. Children — Payments for support or as alimony — Clerk of courts, under court order — Required to accept payments — Charge and collect fee from payer — Commission of 1% on first thousand, ¼ of 1% on sums exceeding thousand dollars.

517

65

INDEX 1942	1007
PROSECUTING ATTORNEY Continued	Page
2. Duty clerk of courts to report unpaid commissions to prose- cuting attorney — Section 2979 G.C Salary — Where county prosecuting attorney or county engineer	25
enlists in military service or is drafted into service United States Government, each would carry responsibility for posi- tion during absence — Entitled to receive salary	637
PROSECUTING ATTORNEY FILED AS TO COUNTY	
ALLEN COUNTY, Lima	
Quarantine — Hospitalization — Expenses, including spe- cial nurses' care to persons unable to pay — Paid by mu- nicipality or township where quarantine maintained — Where legal settlement in same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.	73
ASHLAND COUNTY, Ashland —	
Automobiles or other transportation equipment — County board of education may not lawfully purchase — Use, county superintendent of schools or county attendance officer in performance of official duties	554
ASHTABULA COUNTY, Jefferson — Uniform Traffic Act — Motor vehicle owned by volunteer firemen — Used occasionally to transport owner to scene of fire — Not "emergency vehicle" — Not entitled to privileges granted, sections 6307-2 and 6307-1 to 6307- 110 G.C.	96
BELMONT COUNTY, Batavia —	
Salary — Where county prosecuting attorney or county en- gineer enlists in military service or is drafted into serv- ice, United States Government, each would carry respon- sibility for position during absence — Entitled to re- ceive salary.	637
CHAMPAIGN COUNTY, Urbana	
 High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former loca- tion — Sections 7684, 7730 G.C. 	
 Signatures, parents or guardians of pupils not yet fif- teen required on petition to reopen suspended school — Requirements — Opinion 3077, page 1271, Opinions At- torney General, 1934, 1 and 3 branches of syllabus, over- 	

ruled.....

1067

PROSECUTING ATTORNEY Continued	Page
CLERMONT COUNTY, Batavia —	
Insurance, group life — County may not enter into agree- ment with life insurance company, covering county em- ployes where agreement provides county is to pay por- tion of premium on policy — Sections 9426-1, 9426-2 G.C.	755
COLUMBIANA COUNTY, Lisbon —	
Short hand reporters — Courts of common pleas — Sec- tions 1546, 1547 G.C. — Authorize appointment one of- ficial short hand reporter — Counties having one com- mon pleas judge — No authority to appoint additional reporter on full or part-time basis.	379
CRAWFORD COUNTY, Bucyrus —	
Civil Service Commission — Eligibility of persons certified — Residence qualifications — Foreign county — Powers, appointing officer.	204
CUYAHOGA COUNTY, Cleveland —	
 Probation — Person convicted of crime — Sections 13452- 1 to 13452-11 G.C. — Remission, suspension or execu- tion of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance" — Sections 13451-8a, 1451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Sus- pensions governed by sections 1639-49, 1639-50. 	
2. Juvenile Court authorized and empowered to suspend in- definitely or permanently execution of sentences under certain statutes — Imprisonment — Before or during com- mitment — Jurisdiction, age or otherwise — Dependent, neglected or delinquent child.	186
DARKE COUNTY, Greenville —	
Coroner, acting county — May be compensated for medical care to indigent person — Paid from poor relief funds if proper procedure followed to obtain care	832
Taxes, excise, levied on the sale of gasoline — Motor vehicle tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C.	720
DEFIANCE COUNTY, Defiance —	
Files and cases — Safe keeping and preservation, books and papers of probate court — Duty of county commissioners to provide — Probate judge without power to purchase out of appropriation for administrative expense — Sec-	

tions 2419, 10501-4, 10501-5 G.C. 678

FAYETTE COUNTY, Washington C. H. ---

 Sections 7677, 7678 G.C., amended — Installments due under foundation program not affected. Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C. 172 FRANKLIN COUNTY, Columbus — County budget commission — Where county undivided local government fund allocated — One subdivision erroneous- ly received more than its proper share — Such subdivi- sion should pay over to subdivision entitled to it, the amount erroneously allocated and distributed. 423 Name, change of — Court proceedings — Where certifi- cate, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle. 141 Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other sub- sistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. Such subsistence at public expense to a person in a coun- ty home or county hospital not poor relief — Obligation of county — Section 3476 G.C. 623 GALLIA COUNTY, Gallipolis — Education, board of — Rural school district — May elect clerk who is not an elector in such school district or town- ship in which such school district or town- ship in which such school district, county recorder or majority of them — Appointee holds office until suc- cessor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943. 121 GREENE COUNTY, Xenia — Relief — Part of section 5639-1 G.C. which authorizes coun- ty budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" be- came inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power	 FAYETTE COUNTY, Washington C. H. — 1. Children's home — Inmates in county, semi-public or district — Where before admission to home, children attended school in districts other than where home situated, such children may attend school in district where home located — How county auditor should charge tuition to school districts and allocate funds. 		
for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C. 172 FRANKLIN COUNTY, Columbus — County budget commission — Where county undivided local government fund allocated — One subdivision erroneous ly received more than its proper share — Such subdivi- sion should pay over to subdivision entitled to it, the amount erroneously allocated and distributed. 423 Name, change of — Court proceedings — Where certifi- cate, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle. 141 1. Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other sub- sistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. 2. Such subsistence at public expense to a person in a coun- ty home or county hospital not poor relief — Obligation of county — Section 3476 G.C. 623 GALLIA COUNTY, Gallipolis — Education, board of — Rural school district — May elect clerk who is not an elector in such school district or town- ship in which such school district or town- ship in which such school district or town- ship in which such school district or town- ship in by them — Appointee holds office until suc- cessor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943. 121 GREENE COUNTY, Xenia — Relief — Part of section 5639-1 G.C. which authorizes coun- ty budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" be- came inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power	2. Sections 7677, 7678 G.C., amended — Installments due		
County budget commission — Where county undivided local government fund allocated — One subdivision erroneous- ly received more than its proper share — Such subdivi- sion should pay over to subdivision entitled to it, the amount erroneously allocated and distributed. 423 Name, change of — Court proceedings — Where certifi- cate, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle. 141 1. Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other sub- sistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. 2. Such subsistence at public expense to a person in a coun- ty home or county hospital not poor relief — Obligation of county — Section 3476 G.C. 623 GALLIA COUNTY, Gallipolis — Education, board of — Rural school district — May elect clerk who is not an elector in such school district or town- ship in which such school district situated. 78 GEAUGA COUNTY, Chardon — Vacancy — Resignation county commissioner — Term ex- pires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until suc- cessor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943. 121 GREENE COUNTY, Xenia — Relief — Part of section 5639-1 G.C. which authorizes coun- ty budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" be- came inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power	for such non-resident inmates — 1942 and thereafter —	172	
 Name, change of — Court proceedings — Where certificate, motor vehicle, issued in one name, no authority to issue new certificate in new name for same vehicle	County budget commission — Where county undivided local government fund allocated — One subdivision erroneous- ly received more than its proper share — Such subdivi-		
 Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other sub- sistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. Such subsistence at public expense to a person in a coun- ty home or county hospital not poor relief — Obligation of county — Section 3476 G.C	Name, change of — Court proceedings — Where certifi- cate, motor vehicle, issued in one name, no authority to		
 ty home or county hospital not poor relief — Obligation of county — Section 3476 G.C	 Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other sub- sistence to a person who has legal settlement in county 	141	
 Education, board of — Rural school district — May elect clerk who is not an elector in such school district or township in which such school district situated	ty home or county hospital not poor relief - Obligation	623	
 Vacancy — Resignation county commissioner — Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943. GREENE COUNTY, Xenia — Relief — Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power 	Education, board of — Rural school district — May elect clerk who is not an elector in such school district or town-	78	
Relief — Part of section 5639-1 G.C. which authorizes coun- ty budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" be- came inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power	 Vacancy — Resignation county commissioner — Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same 	121	
	Relief — Part of section 5639-1 G.C. which authorizes coun- ty budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" be- came inoperative upon enactment of sections 3391 and	954	

and duty to dispense poor relief as defined by law......

•

1069

Page

PROSECUTING ATTORNEY — Continued Page HAMILTON COUNTY, Cincinnati ---Sinking fund of county, trustees of - No power to sell securities in their possession - Purpose - To adjust maturity dates or to reinvest moneys received from such sale in securities of United States Government. 835 HARRISON COUNTY, Cadiz ----Newspaper --- If only one affiliated with either political party casting largest and second largest vote in state at last general election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper - Section 2508 G.C. 852 HURON COUNTY, Norwalk -Retirement System, Public Employes --- Contributions ---Made annually by each county, municipality, park district, health district and public library --- Current expenses — Appropriations made from general funds of taxing districts pursuant to Uniform Tax Law - Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C. 897 JEFFERSON COUNTY, Steubenville ----1. Building to be used for county offices --- County commissioners authorized to purchase - Contract - Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments - Section 2433 G.C. 2. Section 2333 G.C. applies only to erection of court house or other county building. 3. Limitation, \$20,000.00, section 2293-16 G.C. - No application to purchase price, building to be paid for from funds other than proceeds bond and note issue - Uniform Bond Act --- "Net indebtedness" --- Bonds and notes. To improve and repair county court house building ----Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building. 384 KNOX COUNTY. Mt. Vernon ----1. Sentence — Where person convicted and sentenced to Ohio Penitentiary - Commitment papers do not contain sentence actually imposed as shown by journal entry of court - Duty of warden to correct records to conform to corrected copy of sentence - Section 13455-1 G.C. 2. Person convicted, attempting to induce convict to escape - Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively,

3. No minimum term prescribed for such offense - Prisoner eligible for parole any time after incarceration ---Subject to requirements section 2209-17 G.C. as to notice.

two concurrently with first --- Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

LAKE COUNTY, Painesville ----

- Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.
- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.

Lands, delinquent — County auditor required to prepare and certify list of all such in his county — Date, September settlement, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list — Charges — Arrears — Default — List published — Section 5704 G.C.

LICKING COUNTY, Newark ---

- 1. Agricultural society, county Unless it has purchased or leased real estate as site to hold fairs, term not less than twenty years, county commissioners may not appropriate from general fund and pay to said society monies provided for in section 9887 G.C.
- 2. Where said society complied with requirements of sections 9880 and 9880-2 G.C. it is entitled to receive payments provided for therein, regardless of any interest in real estate used as site for holding fairs.
- 3. Said society entitled to receive from county commissioners, where it has complete control and management of real estate, buildings, tents and other structures, amounts specified in section 9894 G.C. upon compliance with section 9884 G.C. where it owns or holds real estate under lease whereon to hold fairs.

Hospital care for indigents:

- Cities and townships authorized to arrange for such care

 Legal settlement Sections 3476, 3480, 3480-1, 3484-2
 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care is received — Established rate of county, city or township.

LORAIN COUNTY, Elyria —

1. Foster home — Boarding home — Facts and circumstances incident to position of child placed in home of private 214

287

LORAIN COUNTY, Elyria - Concluded

family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.

- 2. Child shall live in home as member of family -- Indispensable element necessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing and education does not change character of home — Section 3096 G.C.
- 1. Justice of the peace Jurisdiction "Foregoing excepted cases" applies to exceptions 1, 2, 3, found in section 10225 G.C.

LUCAS COUNTY, Toledo ----

- 1. Interest coupons on bonds Not paid upon presentation when due — Bear six per cent interest from date of maturity — Issued by school district.
- 2. Interest should be paid from moneys in sinking fund or bond retirement fund. 435

MAHONING COUNTY, Youngstown ----

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- Upon vacation, county or township highway, title remains in abutting land owners — Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.

MAHONING COUNTY, Youngstown — Concluded	
5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County com- missioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C	449
County auditor — Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property described in deed does not appear on tax lists under name of grantor — Section 2573 G.C.	351
MEDINA COUNTY, Medina —	
Library, public school — Board of trustees — Required to deposit all funds, bequests or otherwise, in accordance with Uniform Depository Act — May invest funds, be- queathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.	657
MEIGS COUNTY, Pomeroy	
1. Continuing contract — Teacher in public schools — Taught for five full years immediately preceding end of school year 1939-1940 and for ten days, substitute teach- er 1940-1941 not in position to demand continuing con- tract September 1, 1941 — Section 7690-2 G.C., first pro- viso.	
2. Provisions, second proviso, section 7690-2 G.C., 800 pu- pils, apply to "new teachers" and "beginning teachers."	
3. Where teachers do not qualify for continuing contracts as matter of right who are eligible through years of serv- ice — May be recommended by superintendent of schools for reemployment — Regular teacher — Substitute teach- er — To reject recommendation, three-fourths vote full membership of board required — Section 7690-2 G.C	368
Defense, local county council of — County commissioners may expend moneys in general revenue fund to pay nec- essary operating expenses, office space, supplies — Sec- tion 5290 G.C.	147
Photographic or photostatic copy of deed to real estate — Such instrument not entitled to record in county deed records — County recorder has no right nor duty to re- ceive and record such instrument.	559
MONTGOMERY COUNTY, Dayton	
Constable — Not prohibited from making arrest — Where motorist failed to stop before entering intersection of state highway — Not applicable where motorist ap- proaching such intersection is traveling on state highway — Section 6297 G.C.	394

Page

NOBLE COUNTY, Caldwell ---

- 1. Board of education Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law — No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
- Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes — Board unable to comply with order, State Department of Industrial Relations — Section 7730 G.C.
- 3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.

4. Teachers — Contracts must be given consideration where school suspended — Section 7690-7 G.C. — Suspension — Reinstatement of such teachers.	914
Coal — Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such ac- quisition, in assessing property should list and value en- tire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C.	911
Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any coun- ty where defendant resides, is found or has property — Sheriff shall execute writ.	299
1. Sheriff —- Apprehension deserter or soldier, absent with- out leave — May legally accept reward offered by federal	

- out leave May legally accept reward offered by federal government U.S.C. Title 10, section 1431.
- Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C.
 131

PICKAWAY COUNTY, Circleville —

Health district boar	d — Memb	oers mus	t be resident of such	:
district — Section	1261-16	et seq.	G.C.	211

PORTAGE COUNTY, Ravenna ----

- 1. Kennel of dogs Registration Failure, application, required by section 5652-1 G.C. does not penalize owner — Section 5652 G.C.

PREBLE COUNTY, Eaton ---

 Children — Payments for support or as alimony — Clerk of courts, under court order — Required to accept payments — Charge and collect fee from payer — Commis-

PREBLE COUNTY, Eaton — Concluded

sion of 1% on first thousand, $\frac{1}{4}$ of 1% on sums exceeding thousand dollars.

2. Duty clerk of courts to report unpaid commissions to prosecuting attorney — Section 2979 G.C.

Tuberculosis hospital — Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense — No exception if parents or guardians become residents of different school district — Exception, if children discharged and returned to homes — When children later re-admitted to hospital, expense chargeable to district from which they were re-admitted.

PUTNAM COUNTY, Ottawa ----

- 1. Buses, school Board of education not authorized to transport persons for hire or permit use of school buses to transport passengers — Use, transport school children to and from public schools or public school functions.
- 2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle license tax — Section 6291 G.C.....

805

RICHLAND COUNTY, Mansfield ----

- 1. Transfer of territory County board of education may accept same -- No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C.
- 2. No statutory provision for specified time to accept territory, it at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory transferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.

257

704

ROSS COUNTY, Chillicothe ----

- 1. Sheriff, deputy Position not an office Article II section 5, Constitution of Ohio.
- 2. Township trustee Duly elected Qualified elector of county Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff.

SCIOTO COUNTY, Portsmouth ----

Gravel, other material, taken from county owned gravel pit --- May not legally be sold by county commissioners to

1075

25

PROSECUTING ATTORNEY Continued	Page
SCIOTO COUNTY, Portsmouth — Concluded	2 - 30
subdivisions within county — Opinions Attorney General, 1930 Vol. II page 1471 — 1940 Vol. 1 page 162	477
Probate judge — Acting as judge of juvenile court in any county — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to depend- ent children — County commissioners not required to al- low or approve payment.	891
 Time, standard throughout state — One hour advanced from mean astronomical time of 75th degree, longitude west Greenwich — Began 2:00 a.m. February 9, 1942 — To continue period stated, Public Law 403-77 Congress, Chapter 7, second session, approved January 20, 1942. 	
All clocks, public buildings, shall be so set and run — Courts, banks, public offices, legal official proceedings shall be regulated thereby — Act performed at or within pre- scribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.	91
SHELBY COUNTY, Sidney — Sentence to penitentiary or reformatory — Person convict- ed of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C.	1
 STARK COUNTY, Canton — Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on for- feited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C. 	246
TRUMBULL COUNTY, Warren — Cash deposit — Security for costs — Benefit, those entitled to costs taxed against plaintiff — Costs which exceed cash deposit, or are uncollectible — Those earned in perform- ance of services for plaintiff, paid first in order incurred — Section 11615 G.C.	87
Education, member, board of — Inducted into armed forces of United States — Absent ninety days — Discretion, re- maining members to declare reasons for absence, insuffi- cient — Vacancy — May be filled according to law	808
1. Municipal corporation — Population less than 5000 at last federal census — Remains part of general health district despite increase in population — Section 1261-16 G.C.	
2. Village in general health district — Has legal right to	

.

1076

.

TRUMBULL COUNTY, Warren — Concluded

enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.

- 3. Village council Concurrent jurisdiction with board of health of general health district — Regulations affecting sanitation and public health — Plumbing — Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.
- 1. Voting machines Board of county commissioners under no mandatory duty to adopt same because of recommendation, board of elections.
- 2. County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed — Petition requests board of elections to submit matter to electors.
- 3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors — Such board of electors should not submit matter to electors, where petition filed after such recommendation.....

249

759

- Lice, head Board of education has broad powers to make rules and regulations to govern pupils and teachers in schools — Authority to eliminate pupils — Suspension, expulsion — Sections 4750, 7707, 7685 G.C.
- 2. Authority, board of health to act where school authorities fail Section 4424 G.C.
- 3. Wards, juvenile court, subject to rules and regulations made by school and health authorities affecting attendance in public schools, as are children not wards of court.
- 4. Rules and regulations, school and health authorities, as to health, general welfare and discipline, public school pupils, if lawful, reasonable, made in good faith, not reviewable by courts.

333

- Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund — County commissioners may transfer certain funds — Sections 5625-13a to 5625-13g, G.C.

1077

Page

VAN WERT COUNTY, Van Wert-

- 1. Physician and surgeon Fees for professional services — Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.

WARREN COUNTY, Lebanon ----

- Sidewalks along township roads Within limits of road

 Designated on plat of unincorporated community —
 Plat dedicated and accepted by county commissioners —
 Township trustees legally required to maintain and repair such sidewalks.
- Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.

PROSECUTING ATTORNEYS --- FINIS ----

PROVISIONAL EMPLOYE ---

Classified service, state - No preferential right to be re-estab-	
lished in position from which he was laid off in good faith	
- Event, necessary to refill position within year from date of	
lay-off and prior to established eligible list	438

PSEUDO-SCIENCE —

Astrology and allied subjects — Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students.

PUBLIC EMPLOYE ---

Retirement System, State Employes' — Where state employe retired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in Public Employes' Retirement System, such retired state employe not entitled to credit for prior service as county employe or as public employe as defined in amended statutes.

SEE — EMPLOYER — EMPLOYE — ALSO —

PUBLIC FUNDS - SEE FUNDS -

341

PUBLIC LAW 729 ----

Employes — State, county, municipal or school — Public Law 729-77th Congress — Chapter 578 — 2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue order to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulation of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942.

"PUBLIC" MONEY -----

Clerk of municipal court — Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited.....

49

866

PUBLIC NECESSITY OR WELFARE ---

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

449

PUBLIC OFFICES — SEE — OFFICES, PUBLIC —

PUBLICATION --- LIST ----

Lands, delinquent — County auditor required to prepare and certify list of all such in his county — Date, September settlement, interest 8% should be charged upon total taxes and assessments against each parcel entered on such tax list — Charges — Arrears — Default — List published — Section 5704 G.C. Page

.

.

PUBLICATION — Municipality — Officials of municipally owned transit system — May authorize publication and distribution of monthly maga- zine — Cost — Legitimate part of operating expense — Cleve- land Railway Company.	Page 773
Newspaper — If only one affiliated with either political party casting largest and second largest vote in state at last general election, is published and of general circulation in county where no city has population in excess of 8000, publication, county auditor's report need be made only one time in such newspaper — Section 2508 G.C.	852
PUPIL —	
Astrology and allied subjects — Fortune-telling, clairvoyance, palmistry — Secretary of State — Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance study of such subjects and give diplomas to such students	346
 PURCHASE — 1. Tax — Public Act 819, H.R. 6687, 76 Congress — Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C. 	
2. Liquor purchased in Ohio — Department of Liquor Control — Officers' club, situs, federal area — Purchase price must in- clude so-called "mark-up" and "gallonage tax."	413
QUARANTINE — Dog warden or other local officer — No authority to shoot and	
maim or kill a dog found running at large in violation of ra- bies quarantine order.	895
Hospitalization — Expenses, including special nurses' care to per- sons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same coun- ty where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C	73
RABIES —	
Dog warden or other local officer — No authority to shoot and maim or kill a dog found running at large in violation of ra- bies quarantine order.	895
 RAILROAD COMPANIES — 1. All property, incorporated public utilities — Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street, interurban and suburban railroad companies — Sections 5423, 5451 G.C. 	

INDEX --- 1942 1081 RAILROAD COMPANIES - Concluded Page 2. County auditor - Not authorized by law to assess real estate of incorporated public utility --- Section 5415 G.C. --- Certain utilities excepted. 3. Duty. Tax Commissioner when assessing property, unincorporated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility. 4. Duty, count auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C. 316 RATES --- RENTS ----Sewerage system, sewage pumping works, sewage disposal works --- Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council - Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C. 684 REAL ESTATE -REAL PROPERTY - SEE PROPERTY -REAL ESTATE LICENSE -1. Gas and oil leases --- Included within meaning of "real estate" - Section 6373-25 G.C. 2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc., is real estate broker, unless subject to exceptions, section 6373-25 G.C. 517 RECEIVER -Milk marketing law - Dealer in milk or cream - Required to pay producer - Section 1080-15 G.C. - Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio - State-• ments filed with director of agriculture - Proof of financial responsibility --- Filed by cooperative association and dealers - License to dairy in receivership - Compliance, section 1080-16 G.C. 53 RECORDS -Files and cases - Safe keeping and preservation, books and papers of probate court - Duty of county commissioners to provide - Probate judge without power to purchase out of appropriation for administrative expense — Sections 2419, 10501-4, 10501-5 G.C. 678 **REGISTRATION** — 1. Kennel of dogs - Registration - Failure, application, required by section 5652-1 G.C. does not penalize owner - Section 5652 G.C.

2. Failure to apply for registration — Prosecution — Conviction — Fine and costs — Section 5652-14 G.C. 29

RELIEF AREA ----

- Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."

RELIEF -

Coroner, acting county — May be compensated for medical care	
to indigent person — Paid from poor relief funds if proper	
procedure followed to obtain care	8

- Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power and duty to dispense poor relief as defined by law.
- 1. Physician and surgeon Fees for professional services Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.
- Status where indigent person has legal settlement in township, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local relief authority — Section 3391-2 G.C.
- Poor relief Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county Public expense Sections 3391 to 3391-12 G.C.
- 2. Such subsistence at public expense to a person in a county home or county hospital not poor relief — Obligation of county — Section 3476 G.C.

REMOVAL -

1. Ci	vil service,	classified	— Depa:	rtment of	Public	Welfare —	
Ch	liefs, divisi	ions busine	ss admir	nistration,	correcti	on, mental	
dis	seases, soci	al administ	ration —	- Such chi	efs may	not be ap-	
po	inted in ur	classified o	ivil serv	ice — Sect	tion 486-	8(a)8 G.C.	
2. Re G		cause, such	1 chiefs,	governed	by secti	on 486-17a	

32

354

575

623

RENTS — RATES —	Page
Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council — Board of trustees of public affairs without power to de-	
termine such rates — Section 3891-1 G.C.	684

REPAIR -

- 1. Sidewalks along township roads Within limits of road -Designated on plat of unincorporated community --- Plat dedicated and accepted by county commissioners - Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....

REPEAL ----

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided - Section 26 G.C.
- 2. Robbery --- Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years - Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 - Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years - Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative --- Prisoner must serve sentence under existent statute at time crime committed.....

REPORTER ----

Short hand reporters - Courts of common pleas - Sections 1546, 1547 G.C. - Authorize appointment one official short hand reporter - Counties having one common pleas judge -No authority to appoint additional reporter on full or parttime basis.

RESERVOIR -

- 1. Water --- Superintendent of public works --- Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir - May sell or lease such water to manufacturing plants --- Sections 412-1 412-15 G.C.
- 2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.
- 3. Management and operation Jurisdiction, superintendent of public works..... 229

RESIDENCE —

Civil Service Commission — Eligibility of persons certified —	
Residence qualifications - Foreign county - Powers, appoint-	
ing officer.	204

11

80

RESIDENCE — Concluded

 Common pleas judge — Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273

2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.	214
Fine — When magistrate renders judgment — Execution and costs of prosecution may issue to sheriff of any county where defendant resides, is found or has property — Sheriff shall execute writ.	299
execute writ.	299
Health district board — Member must be resident of such dis- trict — Section 1261-6 et seq., G.C.	211

RESIDENT, LEGAL ---

- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended
 — Subsequent amendment, from time of effective date, is to
 be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly......

RESIGNATION —

Vacancy — Resignation county commissioner — Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four year term at same election qualifies, January 4, 1943

RETAIL --- LIQUOR ---

Whisky or other spirituous liquors — When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors should be listed and assessed for taxation, at seventy per centum of average value during twelve months of preceding calendar year — Sections 5382, 5388, 5388-1, 5389 G.C.....

RETIREMENT -

- 1. Firemen's pension fund Authority Board of trustees Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C.
- 2. State has established tenure, villages, cities, members fire department — Removal for cause — Municipal council without power to determine age — Retirement — Firemen — Sections 486-17a, 4378, 4380, 4389 G.C.

Page

813

121

INDEX — 1942	1085
RETIREMENT BOARD — PUBLIC EMPLOYES — SEE STATE — SUBDIVISION —	Page
RETIREMENT FUND, PUBLIC EMPLOYES — Payments made — Current appropriation, State Highway Patrol — Retired member.	819
 REWARD — 1. Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal government — U.S.C. Title 10, section 1431. 2. Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C. 	131
RISK —	
Life insurance policy — Section 9420 G.C. does not prohibit is- suance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.	492
RIVER — Public Works, Department of — Without legal authority to re- quire permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authority to charge royalty therefor.	674

Public Works, Superintendent --- No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines - May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.

ROADS - TOWNSHIP -

- 1. Sidewalks along township roads Within limits of road -Designated on plat of unincorporated community - Plat dedicated and accepted by county commissioners - Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....

11

856

ROAD - SEE HIGHWAYS, ALSO -

ROBBERY -

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided - Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more

100-

R	0	В	\mathbf{BE}	RY		Conc	eluded	l
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than twenty-five years — Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 — Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years — Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative — Prisoner must serve sentence existent statute at time crime committed.

ROYALTY ----

Public Works, Department of — Without legal authority to re-
quire permit to remove sand and gravel from navigable stream
— Wholly within boundaries of state — No authority to
charge royalty therefor

SABOTAGE -

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rates, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons --- Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia. 107

SALARY ----

- Civil Service Commission, Cleveland Employment by resolution of a person to "assist in collecting data" Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe Attempt to make contract.
- 2. If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.....
- Common pleas judge Took office January 1, 1929 to serve term extending to January 1, 1935 — County should pay county's share of salary on basis 1930 Federal census — State ex rel. Mack, Judge v. Guckenberger, 139 O.S. 273.
- 2. Where common pleas judge, over period of years, issued his salary vouchers, received and accepted warrants, paid upon basis Federal census, at time inducted into office, such judge may not now recover back pay due to population increase in county where he resides.

1086

Page

80

674

546

 SALARY — Concluded Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578 — 2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 	Page
 to 4001.17 — Approved October 27, 1942 1. Township clerk — Salary — Township trustees may not increase or diminish during term of office — Section 3308 G.C. 	866
 Salary, new incumbent — Action subsequent to commence- ment of clerk's term valid where township trustees for first time provide for salary. 	390
Where county prosecuting attorney or county engineer enlists in military service or is drafted into service, United States Government, each would carry responsibility for position dur- ing absence — Entitled to receive salary	637
SALE BOND	
Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the withdrawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default for payment, principal and interest.	406
Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on forfeited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalities and interest due, after offered for sale, such lands may be sold to highest bidders — Section 5755 G.C.	246
Gravel, other material, taken from county owned gravel pit — May not legally be sold by county commissioners to subdi- visions within county — Opinions Attorney General, 1930 Vol. II page 1471 — 1940 Vol. I page 162	477
Municipal corporation — Ordinance duly passed by legislative au- thority, to authorize trustees of sinking fund to sell certain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid ordinance	198
1. Municipality — May sell personal property not needed by it — Manner provided by charter — Manner provided by ordi- nance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.	

2. Waterworks plant — Purchase material — If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by two-thirds vote may authorize such purchases without advertising — Section 3965 G.C.

SALE — BOND — Concluded	Page
3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, be- longing to any other municipality, for use of certain munici- pality — Vital water supply — Section 5288 G.C	746
SALE — SECURITY — Sinking fund of county, trustees of — No power to sell securi- ties in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in securities of United States Government.	835
SALES —	
 Tax — Public Act 819, H.R. 6687, 76 Congress — Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonge tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C. 	
 Liquor purchased in Ohio — Department of Liquor Control — Officers' club, situs, federal area — Purchase price must in- clude so-called "mark-up" and "gallonage tax." 	413
1. Uniform Narcotic Drug Act of Ohio — Without complying with general requirements of act, except as otherwise pro- vided — Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. — Compliance with paragraphs a, b.	
2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.	182
SALT —	
1. Streets and highways — Good and safe conditions for public travel — "Maintenance" — Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C.	
 Municipality — May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sec- tions 5537, 5541-8, 6309-2 G.C. 	825
SALVAGE —	
Lease, portion of airport — Rights of lessor, lessee, where munic- ipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fix- ture — Lessee permitted to make additions, alterations, substi- tutions, such structures on premises — Title remains in les-	

see — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.....

SAND AND GRAVEL —

Public Works, Department of — Without legal authority to re- quire permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authori- ty to charge royalty therefor.	674
SCHOOL — SEE EDUCATION —	
SCHOOL BUS SEE BUS SCHOOL EDUCATION	
SECRETARY OF WAR	

- 1. Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rates, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons Sections 12819, 2830 G.C.

SECURITY — BEQUEST —

Library, public school - Board of trustees - Required to de-	
posit all funds, bequests or otherwise, in accordance with	
Uniform Depository Act - May invest funds, bequeathed, in	•
securities to comply with terms of bequest — Section 2296-1	
et seq., G.C.	657

SECURITY ----

Bond investment contract — Bond investment company — Sub- scription agreement — Trustees certificate — Mortgage in- debtedness — Security — License — Proposed church r e f i- nancing plan — Held to constitute bond investment contract — Section 697 G.C.	311
Cash deposit — Security for costs — Benefit, those entitled to costs taxed against plaintiff — Costs which exceed cash de- posit, or are uncollectible — Those earned in performance of services for plaintiff, paid first in order incurred — Sec- tion 11615 G.C.	87
Municipal corporation — Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell certain securities — Use proceeds to purchase securities, United States	100
or obligations, municipal corporation — Valid ordinance	198

Sinking fund of county, trustees of — No power to sell securities in their possession — Purpose — To adjust maturity dates SECURITY - Concluded. Page or to reinvest moneys received from such sale in securities of United States Government. 835 1. Uniform Depository Act — No application to university funds. custody treasurer, Kent State University. 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive. 503 SENATE - SEE STATE GENERAL ASSEMBLY ----SENIORITY -Civil service, classified — When employe is separated from service more than one year and under new appointment again enters service --- Service prior to new appointment may not be considered to determine seniority rights in regard to lay-off --- Section 486-17b G.C. 364 SENTENCE -During term of court --- Person to serve four consecutive terms in penitentiary - Four to twenty years each - Court that imposed sentence may not at subsequent term change sentence to provide fourth term of imprisonment shall be concurrently served with other terms - When such attempt made, prison authorities may disregard attempted change in sentence...... 810 1. Offense — Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C. 2. Robbery — Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years --- Person indicted, convicted and sen-

- tenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 — Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years — Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative — Prisoner must serve sentence under existent statute at time crime committed.
- Ohio State Reformatory Inmates committed by Juvenile Court — Must be released when age of twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.
- Probation Person convicted of crime Sections 13452-1 to 13452-11 G.C. — Remission, suspension or execution of sentence — Persons convicted of "misdemeanor forbidden by statute or ordinance" — Sections 13451-8a, 13451-8b — Said sections have no application to persons convicted, violation sections 1639-45 or 1639-46 — Suspensions governed by sections 1639-49, 1639-50.

1090

SENTENCE — Concluded.	Daga
 Juvenile Court authorized and empowered to suspend indefinitely or permanently execution of sentences under certain statutes — Imprisonment — Before or during commitment — Jurisdiction, age or otherwise — Dependent, neglected or delinquent child. 	Page 186
Sentence to penitentiary or reformatory — Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C	1
1. Sheriff, deputy — Position not an office — Article !I, sec- tion 5, Constitution of Ohio.	
 Township trustee — Duly elected — Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff 	704
 Where person convicted and sentenced to Ohio Penitentiary Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence 	
2. Person convicted, attempting to induce convict to escape — Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concur- rently with first — Such person should be imprisoned in peni- tentiary, term not exceeding fifteen years.	
3. No minimum term prescribed for such offense — Prisoner eli- gible for parole any time after incarceration — Subject to requirements section 2209-17 G.C. as to notice	651
SERVICE — MILITARY — Salary — Where county prosecuting attorney or county engineer enlists in military service or is drafted into service United States Government, each would carry responsibility for posi- tion during absence — Entitled to receive salary.	637
SEWAGE DISPOSAL PLANT — 1. Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C.	
2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another munici- pality advertises to purchase such materials.	
3. State council of defense — Emergency powers.	859
SEWERAGE SYSTEM — SEWAGE — Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village coun- cil — Board of trustees of public affairs without power to de-	

termine such rates — Section 3891-1 G.C. 684

SHORT HAND REPORTER ----

SIDEWALKS —

- Sidewalks along township roads Within limits of road Designated in plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....

11

SIGNATURE -

- High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building — Suspension — If petition to reopen closed school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730 G.C.
- Signatures, parents or guardians of pupils not yet fifteen required on petition to reopen suspended school — Requirements — Opinion 3077, page 1271, Opinions Attorney General, 1934, 1 and 3 branches of syllabus, overruled......

610

SINKING FUND - SEE FUND - SINKING -

SITUS ----

Hospital care for indigents:

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.....

Inmate, institution, supervision, Department of Public Welfare:

- Personal property, money Deceased Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthumous Fund".
- 2. If body, deceased inmate, not delivered to authorities for dis-. section, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.

1092

Page

SITUS — Concluded.

- 3. Money deposited in bank Interest earned, property of inmates, pro rata.
- 4. Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account.
- Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax"required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.

SKIDDING —

- Streets and highways Good and safe condition for public travel — "Maintenance" — Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C.
- Municipality May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.

825

SLEEPING CAR -

- Freight line and equipment company Tax Commissioner of Ohio — Required to ascertain and assess all taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" — Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations — Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

265

SOCIAL SECURITY BOARD ---

Bureau of Unemployment Compensation, Administrator — Authorized to pay, extent of allotments made by social security board, in administration of fund, bills for equipment, premiums, supplies, services and other facilities furnished by United States Employment Service of Ohio — Certification shall be approved for payment by party designated by social security board.

SOLDIER	Page
 Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal govern- ment — U.S.C. Title 10, section 1431. 	
 Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C. 	131
SPECIAL POLICEMAN — Policeman, special — May lawfully carry concealed weapons, while on duty — Required to furnish bond, one thousand dol- lars — Sections 7925, 7925-1, 12819 G.C.	137
SPEED — Uniform Traffic Act — Director of Highways — May not de- termine and declare different prima facie speed limits for night driving and daytime driving — Section 6307-21 G.C	359
 STANDARD TIME — Time, standard throughout state — One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich — Began 2:00 a.m. February 9, 1942 — To continue period stated, Public Law 403 — 77 Congress, Chapter 7, second session, approved January 20, 1942. 	

All clocks, public buildings, shall be so set and run - Courts, banks, public offices, legal official proceedings shall be regulated thereby --- Act performed at or within prescribed time - Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.....

STATE

- 1. Bridge Commission, State Subject to applicable law or regulation. United States of America, Secretary of War or Public Utilities Commission of Ohio - Authorized and empowered to fix tolls, state owned bridges - Scope section 1084-13 G.C. - Fund, bond issue and interest, maintenance, repair, operation - Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public - Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons - Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia.

91

Detention hospital - Person admitted by order, Department of Public Welfare - Payment, expense of care, provided by person legally liable - Sum paid should be divided equally between state and county from which person committed --- If

FATE — Continued.
county indebted to state, state may retain share due county and give proper credit — Section 1890-108 G.C.
Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, ma trons, cooks, kitchen assistants or like capacity — Public Em ployes Retirement Act — Section 486-32 G.C.
Employes — State, county, municipal or school — Public Law 729 — 77th Congress — Chapter 578 — 2d Session — H.R 7565 — Does not confer authority upon any Federal officer o agency to issue orders to regulate or adjust salaries or wage of such employes — Such salaries and wages may be in creased without compliance with regulation of Economic Sta bilization Director — Code of Federal Regulations, Title 32 Chapter XVIII, Subchapter A, Part 4001, Sections 4001. to 4001.17 — Approved October 27, 1942.
 Unpaid transportation and criminal costs — Due county from state — Shall be allowed as a credit against any indebtednes due or becoming due from said county to state — Section 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
2. Fees, magistrates and their officers, growing out of felon cases, within such counties, where defendant convicted, shal be included within such credit.
3. Where such credit allowed to a county, a warrant in amoun of fees in favor of clerk of courts, shall be drawn on county general fund by auditor — Auditor shall pay such moneys to persons entitled thereto — Section 3016 G.C.
4. Criminal costs and transportation fees, chargeable to state credited to county, shall be credited to account of clerk o courts — Section 2982 G.C.
GRICULTURE, DIRECTOR Milk or cream "Handling" Contemplates and includes re ceipt from producers or producers' organizations Transac tions between dealers not included Section 1080 G.C
Milk marketing law — Dealer in milk or cream — Required to pay producer — Section 1080-15 G.C. — Sections 1080 to 1080-24 G.C., not applicable to dealers outside Ohio — State ments filed with director of agriculture — Proof of financia responsibility — Filed by cooperative association and dealer — License to dairy in receivership — Compliance, section 1080-16 G.C.
UDITOR OF STATE — Adjutant General — Duties — Certain moneys — State deposi tory trust funds — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund — Ohio Guardsman — Gifts.
Adjutant General — Duties — Certain moneys — State deposi tory trust funds — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund —

STATE --- Continued.

AUDITOR OF STATE - Concluded.

taxable property of such companies — Valuation so determined, apportioned among taxing districts — Certified to appropriate county auditors, extended on proper tax lists and duplicates — Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.

- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" — Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations — Section 5495 et seq G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

STATE SCHOOLS FOR THE BLIND AND DEAF AND WEL-FARE INSTITUTIONS, CHAIRMAN, THE COMMISSION FOR THE RE-LOCATION OF —

Blind and Deaf, The State Schools for and Welfare Institutions — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole purposes, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options.

BRIDGE COMMISSION, STATE -

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio Authorized and empowered to fix tolls, state owned bridges Scope section 1084-13 G.C. Fund, bond issue and interest, maintenance, repair, operation Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs, uniforms, badges, arms ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons — Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia.....

BUILDING AND LOAN ASSOCIATIONS OF OHIO, SUPERIN-TENDENT —

Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the withdrawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default for payment, principal and interest.

1096

61

265

406

STATE --- Continued.

BUREAU ---

- Bonds issued for municipal university purposes When proceeds from sale paid to directors of university, interest earned may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund of the issuing municipality.
- Civil Service Commission, Cleveland Employment by resolution of a person to "assist in collecting data" — Under provisions of charter does not amount to creation of a public position, fixing a salary nor appointment of municipal employe — Attempt to make contract.
- If expenditure involved exceeds five hundred dollars, contract, unless authorized by ordinance of council is illegal and void — Charter, Cleveland, section 108.....
- Clerk of municipal court Money deposited by private individuals — Fund to provide bail bonds and fines in event certain other individuals arrested — Fund received by clerk in individual capacity, not under color of office — Such money "public" money when applied to purpose for which deposited......
- Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."

c. Positions director, Metropolitan Housing Authority and Trustee of said body.....

- 1. Conservancy district Where board of directors assessed a city within district for payment of bonds and tax levied by city yielded more money than necessary to pay city's share, city not required to pay such excess to conservancy district nor to county's treasurer Section 6828-50 G.C.
- Such excess fund may be transferred from special fund where deposited to city general fund, or sinking fund or bond retirement fund — Section 5625-13 G.C.
- 1. Contract, lease of municipal property, wherein municipality becomes partner with private corporation in control of property or funds, invalid — Violation, Article VIII, section 6, Ohio Constitution.
- 2. Purported lease, municipal property, Akron, to Akron Air-

Page

402

546

49

522
STATE --- Continued.

BUREAU — Continued.

port Exhibition Company, Inc., through resolution of council, invalid.

- 3. Free passes to entertainments held in municipal stadium Issued to municipal officials and employes, not illegal — Proviso.
- 4. Where municipality accepted gift of land, no right to expend funds to pay note of company previously given by donor. 593
- Contract Purchase, additional machinery for municipal light plant — Deferred installments to be paid out of net profits of existing plant, together with machinery — Title to such machinery in seller — Invalid — Violates Article VIII, Section 6, Constitution of Ohio.
- 1. Defense councils, local Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.
- Expenses, housing, light, heat and materials Paid from general fund by appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments.
- 1. Defense, State Council of Resolution Moneys distributed various counties — County budget commission must allocate to subdivisions within counties — Moneys must be used exclusively for civilian defense purposes — May not be allocated to local or district councils of defense.
- 2. Such subdivisions may turn such moneys directly over to local or district councils of defense to be expended solely for civilian defense.
- 3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense. 324
- Detention hospital Person admitted by order, Department of Public Welfare — Payment, expense of care, provided by person legally liable — Sum paid should be divided equally between state and county from which person committed — If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C......
- Employes State, county, municipal or school Public Law 729 — 77th Congress — Chapter 578 — 2d Session — H.R. 7565 — Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes — Such salaries and wages may be increased without compliance with regulation of Economic

Page

796

18

•

STATE — Continued.	Page
BUREAU — Continued.	
Stabilization Director — Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 — Approved October 27, 1942	866
 Firemen's pension fund — Authority — Board of trustees — Limited — No authority to fix age firemen obliged to retire from service — Section 4612-4 G.C. 	
2. State has established tenure, villages, cities, members fire department — Removal for cause — Municipal council without power to determine age — Retirement — Firemen — Sections 486-17a, 4378, 4380, 4389 G.C.	840
Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or pediodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems ex- pedient.	483
1. Interest — Investments of money in city treasury — Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certifi- cates of indebtedness — Interest should be paid into sinking fund or bond retirement fund and general fund — How ra- tio apportioned — Section 4296-1 et seq., G.C.	
2. City council may not prescribe any other disposition of interest earned on treasury investments.	168
Lease, portion of airport — Rights of lessor, lessee, where mu- nicipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fix- ture — Lessee permitted to make additions, alterations, substi- tutions such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value be- longs to lessee — Period of time — Limitation.	65
Municipal corporation — Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell certain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid ordi- nance.	198
 Municipality — Contract — Where pursuant to section 4328 G.C., contract executed, it may not be amended to pay addi- tional moneys in excess of \$500.00 without again complying with provisions section 4328. 	
2. Where contract entered into by municipality, charter city or otherwise, to be completed, specified time, after expiration of term, contractor may not be paid additional sum to complete	

improvement within sixty additional days — Further advertising for bids required.

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STATE --- Continued.

BUREAU — Continued.

- Municipality May sell personal property not needed by it

 Manner provided by charter Manner provided by ordinance Article XVIII, section 3, Constitution of Ohio, Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchase without advertising Section 3965 G.C.
- 3. Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.
- Municipality Officials of municipally owned transit system May authorize publication and distribution of monthly magazine — Cost — Legitimate part of operating expense — Cleveland Railway Company.
- 1. Notary public commissions Examinations Court of common pleas' judges may require applicants to pay reasonable fee.
- 2. Money derived from such examination fees, exclusive control, common pleas court — Unless requested by court, not subject to audit by Bureau of Inspection and Supervision of Public Offices — Section 120 G.C.....
- Policeman, special Village mayor may appoint Detailed, special duties, manufacturing plant — Terms, payment by plant — Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C.
- 1. Sewage disposal plant Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C.
- 2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another municipality advertises to purchase such materials.
- 1. Streets and highways Good and safe condition for public travel "Maintenance" Use of materials and processes reasonably ncessary Sections 5537, 5541-8, 6309-2 G.C.
- Municipality May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.
- 1. Township clerk Salary Township trustees may not increase or diminish during term of office — Section 3308 G.C.

746

773

164

579

BUREAU — Concluded.

- Salary, new incumbent Action subsequent to commencement of clerk's term valid where township trustees for first time provide for salary.
 390
- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital — Jurisdiction, county commissioners — Unappropriated balance — Special fund — Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees — No such authority where capacity fifty beds or more.....
- 783
- 1. Unpaid transportation and criminal costs Due county from state — Shall be allowed as a credit against any indebtedness due or becoming due from said county to state — Sections 5546-20a, 13455-6, 13455-7, 13455-8 G.C.
- 2. Fees, magistrates and their officers, growing out of felony cases, within such counties, where defendant convicted, shall be included within such credit.
- 3. Where such credit allowed to county, a warrant in amount of fees in favor of clerk of courts, shall be drawn on county general fund by auditor Auditor shall pay such moneys to persons entitled thereto Section 3016 G.C.
- 4. Criminal costs and transportation fees, chargeable to state, credited to county, shall be credited to account of clerk of courts — Section 2982 G.C.

508

724

CHARITIES, BOARD OF STATE ----

- 1. Foster home Boarding home Facts and circumstances incident to position of child placed in home of private family by trustees of county children's home determine type of home — Sections 3089, 3093, 3095, 3096 G.C.
- 2. Child shall live in home as member of family Indispensable element ncessary in foster home.
- 3. Where home is foster home, failure of trustees of county children's home to secure from foster parents written agreement to provide foster child with food, clothing, and education does not change character of home — Section 3096 G.C.

STATE — Continued. CHARITIES, BOARD OF STATE — Concluded.	Page
Probate judge — Acting as judge of juvenile court in any coun- ty — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — Coun- ty commissioners not required to allow or approve payment.	891
CIVIL SERVICE COMMISSION STATE, CHAIRMAN — Civil service, classified — When employe is separated from serv- ice more than one year and under new appointment again en- ters service — Service prior to new appointment may not be considered to determine seniority rights in regard to lay-off — Section 486-17b G.C.	. 364
Provisional employe — Classified service, state — No preferen- tial right to be re-established in position from which he was laid off in good faith — Event, necessary to refill position within year from date of lay-off and prior to established eli- gible list.	438
COSMETOLOGY, STATE BOARD OF, SECRETARY — 1. Cosmetologist, managing — Retired more than three years — May be restored to practice — Elect to be manager or operator — Pay lapsed renewal fees — License — Section 1082-13 G.C.	
2. License lapsed more than one year — Cosmetologist may not keep within three year period by paying one annual renewal fee.	430
DEAF AND BLIND, THE STATE SCHOOLS FOR — Welfare Institutions, and — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole purpose, to cover reasonable expenses, com- pensation of appraisers, stenographic, clerical and other tech- nical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain options.	61
 DEFENSE, STATE COUNCIL OF — 1. Fire apparatus and equipment — State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency. 	
2. Political subdivision — Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emer- gency alarm.	
3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivi- sion, owner.	

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.

4. Fireman — Status where equipment interchanged — Where benefits, firemen's pension fund, less than those provided by

STATE — Continued. DEFENSE, STATE COUNCIL OF — Concluded.	Page
Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.	469
Fire fighters — Movement of fire companies in Ohio — Power of Ohio State Council of Defense — War emergencies	664
 Municipality — May sell personal property not needed by it — Manner provided by charter — Manner provided by ordi- nance — Article XVIII, section 3, Constitution of Ohio — Sec- tions 3699, 3703 G.C. 	
2. Waterworks plant — Purchase material — If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by two-thirds vote may authorize such purchases without advertising — Section 3965 G.C.	
3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, be- longing to any other municipality, for use of certain munici- pality — Vital water supply — Section 5288 G.C	746
1. Resolution — Moneys distributed to various counties — Coun- ty budget commission must allocate to subdivisions within coun- ties — Moneys must be used exclusively for civilian defense purposes — May not be allocated to local or district councils of defense.	
2. Such subdivisions may turn such moneys directly over to lo- cal or district councils of defense to be expended solely for civilian defense.	
3. Moneys so transmitted may be paid over to a district council, comprising the county, for expenditures of civilian defense.	324
1. Sewage disposal plant — Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C.	
2. Where municipality has certain material, not presently needed by it, it may become bidder for its sale where another munici- pality advertises to purchase such materials.	·
3. State council of defense — Emergency powers	859
DEPOSITORY TRUST FUND, STATE — Adjutant General — Duties — Certain moneys — State deposi- tory trust fund — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund — Ohio Guardsman — Gifts.	586
EDUCATION, DIRECTOR OF — 1. Children's home — Inmates in county, semi-public or district — Where before admission to home, children attended school	

in districts other than where home situated, such children may attend school in district where home located — How county

- EDUCATION, DIRECTOR OF --- Concluded.
 - auditor should charge tuition to school districts and allocate funds.
 - 2. Sections 7677, 7678 G.C., amended Installments due under foundation program not affected.
 - Director of Education, shall approve and pay allowances for such non-resident inmates — 1942 and thereafter — Sections 7595-1c, 7595-1d G.C.
 - 1. Examinations, health Board of education has authority to require teachers and janitors to submit to health examinations, X-ray, Wasserman or other blood tests, vision and hearing tests — Section 7692-1 G.C.
 - 2. Written certificate of reputable physician stating examination made and the results, may be filed in lieu of examinations by school physician or health officers — Such physician not required to state under oath or acknowledge before notary public that facts are true.
 - 3. No authority to require teachers or janitors to bear expense of such examinations.
 - 4. Health regulations apply equally to school pupils, teachers and janitors Conduct of examinations.....

630

5

689

Page

- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended
 — Subsequent amendment, from time of effective date, is to
 be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly......
- School Examiners, Board of State Term of office, five years

 Vacancy Director of education should make appointment
 for unexpired term Upon expiration of such term appoint ment should be made for full five year period.
- 2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.
- 1. Tuition Average daily attendance, pupils, to determine distribution, state public school fund — Where non-resident pupil admitted to district schools, tuition paid by parents, guardian or friends, district of attendance entitled to credit for such attendance — Section 7682 G.C.
- 2. Compensation, tuition fee, section 7595-1d G.C.
- 3. High school pupil Assigned to school outside district When he has right to elect to attend another high school, expense, residence district — Sections 7734, 7750, 7764 G.C. — House Bill 115, 94 General Assembly.
- Non-resident attendance of pupils When involved, determine if attendance lawful and if authorized — Sections 7734, 7734-1 G.C.

INDEX — 1942	1105
STATE — Continued. FINANCE, DIRECTOR OF —	Page
Retirement fund, public employes — Payments made — Current appropriation, State Highway Patrol — Retired member	819
GENERAL ASSEMBLY — Fire fighters — Movement of fire companies in Ohio — Power of Ohio State Council of Defense — War emergencies	664
 GOVERNOR — 1. Water — Superintendent of public works — Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C. 	
2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.	
3. Management and operation — Jurisdiction, superintendent of public works.	229
HIGHWAYS — STATE — Constable — Not prohibited from making arrest — Where mo- torist failed to stop before entering intersection of state high- way — Not applicable where motorist approaching such inter- section is traveling on state highway — Section 6297 G.C	394
HIGHWAYS, DIRECTOR OF — Uniform Traffic Act — Director of Highways — May not deter- mine and declare different prima facie speed limits for night and daytime driving — Section 6307-21 G.C.	359
INDUSTRIAL COMMISSION OF OHIO, THE	

1. Workmen's Compensation Law - County superintendent of schools --- Official --- Not employe, workman or operative ---Excluded from provisions of law - Section 1465-61 G.C.

- 2. Assistant county superintendent is employe Entitled to benefits of said law.
- 3. Members, office force, secretary and attendance officer of county superintendent of schools, are employes, workmen or operatives --- Entitled to benefits of said law..... 374

INDUSTRIAL RELATIONS, STATE DEPARTMENT OF ----

- 1. Board of education Not empowered to discontinue any or all schools in district unless provision made for pupils to attend school, full time, each school year under provision of law --- No child of compulsory school age shall be deprived of school privileges offered to all youth of state under general school law.
- 2. Rural or village school district Board may suspend school if school building unfit, not suitable for school purposes ---Board unable to comply with order. State Department of Industrial Relations - Section 7730 G.C.

- 3. Where school suspended, board shall provide for assignment of pupils to other schools and provide for transportation.

INSURANCE, SUPERINTENDENT OF ---

Life insurance policy — Section 9420 G.C. does not prohibit issuance or delivery in Ohio where language exempts insurer from liability where death is result of employment in certain enumerated occupations — Company organized under Ohio laws not prohibited from issuance of such policy containing such exemption.

LEGISLATURE ----

- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended — Subsequent amendment, from time of effective date, is to be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly.

LIQUOR CONTROL, DEPARTMENT OF, DIRECTOR ----

- Tax Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors, purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.
- 2. Liquor purchased in Ohio Department of Liquor Control Officers' club, situs, federal area — Purchase price must include so-called "mark-up" and "gallonage tax."

MOTOR VEHICLES, BUREAU OF, REGISTRAR -

- Motor vehicle equipment Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C......

Adjutant General — Duties — Certain moneys — State deposi-
tory trust fund — State military fund — General fund — State
treasury Maintenance, Ohio National Guard fund Ohio
Guardsman — Gifts.

5

492

Page

397

208

OHIO PENITENTIARY, WARDEN ----

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentence under existent statute at time crime committed.

OHIO PENITENTIARY ---

- Sentence to penitentiary or reformatory Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C.....
- 1. Sentence Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.
- Person convicted, attempting to induce convict to escape Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concurrently with first — Such person should be imprisoned in penitentiary, term not exceeding fifteen years.

OHIO STATE REFORMATORY ----

 Inmates committed by Juvenile Court — Must be released when age twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.
 302

 Sentence to penitentiary or reformatory — Person convicted of felony — Where placed on probation by court — Where court terminated probation and passed sentence, state liable for criminal costs — Section 13455-5 et seq., G.C.
 1

PARDON AND PAROLE COMMISSION ---

PATROL, STATE HIGHWAY ----

80

PHARMACY, STATE BOARD OF, SECRETARY ---

- 1. Uniform Narcotic Drug Act of Ohio Without complying with general requirements of act, except as otherwise provided — Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. Compliance with paragraphs a, b.
- 2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.....

PROPERTY OFFICER, STATE ----

- 1. Fire apparatus and equipment State Council of Defense — No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.

PUBLIC WELFARE, DEPARTMENT OF, DIRECTOR -

- Civil service, classified Department of Public Welfare Chiefs, divisions business administration, correction, mental diseases, social administration — Such chiefs may not be appointed in unclassified civil service — Section 486-8(a)8 G.C.
- 2. Removal for cause, such chiefs, governed by section 486-17a G.C.
- Detention hospital Person admitted by order, Department of Public Welfare — Payment, expense of care, provided by person legally liable — Sum paid should be divided equally between state and county from which person committed — If county indebted to state, state may retain share due county and give county proper credit — Section 1890-108 G.C......

Inmate, institution, supervision, Department of Public Welfare:

 Personal property, money — Deceased — Probate court should administer estate — County where inmate resided, time of death — If no heirs to inherit, property escheats to state — "Industrial and Entertainment Fund" — "Posthumous Fund." 182

124

469

PUBLIC WELFARE, DEPARTMENT OF, DIRECTOR --- Concluded.

- 2. If body, deceased inmate, not delivered to authorities for dissection, section 9984 G.C. and not claimed by party for burial at his own expense, estate of decedent is liable for burial expenses.
- Money deposited in bank Interest earned, property of inmates, pro rata.
- Grant, gift, devise or bequest Use or benefit such institutions — Section 1840 G.C. — May be used for maintenance or upkeep — Proviso.
- 5. Each such donation should be kept as separate fund under a separate account.....

905

- Ohio State Reformatory Inmates committed by Juvenile Court — Must be released when age twenty-one years attained — Sections 1639-30, paragraph 5, 2131-1 G.C.....
- Sentence During term of court Person to serve four consecutive terms in penitentiary — Four to twenty years each — Court that imposed sentence may not at subsequent term change sentence to provide fourth term of imprisonment shall be concurrently served with other terms — When such attempt made, prison authorities may disregard attempted change in sentence.
- 1. Witness fees When subpoenaed to appear in court in criminal case — Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.
- 2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.

PUBLIC WORKS, DIRECTOR OF ----

No power to issue permits granting authority to cross harbors and river mouths in Lake Erie with pipe lines or electric transmission lines — May not grant authority to construct or rebuild docks, fender piling, jetties, piers, breakwaters and the like in Lake Erie or rivers that empty into it.....

Patrolmen	— Appoint	ted by Sup	perint	endent	of Pub	lic Works	
Do not	possess po	wers of p	olice	officers	No	authority	to
make ar	rests or ca	rry conceal	led w	eapons (other th	an grants	to
citizens	generally -	- Section	420	G.C			

Public Works, Department of — Scope of authority — Rules, regulations, improvement, operation, maintenance — Lease — License — Canal lands — Farnsworth Act — Ohio and Erie 856

39

302

STATE — Continued. PUBLIC WORKS, DIRECTOR OF — Concluded.	Page
Canal, Summit County	292
1. Water — Superintendent of public works — Authorized, sub- ject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.	
2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.	
3. Management and operation — Jurisdiction, superintendent of public works.	229
Public Works, Department of — Without legal authority to re- quire permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authority to charge royalty therefor	674
REAL ESTATE EXAMINERS, STATE BOARD OF — 1. Gas and oil leases — Included within meaning of "real estate" — Section 6373-25 G.C.	
2. Any person, partnership, association or corporation who sells, exchanges or purchases gas and oil leases for another for a fee, commission, etc. is a real estate broker, unless subject to exceptions, section 6373-25 G.C.	517
RETIREMENT SYSTEM —	
Retirement System, State Employes' — Where state employe re- tired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in Public Employes' Retirement System, such retired state em- ploye not entitled to credit for prior service as county em- ploye or as public employe as defined in amended statutes	341
RETIREMENT ACT, PUBLIC EMPLOYES	
Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, mat- rons, cooks, kitchen assistants or like capacity — Public Em- ployes Retirement Act — Section 486-32 G.C.	730
PUBLIC EMPLOYES RETIREMENT SYSTEM	
Public Employes Retirement Board — Duty to allow member credit, full year, prior service for each year served in any posi- tion or office where service may be legally credited — Ap- pointive position — Elected to office — Time — Year or years — Salary — Rule applies even though such employe or officer did not serve full time — No authority for board to otherwise rule or regulate.	441
Contributions — Made annually by each county, municipality, park district, health district and public library — Current ex- penses — Appropriations made from general funds of taxing	

э

.

INDEX — 1942	1111
STATE — Continued. PUBLIC EMPLOYES RETIREMENT SYSTEM — Concluded. districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	Page 897
Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, mat- rons, cooks, kitchen assistants or like capacity — Public Em- ployes Retirement Act — Section 486-32 G.C.	730
1. Retirement System, Public Employes — Persons may not be re-employed by state, county or local government, who attain age of seventy years and receive superannuation retirement allowance.	
2. Those who retire before reaching age of seventy may be re- employed prior to attaining said age, by any federal, state, county or local government — Acceptance, re-employment during period such employment, will hold in abeyance pension provided, section 486-60 G.C.	99
Retirement System, State Employes' — Where state employe re- tired on superannuation basis, prior to amendment to include public employes, certain political subdivisions and bodies, in Public Employes' Retirement System, such retired state em- ploye not entitled to credit for prior service as county employe or as public employe as defined in amended statutes	341
 SCHOOL EXAMINERS, BOARD OF STATE — 1. Term of office, five years — Vacancy — Director of education should make appointment for unexpired term — Upon expiration of such term appointment should be made for full five year period. 	
2. Where no appointment made at beginning of term of office, appointment may be made later — Incumbent of office serves until successor appointed and qualified — Appointment when made may be for unexpired portion only of then current term of office — Section 8 G.C.	689
SECRETARY OF STATE Astrology and allied subjects Fortune-telling, clairvoyance, palmistry Secretary of State Not authorized to accept for filing, articles of incorporation, corporation not for profit, to establish and conduct educational institutions in furtherance	

- study of such subjects and give diplomas to such students...... 1. Corporation for profit - Articles of incorporation - General Corporation Act of Ohio - Where one of principal objects is distribution of dividends or profits to members, or to secure more favorable terms or savings in purchasing of property or services, articles should be filed as corporation for profit.
- 2. Corporation not for profit Articles should state pecuniary gain or profit not principal purpose of proposed corporation.
- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to

9

1112

STATE --- Continued. SECRETARY OF STATE --- Concluded.

vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.

- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.

SECURITIES DIVISION OF, CHIEF ---

Bond investment contract — Bond investment company — Subscription agreement — Trustees certificate — Mortgage indebtedness — Security — License — Proposed church refinancing plan — Held to constitute bond investment contract — Section 697 G.C.

TAX COMMISSIONER, DEPARTMENT OF TAXATION ---

- 1. All property, incorporated public utilities Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street interurban and suburban railroad companies — Sections 5423, 5451 G.C.
- 2. County auditor Not authorized by law to assess real estate of incorporated public utility Section 5415 G.C. Certain utilities excepted.
- 3. Duty, Tax Commissioner when assessing property, unincorporated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.
- 4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.
- Sleeping car, freight line and equipment company Tax Commissioner of Ohio Required to ascertain and assess all taxable property of such companies Valuation so determined, apportioned among taxing districts Certified to appropriate county auditors, extended on proper tax lists and duplicates Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" — Sections 5462 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax.....

316

Page

STATE — Concluded.	Page
TAX COMMISSIONER, DEPARTMENT OF TAXATION - Conc	luded
Whisky or other spirituous liquors — When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors sould be listed and assessed for taxation, at seventy per centum of average value during twelve months of preceding calendar year — Sections 5382, 5388, 5388-1, 5389 G.C.	813
TREASURY, STATE —	
Adjutant General — Duties — Certain moneys — State deposi- tory trust fund — State military fund — General fund — State treasury — Maintenance, Ohio National Guard fund — Ohio Guardsman — Gifts.	586
1. Tax — Public Act 819, H.R. 6687, 76 Congress — Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors, purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.	
2. Liquor purchased in Ohio — Department of Liquor Control — Officers' club, situs, federal area — Purchase price must in- clude so-called "mark-up" and "gallonge tax."	413
UNEMPLOYMENT COMPENSATION, BUREAU OF — Administrator — Authorized to pay, extent of allotments made by social security board, in administration of fund, bills for equip- ment, premiums, supplies, services and other facilities fur- nished by United States Employment Service of Ohio — Cer- tification shall be approved for payment by party designated by social security board.	238
UNIVERSITY, STATE, BOARD OF TRUSTEES — Employes, state — All persons employed by board of trustees of state university, paid out of public funds — Capacities, mat- rons, cooks, kitchen assistants or like capacity — Public Em- ployes Retirement Act — Section 486-32 G.C.	730
ployes Retrement Act — Section 480-32 G.C.	100
KENT STATE UNIVERSITY, BUSINESS MANAGER — Policeman, special — May lawfully carry concealed weapons, while on duty — Required to furnish bond, one thousand dol- lars — Sections 7925, 7925-1, 12819 G.C.	137
 KENT STATE UNIVERSITY — 1. Uniform Depository Act — No application to university funds, custody treasurer, Kent State University. 	
2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other se- curity he may exact or receive.	503
	000

STATUTE ----

- 1. Offense Amendment or repeal of statute defining offense does not affect existent prosecutions at time of amendment or repeal, unless otherwise expressly provided — Section 26 G.C.
- 2. Robbery Where crime committed, punishable by imprisonment in Ohio Penitentiary, term not less than ten nor more than twenty-five years Person indicted, convicted and sentenced under section 12432 G.C., subsequent to amendment, effective September 6, 1939, 118 O.L. 611 Unarmed robbery, punishable, imprisonment, Ohio Penitentiary, not less than one nor more than twenty-five years Sentence by trial court, one to twenty-five years, apparently under said section as amended, is inoperative Prisoner must serve sentences under existent statute at time crime committed.

STATUTE, AMENDED ----

- Legislature, section of act of Where it adopts another section of same act by reference and it is subsequently amended
 — Subsequent amendment, from time of effective date, is to
 be considered as if adopted by adopting section.
- Child, inmate of private children's home or orphan asylum Attendance local district school — Prior to admission was resident of another school district — Tuition computed and paid, sections 7677, 7678, House Bill 105, 94 General Assembly.....

STOCK DEPOSITS ----

Building and loan association, solvent mutual — Where board of directors gave "notice" fixing time and amount, withdrawal stock deposits, such association may not accept the withdrawal of such stock deposits for sale municipal bonds owned by it — Said bonds in default, for payment, principal and interest...

STOCK - LIQUOR -

Whisky or other spirituous liquors — When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors should be listed and assessed for taxation, at seventy per centum of average value during twelve months of preceding calendar year — Sections 5382, 5388, 5388-1, 5389 G.C.

STREAM — NAVIGABLE —

Public Works, Department of — Without legal authority to require permit to remove sand and gravel from navigable stream — Wholly within boundaries of state — No authority to charge royalty therefor.

STREETS — HIGHWAYS —

- Good and safe condition for public travel "Maintenance" Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C.
- Municipality May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C.

Page

80

5

406

813

674

	1115
	Page
vehicle listrib-	

STREETS —	Page
Taxes, excise, levied on the sale of gasoline — Motor vehicle license tax — Funds derived from such taxes, when distrib- uted to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C.	720
G.O	120
 SUBPOENA — 1. Witness fees — When subpoenaed to appear in court in criminal case—Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees. 	
2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.	
 Expert witness — County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C. 	
4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bu- reau for traveling expense.	734
SUBSCRIPTION — Bond investment contract — Bond investment company — Sub- scription agreement — Trustees certificate — Mortgage in- debtedness — Security — License — Proposed church refi- nancing plan — Held to constitute bond investment contract — Section 697 G.C.	311
 SUBSISTENCE — Poor relief — Privately owned home or lodging house to furnish food, clothing, shelter, medical care or other subsistence to a person who has legal settlement in county — Public expense — Sections 3391 to 3391-12 G.C. Such subsistence at public expense to a person in a county home or county hospital not poor relief — Obligation of county — Y — Section 3476 G.C. 	623
SUMMIT COUNTY — Public Works, Department of — Scope of authority — Rules, regulations, improvement, operation, maintenance — Lease — License — Canal lands — Farnsworth Act — Ohio and Erie Canal, Summit County.	292
SURETY — Cash deposit — Security for costs — Benefit, those entitled to costs taxed against plaintiff — Costs which exceed cash de- posit, or are uncollectible — Those earned in performance of services for plaintiff, paid first in order incurred — Section	07
11615 G.C	87

v

1. High school grades, where three maintained by rural board of education in certain school building — Pupils assigned to another building --- Suspension --- If petition to reopen closed

•	
SUSPENSION — Concluded school filed between May 1 and August 1, any year, within next four years after suspension, duty of board to reestablish high school at former location — Sections 7684, 7730 G.C.	Page
 Signatures, parents or guardians of pupils not yet fifteen re- quired on petition to reopen suspended school — Require- ments — Opinion 3077, page 1271, Opinions Attorney Gen- eral, 1934, 1 and 3 branches of syllabus, overruled 	610
SWIMMING POOL — Council, city — No authority to appropriate money from general fund to city recreation board — Purpose, purchase from own- ers of privately owned pools, swimming tickets to distribute to under privileged children — Section 4065-3 G.C.	777
TAX APPEALS — County budget commission — Where county undivided local government fund allocated — One subdivision erroneously received more than its proper share — Such subdivision should pay over to subdivision entitled to it, the amount erroneously allocated and distributed.	423
 TAX — Coal — Where owner of lands sells coal thereunder and later reacquires interest, county auditor, after date of such acquisition, in assessing property should list and value entire fee simple estate as a unit — Sections 5554, 5560, 5563 G.C. County auditor — Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not relieved of duty to endorse "transferred" if all property de- 	911
scribed in deed does not appear on tax lists under name of grantor — Section 2573 G.C.	351
 TAX, EXCISE — Taxes, excise, levied on the sale of gasoline — Motor vehicle tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets — Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C. 	, 720
TAX — Forfeited land list — No authority to subsequently transfer such lands to foreclosure list — Unredeemed lands on for- feited land list must be sold — Section 5752 G.C. — If value less than amount of taxes, assessments, penalties and inter- est due, after offered for sale, such lands may be sold to high- est bidders — Section 5755 G.C.	246
 TAX, GASOLINE — 1. Streets and highways — Good and safe condition for public travel — "Maintenance"— Use of materials and processes reasonably necessary — Sections 5537, 5541-8, 6309-2 G.C. 2. Municipality — May expend proceeds, gasoline taxes and motor vehicle license fees to purchase salt to use on streets to allay icy conditions and prevent skidding of motor vehicles — Sections 5537, 5541-8, 6309-2 G.C. 	825

.

•

AX —	Page
Lands, delinquent — County auditor required to prepare and certify list of all such in his county — Date, September settle- ment, interest 8% should be charged upon total taxes and assessments against each parcel entered on such list — Charges — Arrears — Default — List published — Section	
5704 G.C.	287
AX, LIQUOR —	
Whiskey or other spirituous liquors — When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors should be listed and assessed for taxation, at seventy per centum of average value during twelve months of pre- ceding calendar year — Sections 5382, 5388, 5388-1, 5389 G.C.	813
MARK-UP" TAX —	

- 1. Tax --- Public Act 819, H.R. 6687, 76 Congress --- Does not grant to Ohio consent of Federal Government --- Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control - Paid to State Treasury --- Sections 6064-3, 6064-10 G.C.
- 2. Liquor purchased in Ohio Department of Liquor Control Officers' club, situs, federal area - Purchase price must include so-called "mark-up" and "gallonage tax." 413

TAX - MOTOR VEHICLE -

TAX

TAX

"MA

1. Buses, school - Board of education not authorized to transport persons for hire or permit use of school buses to transport passengers - Use, transport school children to and from public schools or public school functions.

2. Privately owned buses, exclusively used to transport public or private school pupils, exempt from annual motor vehicle license tax — Section 6291 G.C.	805
Corporation — Operation trucks — Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipality — Not required to pay motor vehicle license tax — Section 6291 G.C.	397
Motor vehicle equipment — Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C	208
Taxes, excise, levied on the sale of gasoline — Motor vehicle	

tax — Funds derived from such taxes, when distributed to municipalities may be expended to construct curbs and gutters on streets --- Sections 5527, 5541, 5541-8, 5537, 6309-2 G.C. 720

1117

TAX - MOTOR VEHICLE FUND -

- 1. Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund County commissioners may transfer certain funds Sections 5625-13a to 5625-13g, G.C.

TAX ----

- All property, incorporated public utilities Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business Exception, railroad, street, interurban and suburban railroad companies Sections 5423, 5451 G.C.
- 2. County auditor Not authorized by law to assess real estate of incorporated public utility Section 5415 G.C. Certain utilities excepted.
- 3. Duty, Tax Commissioner when assessing property, unincorporated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.
- 4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.
- 1. Public Act 819, H.R. 6687, 76 Congress Does not grant to Ohio consent of Federal Government — Collect from vendors, intoxicating liquors purchased outside of Ohio, or in interstate commerce, sold or consumed on lands, ceded by Ohio to Federal Government, the "mark-up" or "gallonage tax" required by Department of Liquor Control — Paid to State Treasury — Sections 6064-3, 6064-10 G.C.
- Liquor purchased in Ohio Department of Liquor Control — Officers' club, situs, federal area — Purchase price must include so-called "mark-up" and "gallonage tax.".....
- Relief Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power and duty to dispense poor relief as defined by law.
- Retirement System, Public Employes Contributions Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropriations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.

32

316

413

354

TAX — Concluded

- 1. Sleeping car, freight line and equipment company -- Tax Commissioner of Ohio - Required to ascertain and assess all taxable property of such companies --- Valuation so determined, apportioned among taxing districts - Certified to appropriate county auditors, extended on proper tax lists and duplicates --- Sections 5416, 5423, 5425, 5446, 5447, 5448 G.C.
- 2. Tax commissioner must ascertain and assess tax base against which auditor of state charges tax "in the nature of an excise tax" --- Sections 5426 to 5468 G.C.
- 3. Said companies, if incorporated, subject to corporate franchise tax on domestic and foreign corporations - Section 5495 et seq. G.C.
- 4. Foreign corporation, engaged exclusively in interstate business in Ohio, as sleeping car, freight line or equipment company, not subject to Ohio corporate franchise tax. 265

TEACHER - SEE EDUCATION -

TICKETS ----

Council, city - No authority to appropriate money from general fund to city recreation board - Purpose, purchase from owners of privately owned pools, swimming tickets to distribute to under privileged children - Section 4065-3 G.C....

777

TICKETS - FARE - RATE -

- 1. Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio - Authorized and empowered to fix tolls, state owned bridges - Scope section 1084-13 G.C. - Fund, bond issue and interest, maintenance, repair, operation - Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War --- Sabotage --- Guards may be employed to protect bridges and traveling public --- Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons - Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia.....

107

441

TIME - LIMITATION -

Public Employes Retirement Board -

Public Employes Retirement System - Duty to allow member credit, full year, prior service for each year served in any position or office where service may be legally credited ---Appointive position - Elected to office - Time - Year or years - Salary - Rule applies even though such employe or officer did not serve full time - No authority for board to otherwise rule or regulate. Page

TIME, STANDARD —

Time, standard throughout state — One hour advanced from mean astronomical time of 75th degree, longitude west from Greenwich — Began 2:00 a.m. February 9, 1942 — To continue period stated, Public Law 403 — 77 Congress, Chapter 7, second session, approved January 20, 1942.

All clocks, public buildings, shall be so set and run — Courts, banks, public offices, legal official proceedings shall be regulated thereby — Act performed at or within prescribed time — Any law, rule, order or process of any authority created by or pursuant to law, shall be governed by such standard of time.

TITLE —

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portion county and township roads, construction of reservoir — County has only easement for public travel.
- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.
- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- 3. Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness" — Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building......

91

TITLE — Concluded

- Lease, portion of airport Rights of lessor, lessee, where municipality executed five year lease, use, not to exceed 14 days in each year, option to renew — Lessee given right to erect structures and buildings — Removal — Fixture — Trade fixture — Lessee permitted to make additions, alterations, substitutions, such structures on premises — Title remains in lessee — Where removal upon order of lessor, salvage value belongs to lessee — Period of time — Limitation.

TOLL -

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio Authorized and empowered to fix tolls, state owned bridges Scope section 1084-13 G.C. Fund, bond issue and interest, maintenance, repair, operation Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs my carry concealed weapons --- Sections 12819, 2830 G.C.

TOWNSHIPS - ADJOINING -

- 1. Justice of the peace Jurisdiction "Foregoing excepted cases" applies to exceptions 1, 2, 3, found in section 10225 G.C.

TOWNSHIP HIGHWAY ----

Boards of County Commissioners:

- 1. May relocate, alter construction or vacate portions of county or township highways in counties within reservoir district created by United States, under agreement with United States to pay cost — Requirement, public necessity or welfare demands such action.
- 2. No authority to convey flowage easements to Federal Government over portions county and township roads, construction of reservoir — County has only easement for public travel.

Page

TOWNSHIP HIGHWAY — Concluded

- 3. Upon vacation, county or township highway, title remains in abutting land owners Commissioners have no title to convey.
- 4. Board has no power to enter into purported agreement in construction of dam by Federal Government to forever save harmless from any damage to highways, such Federal Government.
- 5. Road forming dividing line between two or more counties — To reconstruct, relocate, alter or lower — County commissioners as joint board have authority to undertake and complete such improvement — Section 6874 G.C.

449

TOWNSHIP ----

Hospital care for indigents:

- 1. Cities and townships authorized to arrange for such care Legal settlement — Sections 3476, 3480, 3480-1, 3484-2 G.C.
- 2. Where legal settlement within city or township, private hospitals, when proper notice given, entitled to joint and reasonable payment for such care.
- 3. Status where indigent has legal settlement in county, city or township other than situs where hospital care received — Established rate of county, city or township.....
- Quarantine Hospitalization Expenses, including special nurses' care to persons unable to pay — Paid by municipality or township where quarantine maintained — Where legal settlement is same county where indigent quarantined, upon notification, municipality or township liable for expenses — Section 4438-1 G.C.

TOWNSHIP TRUSTEES ----

- 1. Fire apparatus and equipment State Council or Defense No power to compel municipal corporations and boards of township trustees to contract for interchange such equipment during emergency.
- Political subdivision Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.

Page

461

TOWNSHIP TRUSTEES — Concluded

- 1. Physician and surgeon Fees for professional services Where indigent person has legal settlement in township, trustees have no power or authority to pay such fees — Services defined as poor relief — Sections 3391 to 3391-12 G.C.
- 2. Status where indigent person has legal settlement in township, outside of city, such services constitute "poor relief" and should be furnished by county commissioners as local relief authority — Section 3391-2 G.C.
- Relief Part of section 5639-1 G.C. which authorizes county budget commissions to allocate a portion of undivided classified property tax fund to township trustees when in need of funds for poor relief "as defined by law" became inoperative upon enactment of sections 3391 and 3391-2 G.C. which took from township trustees the power and duty to dispense poor relief as defined by law.
- Sheriff, deputy -- Position not an office -- Article II, section
 Constitution of Ohio.
- 2. Township trustee—Duly elected—Qualified elector of county — Convicted of embezzlement of public funds who thereafter made restitution and was restored to citizenship is eligible to be appointed and may serve as deputy sheriff.....
- Sidewalks along township roads Within limits of road Designated on plat of unincorporated community — Plat dedicated and accepted by county commissioners — Township trustees legally required to maintain and repair such sidewalks.
- 2. Injury sustained through defective sidewalks Township trustees, if guilty of negligence, may be liable in damages.....
- 1. Township clerk Salary Township trustees may not increase or diminish during term of office — Section 3308 G.C.
- Salary, new incumbent Action subsequent to commencement of clerk's term valid where township trustees for first time provide for salary.
 390

TRAFFIC ACT, UNIFORM - SEE UNIFORM TRAFFIC ACT -

TRANSFER -

- Engineer, county Two-thirds cost of operation, salaries, maintenance, required services, including improvements county ditch, paid out of county's share, motor vehicle license and motor vehicle fuel taxes — Section 2782-2 G.C.
- 2. Engineer has no authority to collect fees, county ditch improvement from general ditch improvement fund — County commissioners may transfer certain funds—Sections 5625-13a to 5625-13g G.C.

32

TRANSFER - PROPERTY -

County auditor — Mandatory duty to endorse on deed or evidence of title that proper transfer of described real estate has been made or is not entered for taxation — Auditor not Page

354

575

704

TRANSFURE — PROPERTY — Concluded	Page
relieved of duty to endorse "transferred" if all property de- scribed in deed does not appear on tax lists under name of grantor — Section 2573 G.C.	351
 TRANSFER — 1. Transfer of territory — County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4696 G.C. 	
2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory trans- ferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer	257
TRANSIT SYSTEM — Municipality — Officials of municipally owned transit system — May authorize publication and distribution of monthly maga- zine — Cost — Legitimate part of operating expense — Cleveland Railway Company.	773
 TRANSPORTATION — 1. Transfer of territory — County board of education may accept same — No exception if local district from which territory was transferred, subsequent to transfer and prior to acceptance, proceeds for centralization of district schools, except actual holding of election — Section 4969 G.C. 	
2. No statutory provision for specified time to accept territory, if at all, when transferred — If 127 days may have elapsed, after transfer, and local board from which territory trans- ferred, purchased transportation equipment, such expenditure does not prohibit county board of county district, to which transfer made, from acceptance of transfer.	257
TRAVELING —	
1. Defense councils, local — Traveling and necessary expenses to function — Municipalities, through legislative authority, may appropriate and expend funds from general revenue fund for payment — Section 5290 G.C.	
 Expenses, housing, light, heat and materials — Paid from general fund by.appropriation — Purchase, material to knit garments, question of fact, determined by proposed use of garments. 	18

TRAVELING EXPENSE ---

1. Witness fees — When subpoenaed to appear in court in criminal case — Superintendent of Bureau of Criminal Identification and Investigation and assistants and employes may legally collect witness fees.

.

- 2. County in which court issues subpoen aliable only for witness fee and mileage provided in section 3014 G.C.
- 3. Expert witness County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.
- 4. Where witness testifies in court pursuant to subpoena, expense incurred may not be paid from funds appropriated to such Bureau for traveling expense. 734

TREASURER, COUNTY - SEE COUNTY -

TREASURER - UNIVERSITY -

- 1. Uniform Depository Act No application to university funds, custody treasurer, Kent State University.
- 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive.....

503

397

208

TREASURY -

- 1. Interest Investments of money in city treasury Should be paid into general fund — Exception, when part of money is from special fund or funds from sale, bonds, notes or certificates of indebtedness — Interest should be paid into sinking fund or bond retirement fund and general fund — How ratio apportioned — Section 4296-1 et seq., G.C.

TREASURY, STATE — SEE STATE —

TRUCK -

- Corporation Operation trucks Cross public highways at right angles when passing one part of land to another — Corporation owns abutting land, both sides public highway outside of municipality — Not required to pay motor vehicle license tax — Section 6291 G.C.
- Motor vehicle equipment Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C....

TRUSTEE ---

Bond investment contract — Bond investment company — Sub-	
scription agreement Trustees certificate Mortgage in-	
debtedness Security License Proposed church refi-	
nancing plan — Held to constitute bond investment contract	
Section 697 G.C.	311

1. Cleveland Metropolitan Housing Authority, City of Cleveland, Cuyahoga County — May contribute public funds to Real

TRUSTEE — Concluded

- Property Inventory of Metropolitan Cleveland to participate in benefits obtained by real property inventory — Such funds may be so expended in such manner as said body may deem proper and shall conform to purpose set forth in section 5626-3 G.C. — Books and accounts subject to examination by Bureau.
- 2. No legal incompatibility between:
 - a. Positions assistant clerk, board of county commissioners and trustee, Real Property Inventory of Metropolitan Cleveland.
 - b. Positions director of said body and assistant in central clearing house of county relief area although such assistant called executive director of "County Record Bureau and Clearing House."
 - c. Positions director, Metropolitan Housing Authority and Trustee of said body.....

522

TRUSTEES - COUNTY TUBERCULOSIS HOSPITAL ---

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- 4. Special levy voted for support of county tuberculosis hospital — Jurisdiction, county commissioners — Unappropriated balance — Special fund — Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees
 No such authority where capacity fifty beds or more.......

TRUSTEES, BOARD OF - HOSPITAL -

Hospital, municipal — Board of trustees — May legally expend funds for services, credit rating association — Direct charge or periodical payment of fixed amount — Where city charter grants control and management and authority to establish rules for government and admission to privileges as it deems expedient.

 $\mathbf{483}$

783

TRUSTEES, BOARD OF ---

Library, public school — Board of trustees — Required to de-
posit all funds, bequests or otherwise, in accordance with Uni-
form Depository Act - May invest funds, bequeathed, in
securities to comply with terms of bequest - Section 2296-1
et seq., G.C.

Page

TRUSTEES, BOARD OF — PUBLIC AFFAIRS, VILLAGE — Po	
Sewerage system, sewage pumping works, sewage disposal works	
- Rates or charges of rents to be paid to village for use by	
persons, firms or corporations served, vested in village coun-	
cil — Board of trustees of public affairs without power to	
determine such rates — Section 3891-1 G.C. 6	84

TUBERCULOSIS CLINIC -

- 1. An institution or station under control board of county commissioners — Use, examination, diagnosis and expert advice or treatment — Section 3139-19 G.C.
- 2. County commissioners of counties which do not operate county tuberculosis hospitals or do not maintain district tuberculosis clinics — May lawfully employ public health nurses for prevention, cure, treatment of tuberculosis.

480

TUBERCULOSIS HOSPITAL ---

- 1. Tuberculosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.
- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital

 Jurisdiction, county commissioners
 Unappropriated balance
 Special fund
 Section 5625-9 G.C.
- 5. Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees — No such authority where capacity fifty beds or more.....
- 783

235

Where children of school age are received in such district hospital, school district from which children admitted, liable for educational expense — No exception if parents or guardians become residents of different school district — Exception, if children discharged and returned to homes — When children later re-admitted to hospital, expense chargeable to district from which they were re-admitted.

Bridge Commission, State — Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

UNIFORM --- Concluded

- War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia.....

UNIFORM BOND ACT —

- 1. Building to be used for county offices County commissioners authorized to purchase — Contract — Title shall pass to county, part purchase price paid at time of conveyance, remainder in annual installments — Section 2433 G.C.
- 2. Section 2333 G.C. applies only to erection of court house or other county building.
- 3. Limitation, \$20,000.00, section 2293-16 G.C. No application to purchase price, building to be paid for from funds other than proceeds bond and note issue — Uniform Bond Act — "Net indebtedness"— Bonds and notes.
- 4. Outstanding bonds issued by county commissioners To improve and repair county court house building — Should not be counted and included in \$20,000.00 unvoted bonds commissioners may issue to purchase another county building.....
- Contract Purchase, additional machinery for municipal light plant — Deferred installments to be paid out of net profits of existing plant, together with machinery — Title to such machinery in seller — Invalid — Violates Article VIII, Section 6, Constitution of Ohio.

UNIFORM DEPOSITORY ACT ---

- Library, public school Board of trustees Required to deposit all funds, bequests or otherwise, in accordance with Uniform Depository Act — May invest funds, bequeathed, in securities to comply with terms of bequest — Section 2296-1 et seq., G.C.
- 1. No application to university funds, custody treasurer, Kent State University.
- 2. No statutory provision treasurer shall deposit such funds in any bank — Any such deposit made by him, subject to his own risk as to funds deposited as well as any collateral or other security he may exact or receive.

UNIFORM NARCOTIC DRUG ACT OF OHIO ---

- 1. Without complying with general requirements of act, except as otherwise provided — Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. — Compliance with paragraphs a, b.
- 2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.

796

657

503

182

384

Page

UNIFORM TAX LAW — Retirement System, Public Employes — Contributions — Made annually by each county, municipality, park district, health district and public library — Current expenses — Appropri- ations made from general funds of taxing districts pursuant to Uniform Tax Law — Sections 486-33g, 5625-1 et seq., 5625-5, 5625-10 G.C.	Page 897
UNIFORM TRAFFIC ACT — Director of Highways — May not determine and declare differ- ent prima facie speed limits for night and daytime driving — Section 6307-21 G.C.	359
Motor vehicle owned by volunteer fireman — Used occasionally to transport owner to scene of fire — Not "emergency vehicle" — Not entitled to privileges granted, sections 6307-2 and 6307 to 6307-110 G.C.	96
 UNITED STATES — 1. Bridge Commission, State — Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts. 	
 War — Sabotage — Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters. 	
 Guards, duly appointed as deputy sheriffs may carry con- cealed weapons — Sections 12819, 2830 G.C. 	
4. Status, guards employed to protect bridges lying within state of West Virginia.	107
County Commissioners — Power and jurisdiction, county high- ways within reservoir district created by United States	449
SEE — FEDERAL GOVERNMENT — ALSO	449
Education, member, board of — Inducted into armed forces of United States — Absent ninety days — Discretion, remaining members to declare reasons for absence, insufficient — Vacancy — May be filled according to law	808
UNITED STATES EMPLOYMENT SERVICE —	
Bureau of Unemployment Compensation, Administrator — Authorized to pay, extent of allotments made by social secur- ity board, in administration of fund, bills for equipment, premiums, supplies, services and other facilities furnished by United States Employment Service of Ohio — Certification	

shall be approved for payment by party designated by social security board.

••

•

UNITED STATES GOVERNMENT —	Page
Policeman, special — Village mayor may appoint — Detailed, special duties, manufacturing plant — Terms, payment by plant — Council may repeal ordinance for employment when no necessity for such employment existent — Sections 4384-1, 4384-2 G.C.	579
Salary — Where county prosecuting attorney or county engineer enlists in military service or is drafted into service United States Government, each would carry responsibility for position during absence — Entitled to receive salary	637
Sinking fund of county, trustees of — No power to sell secur- ities in their possession — Purpose — To adjust maturity dates or to reinvest moneys received from such sale in secur- ities of United States Government.	835
UNITED STATES —	
Municipal corporation — Ordinance duly passed by legislative authority, to authorize trustees of sinking fund to sell cer- tain securities — Use proceeds to purchase securities, United States or obligations, municipal corporation — Valid ordinance.	198
 Sheriff — Apprehension deserter or soldier, absent without leave — May legally accept reward offered by federal govern- ment — U.S.C. Title 10, section 1431. 	
2. Reward, received by sheriff, required to be held as public moneys of county, accounted for and so deposited — Section 2977 G.C.	131
1. Vote — Ballot — Secretary of State — Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.	
2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in cer- tain names.	
3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents	694
UNIVERSITY, MUNICIPAL — Bonds issued for municipal university purposes — When proceeds from sale paid to directors of university, interest earned may be used for purposes of such bond issue — Such interest should not be paid into sinking fund or bond retirement fund of the issuing municipality.	402
THE PART OF THE TO	
 UTILITIES COMMISSION, PUBLIC — 1. Bridge Commission, State — Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and em- powered to fix tolls, state owned bridges — Scope section 	

UTILITIES COMMISSION, PUBLIC --- Concluded

1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

- 2. War Sabotage Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons — Sections 12819, 2830 G.C.

UTILITY -

- 1. All property, incorporated public utilities Tax Commissioner, when assessing at true value in money has a duty to include all real property owned and held whether or not any portion used in connection with public utility business — Exception, railroad, street, interurban and suburban railroad companies — Sections 5423, 5451 G.C.
- 2. County auditor Not authorized by law to assess real estate of incorporated public utility Section 5415 G.C. Certain utilities excepted.
- 3. Duty, Tax Commissioner when assessing property, unincorporated public utility, to exclude from property evaluated all real estate not used, or held as incidental in operation of such utility.
- 4. Duty, county auditor, to assess real estate of unincorporated public utility, not used in its operation, or held as incidental to such operation — Section 5548 G.C.
- 1. Water Superintendent of public works Authorized, subject to written approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C.
- 2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.

VACANCY ----

- Resignation county commissioner Term expires January 4, 1943 — Vacancy filled by appointment through probate judge, county auditor, county recorder or majority of them — Appointee holds office until successor elected and qualified — November election, 1942 — Person elected holds office until January 4, 1943 and until successor to be elected for four.year term at same election qualifies, January 4, 1943.
 121

Page

SEE EDUCATION — Subdivision VETERINARIAN ----

INDEX --- 1942

- 1. Uniform Narcotic Drug Act of Ohio Without complying with general requirements of act, except as otherwise provided - Physician, dentist or veterinarian may administer or dispense, and apothecary may sell at retail, kind and quality, narcotic drugs listed, section 12672-7, paragraphs 1, 2 G.C. - Compliance with paragraphs a, b.
- 2. When such persons administer, dispense or sell narcotic drugs not listed in said section, or in excess of quantity permitted, there must be compliance with general requirements of said act.....

VILLAGE ----

- Fire fighters --- Movement of fire companies in Ohio --- Power of Ohio State Council of Defense - War emergencies..... 664
- 1. Firemen's pension fund Authority Board of trustees Limited - No authority to fix age firemen obliged to retire from service - Section 4612-4 G.C.
- 2. State has established tenure, villages, cities, members fire department --- Removal for cause --- Municipal council without power to determine age - Retirement - Firemen - Sections 486-17a, 4378, 4380, 4389 G.C. 840

VILLAGE MAYOR -

Policeman, special --- Village mayor may appoint --- Detailed, special duties, manufacturing plant - Terms, payment by plant --- Council may repeal ordinance for employment when no necessity for such employment existent --- Sections 4384-1. 4384-2 G.C.

VILLAGE ----

- 1. Municipal corporation Population less than 5000 at last federal census - Remains part of general health district despite increase in population - Section 1261-16 G.C.
- 2. Village in general health district Has legal right to enact ordinance to regulate licensing of plumbers, issuance of permits for installation and inspection of plumbing.
- 3. Village council --- Concurrent jurisdiction with board of health of general health district --- Regulations affecting sanitation and public health - Plumbing - Ordinances invalid if inconsistent with regulations of general health district.
- 4. If owner or plumber complied with village regulations in matter of license or permit, plumbing installation, there would be liability to arrest and fine for failure to comply with an inconsistent regulation of general health district.....

759

579

VERMIN ----

333

VILLAGE — Concluded

- 1. Sewage disposal plant Municipality, to construct or extend, if expenditure involves five hundred dollars or more, must proceed, if a village, under section 4221 et seq., G.C. — If a city, under section 4328 et seq., G.C.
- 2. Where municipality has certain material, not presently needed by it, may become bidder for its sale where another municipality advertises to purchase such materials.

3. State council of defense — Emergency powers. 859

Sewerage system, sewage pumping works, sewage disposal works — Rates or charges of rents to be paid to village for use by persons, firms or corporations served, vested in village council Board of trustees of public affairs without power to determine such rates — Section 3891-1 G.C. 684

VOLUNTEER FIREMAN —

Uniform Traffic Act — Motor vehicle owned by volunteer fireman — Used occasionally to transport owner to scene of fire — Not "emergency vehicle"— Not entitled to privileges granted, sections 6307-2 and 6307-1 to 6307-110 G.C.....

VOTE —

VOTE - LEVY -

- 1. Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet — Contents.
- Continuing contract Teachers in public schools Taught for five full years immediately preceding end of school year 1939-1940 and for ten days, substitute teacher 1940-1941 not in position to demand continuing contract September 1, 1941 — Section 7690-2 G.C., first proviso.
- 2. Provisions, second proviso, section 7690-2 G.C., 800 pupils, apply to "new teachers" and "beginning teachers."
- 3. Where teachers do not qualify for continuing contracts as matter of right who are eligible through years of service — May be recommended by superintendent of schools for reemployment — Regular teacher — Substitute teacher — To reject recommendation, three-fourths vote full membership of board required — Section 7690-2 G.C.

- 1. Tuberoulosis hospital, trustees of county Funds Maintenance and operation of such hospital — Custody, county treasurer.
- 2. Major replacements and additions Provided for by county commissioners Sections 3139-11, 3139-12 G.C.

96
VOTE - LEVY - Concluded

- 3. Money received from patients and other sources and amount appropriated from general fund by county commissioners may be used by trustees to operate and maintain hospital.
- Special levy voted for support of county tuberculosis hospital

 Jurisdiction, county commissioners
 Unappropriated balance
 Special fund
 Section 5625-9 G.C.
- Maintenance, county tuberculosis hospital County commissioners without power to transfer to general fund, moneys produced by special levy voted by electors.
- 6. Where hospital capacity less than fifty beds County commissioners would have authority to serve as board of trustees No such authority where capacity fifty beds or more......

783

746

VOTE ---

- Municipality May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.
- Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.

VOTING MACHINES -----

- 1. Board of county commissioners under no mandatory duty to adopt same because of recommendation, board of elections.
- County commissioners upon such recommendation may adopt voting machines, even though duly filed petition by requisite number of electors to submit matter to electors is filed — Petition requests board of elections to submit matter to electors.
- 3. Where voting machines, adopted for county by commissioners, upon recommendation, board of electors — Such board of electors should not submit matter to electors, where petition filed after such recommendation.
- WAGE ----
 - Employes State, county, municipal or school Public Law 729 77th Congress Chapter 578 2d Session H.R. 7565 Does not confer authority upon any Federal officer or agency to issue orders to regulate or adjust salaries or wages of such employes Such salaries and wages may be increased without compliance with regulations of Economic Stabilization Director Code of Federal Regulations, Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17 Approved October 27, 1942.

1134

249

WAR —

- Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio Authorized and empowered to fix tolls, state owned bridges Scope section 1084-13 G.C. Fund, bond issue and interest, maintenance, repair, operation Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.
- War Sabotage—Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms ammunition and construct shelters.
- 3. Guards, duly appointed as deputy sheriffs may carry concealed weapons --- Sections 12819, 2830 G.C.
- 4. Status, guards employed to protect bridges lying within state of West Virginia. 107

WAR BALLOT —

- 1. Vote Ballot Secretary of State Without authority to transmit to land and naval forces, United States, who apply to vote under H.R. 7416, 77 Congress, Ohio official ballot, which contains names of candidates for state and county offices.
- 2. Upon application, official war ballot shall be transmitted and shall contain names and addresses, nominated candidates for representatives in Congress and a blank space to write in certain names.
- 3. Should ballot transmitted by Secretary of State contain only a blank space, he shall transmit printed booklet Contents.... 694

WAR EMERGENCY ---

- Municipality May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C.
- Waterworks plant Purchase material If expenditure exceeds five hundred dollars Procedure shall be under section 4328 et seq. G.C. Where emergency, council by two-thirds vote may authorize such purchases without advertising Section 3965 G.C.
- 3. Defense, State Council of Emergency Present war Power to requisition materials, not immediately needed, belonging to any other municipality, for use of certain municipality — Vital water supply — Section 5288 G.C.

746

WARDEN ----

1. Sentence — Where person convicted and sentenced to Ohio Penitentiary — Commitment papers do not contain sentence actually imposed as shown by journal entry of court — Duty

Page

WARDEN — Concluded	Page
of warden to correct records to conform to corrected copy of sentence — Section 13455-1 G.C.	
2. Person convicted, attempting to induce convict to escape — Convict sentenced, five different violations of section 13384 G.C., three sentences to be served consecutively, two concur- rently with first — Such person should be imprisoned in peni- tentiary, term not exceeding fifteen years.	
3. No minimum term prescribed for such offense — Prisoner eli- gible for parole any time after incarceration — Subject to re- quirements section 2209-17 G.C. as to notice.	651
WARDEN, DOG —	
Dog warden or other local officer — No authority to shoot and maim or kill a dog found running at large in violation of ra- bies quarantine order.	895
WATER	
 Superintendent of public works — Authorized, subject to writ- ten approval of governor, to drill wells, construct reservoir and pipe lines from wells to reservoir — May sell or lease such water to manufacturing plants — Sections 412-1 to 412-15 G.C. 	
2. Expense, to construct such improvement may be by issuance of revenue bonds or by grant of federal funds.	
3. Management and operation — Jurisdiction, superintendent of public works.	229
WATERWORKS —	
 Municipality — May sell personal property not needed by it Manner provided by charter — Manner provided by ordinance — Article XVIII, section 3, Constitution of Ohio — Sections 3699, 3703 G.C. 	
2. Waterworks plant — Purchase material — If expenditure exceeds five hundred dollars — Procedure shall be under section 4328 et seq. G.C. — Where emergency, council by two-thirds vote may authorize such purchase without advertising — Section 3965 G.C.	
3. Defense, State Council of — Emergency — Present war — Power to requisition materials, not immediately needed, be- longing to any other municipality, for use of certain munici- pality — Vital water supply — Section 5288 G.C	746
WEAPON —	
1. Bridge Commission, State — Subject to applicable law or reg- ulation, United States of America, Secretary of War or Public Utilities Commission of Ohio — Authorized and empowered	

to fix tolls, state owned bridges — Scope section 1084-13 G.C. — Fund, bond issue and interest, maintenance, repair, operation — Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

 WEAPON — Concluded 2. War — Sabotage — Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters. 	Page
 Guards, duly appointed as deputy sheriffs may carry concealed weapons — Sections 12819, 2830 G.C. 	
4. Status, guards employed to protect bridges lying within state of West Virginia.	107
CONCEALED WEAPON — PATROLMEN — APPOINTED — Patrolmen — Appointed by Superintendent of Public Works — Do not possess powers of police officers — No authority to make arrests or carry concealed weapons other than grants to citizens generally — Section 420 G.C.	39
 WEAPON — CONCEALED — Policeman, special — May lawfully carry concealed w e a p o n s, while on duty — Required to furnish bond, one thousand dol- lars — Sections 7925, 7925-1, 12819 G.C. 	137
WEIGHT	
Motor vehicle equipment — Framework and drawers placed in truck — Used to carry bakery products, not such equipment — Weight should not be included in total weight of vehicle to determine motor vehicle license tax — Section 6293 G.C	208
WELFARE CONFERENCE —	
Probate judge — Acting as judge of juvenile court in any coun- ty — Has authority to approve expense account of employe who attended state welfare conference, called by board of state charities in administration, aid to dependent children — Coun- ty commissioners not required to allow or approve payment.	891
WELFARE INSTITUTIONS	
Blind and Deaf, The State Schools for and Welfare Institutions — Commission for Re-Location — Appropriation, \$5,000.00, Amended Senate Bill 368, 94 General Assembly — Sole pur- pose, to cover reasonable expenses, compensation of appraisers, stenographic, clerical and other technical assistants employed — No authority to take options on tracts of lands for schools or institutions or expend any part appropriated to obtain op-	

61

- WEST VIRGINIA ----
 - Bridge Commission, State Subject to applicable law or regulation, United States of America, Secretary of War or Public Utilities Commission of Ohio Authorized and empowered to fix tolls, state owned bridges Scope section 1084-13 G.C. Fund, bond issue and interest, maintenance, repair, operation Schedule, tolls, may differentiate between single fare rate, tickets purchased in larger amounts.

tions.....

1137

WEST VIRGINIA — Concluded	Page
 War — Sabotage — Guards may be employed to protect bridges and traveling public — Funds to pay costs uniforms, badges, arms, ammunition and construct shelters. 	
3. Guards, duly appointed as deputy sheriffs may carry con- cealed weapons Sections 12819, 2830 G.C.	
4. Status, guards employed to protect bridges lying within state of West Virginia.	107
WHISKY —	
Whisky or other spirituous liquors — When licensed retailer has in establishment, quantum on hand, to be sold at retail, stocked in storeroom, or in an adjunct thereto, inventory of liquors should be listed and assessed for taxation, at seventy per cent- um of average value during twelve months of preceding calen- dar year — Sections 5382, 5388, 5388-1 5389 G.C.	813
WILL	
Library, public school — Board of trustees — Required to de- posit all funds, bequests or otherwise, in accordance with Uni- form Depository Act — May invest funds, bequeathed, in se- curities to comply with terms of bequest — Section 2296-1 et seq., G.C.	657
WITNESS FEES	
1. When subpoenaed to appear in court in criminal case — Super- intendent of Bureau of Criminal Identification and Investiga- tion and assistants and employes may legally collect witness fees.	
2. County in which court issues subpoena liable only for witness fee and mileage provided in section 3014 G.C.	
3. Expert witness — County commissioners may allow and pay such compensation they deem just and proper which the court approves — Section 2494 G.C.	
4. Where witness testifies in court pursuant to subpoena, ex- pense incurred may not be paid from funds appropriated to such Bureau for traveling expense.	734
WORDS AND PHRASES —	
"Administrative expense" — Probate judge without power to purchase from such appropriation, files and cases — Duty of county commissioners to provide such supplies	678
Common pleas judge — Back pay — Population increase — Laches, estoppel, waiver	214
Continuing contract — Teacher — "New teachers" — "Begin- ning teachers."	368
"Emergency vehicle" — Status motor vehicle owned by volunteer fireman, used occasionally to transport owner to fire	96

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WORDS AND PHRASES — Concluded Foster home — Boarding home — Child placed in home of private	Page
family — Type of home.	724
Funds — Bonds and notes — "Net indebtedness."	384
"Handling" milk or cream — Producers, producers' organiza- tions — Dealers.	144
Jurisdiction justice of peace — "Adjoining township" — "Fore- going excepted cases."	53
Lease, portion of airport — Rights of lessor, lessee — Fixture — Trade fixture.	6
"On notice" — Board of directors — Building and loan associ- ation.	40
Public Employes Retirement Board — System — Credit — Year — Full Year or Years.	44
Tuberculosis hospital — School children admitted — "Receive" — "Accept."	23
WORKMEN'S COMPENSATION ACT	
1. Fire apparatus and equipment — State Council of Defense — No power to compel municipal corporations and boards of town- ship trustees to contract for interchange of such equipment during emergency.	
2. Political subdivision — Where it contracted to interchange such equipment — Not liable in damages, injuries to person or property caused by such equipment — Where proceeding to	

- or property caused by such equipment Where proceeding to fire, engaged in duty at fire or in answering any other emergency alarm.
- 3. Where contract does not provide for liability for damage to such equipment, any loss ordinarily falls on political subdivision, owner.
- 4. Fireman Status where equipment interchanged Where benefits, firemen's pension fund, less than those provided by Workmen's Compensation Act, fireman entitled to protection said Act — Section 1465-61 G.C.....

WORKMEN'S COMPENSATION LAW ----

- 1. County superintendent of schools Official Not employe, workman or operative — Excluded from provisions of law — Section 1465-61 G.C.
- 2. Assistant county superintendent is employe Entitled to benefits of said law.

374

469

3

CITATIONS:

Page

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SECTIONS GENERAL CODE:

2		704
8		689
9		704
18		593
18		229
24		503
24		586
24 - 3		586
24-4		586
24-4		503
24-5		586
26		80
26		172
32-1		559
97		121
120		164
154-4	.0	292
154-6	Of	124
261		91
262		91
263		91
274		522
286		49
286		796
412-1	to 412-15	229
412 - 2	0	050
412-2	9	856
	4 to 412-33	856 674
		-
412-2 415 415	4 to 412-33	674
412-2 415 415 420	4 to 412-33	674 39 292 39
412-2 415 415 420 464	4 to 412-33	674 39 292 39 292
412-2 415 415 420 464 486-8	4 to 412-33 (a)8	674 39 292 39 292 124
412-2 415 415 420 464 486-8 486-1	4 to 412-33 (a)8 2	674 39 292 39 292 124 204
412-2 415 415 420 464 486-8 486-1 486-1	4 to 412-33 (a)8 2 4	674 39 292 39 292 124 204 438
412-2 415 415 420 464 486-8 486-1 486-1 486-1	4 to 412-33 (a)8 2 4 6	674 39 292 39 292 124 204 438 364
412-2 415 415 420 464 486-8 486-1 486-1 486-1 486-1	4 to 412-33 (a)8 2 4 6 7	674 39 292 39 292 124 204 438 364 438
412-2 415 415 420 464 486-8 486-1 486-1 486-1 486-1 486-1	4 to 412-33 (a)8 2 4 6 7 7a	674 39 292 39 292 124 204 438 364 438 124
412-2 415 415 420 464 486-8 486-1 486-1 486-1 486-1 486-1	4 to 412-33 (a)8 2 4 6 7 7 a 7 a	674 39 292 39 292 124 204 438 364 438 364 438 124 840
412-2 415 415 420 464 486-8 486-1 486-1 486-1 486-1 486-1 486-1	4 to 412-33 (a)8 2 4 6 7 7a 7a 7b	674 39 292 39 292 124 204 438 364 438 124 840 364
412-2 415 415 420 464 486-8 486-1 486-1 486-1 486-1 486-1 486-1 486-3	4 to 412-33 (a)8 2 4 6 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	674 39 292 39 292 124 204 438 364 438 124 840 364 441
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Page

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486-59		٠
486-60		
486-64		3
486-65a		3
486-68a		8
486-68d		8
697		3
1078-31	·	5
1078-32		5
1078-34		4
1080-15		
1080-16		
1080-17		
1080-18		
1080-10		
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1080-24	1080-24	1
1080-24		4
1082-5		4
1082-13		4
1084-8		1
1084-12		1
1084-13		1
1178-4		4
1181-35		5
1261-16		2
1261-16	٠	- 7
1261-18		2
1261 - 26		3
1261-30		5
1261-40a	a	2
1261-42		Ş
1261-42		7
1345-3		2
1345-15		2
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1359-31		5
1465-61		2 2
1465-61		4
1465-66		8
1546		i
		3
1639-2		5
1639-16		5
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1639-32		Ş
1639-45		1
1639-46		1
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Page

SECTIONS GENERAL CODE --- Continued

1639-49	186
1639-50	186
1698	164
1700	164
1840	905
1841-13	734
1841-15	734
1841-21	734
1890-108	222
1890-109	222
2131	302
2131-1	302
2166	80 651
	214
2251 2252	214
2293-13	384
2293-16	384
2296-1	503
2296-1	657
2296-15	657
2296-21	168
2296-21	402
2296-22	657
2333	384
2396	121
2397-1	637
2397-2	637
2409	522
2412-1	554
2412-2	554
2419	678
2433	384
2447	477
2494	734
2508	852
2570	891 351
2573	351
2088	559
2782-2	32
2782-2	897
2783	637
2786	32
2790	637
2830	107
2830	704
2831	107
2831	704
2833	131
2834	131
2856-3	832

.

Page

SECTIONS GENERAL CODE - Continued	
2866-1	832
2899	25
2900	25
2901	25
2912	637
2913	637
2976-18	835
2976-19	835
2976-20	835
2976-21	835
2977	131
2978	25
2979	25
2981	32
2981	637
2981	704
2982 2989-1	508 891
	734
	734
	724
3089	724
3095	724
3096	724
3139 to 3139-32	783
3139-5	783
3139-11	783
3139-12	783
3139-13	783
3139-19	480
3148 to 3153	235
3298-24	477
3298-60	469
3298-60	664
3308	390
3391	73
3391	354
3391	832
3391 to 3391-12	575
3391 to 3391-12	623
3391-2	354
3391-2	575
3391-2, subsection 7	522
3391-2, subsection 9	623
3391-3	832
3391-9	897
3476	461
3476	623
3480	461
3480-1	461
3484-2	461
3497	759

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Page

SECTIONS GENERAL CODE - Continued

3498	
3616	
3617	
3625	
3646	
3699	
3703	
3714-1	
3891-1	
3891-3	
3891-4	
3965	
	to 4065-7
4065-3	
4221 e	•
4255	
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4328	4
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4357	
4361	
4370	48
4371	48
4373	
4377 4378	
4378	
4384	
4384-1	
4384-2	
4389	
	o 4393
4396	66
4397	
4414	75
4414	
4424	33
4436	7
4438-1	
4514	
4514	83
4517	
4517	83
4519	
	et seq
	84
4605	
4612-4	

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Page

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4696		2
4726		7
4727		7
4744		3
4744-1		5
4744-3	8	5
1747		
1748		8
750		3
1785-3		2
785-3		6
785-1		6
785-1		6
785-1		6
785-1		2
793		1
221		5
239		5
247		5
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381		8
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425		5
6428		1
5446		2
5447		5
5448		2
5451		:

5460	265
5462 to 5469	265
5493-1 et seq.	265
5495	265
5515	265
5516	265
5527	720
5537	720
5537	825
5541	720
5541-8	720
5541-8	825
5546-19	324
5546-20	423
5546-20a	508
5546-21	423
5548	265
5548	316
5554	911
5560	911
5563	911
5625-1 et seq.	897
5625-4	897
5625-5	897
5625-9	783
5625-9	897
5625-10	168
5625-10	324
5625-10 5625-10 5625-10	402
	897 563
5625-13 5625-13, paragraph d	203 783
5625-13f	783
5625-28	423
5625-29	214
5625-30	214
5625-33	423
5625-38	214
5626-3	522
5628-13	563
5639-1	354
5649-4	859
5652	29
5652-1	29
5652-7	895
5652-13a to 5652-13g	32
5652-14	29
5652-16	895
5679	287
5704	287
5718-1	246
5752	246

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979 4 064-3 4 064-10 4 252 8 290-10 1 290-10 1 291 3 291 8 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-21 3 307-21 3 307-21 3 307-21 3 307-21 3 307-21 3 307-2 8 3173-25 5 454 4 492 4 493 4 692 2 288-47 5 828-48 5 828-50 5 828-51 5 828-52 5 860 4 860 4 860 4 861 1 595-1a 1 595-1b 1 595-1c		
064-3 4 064-10 4 262 8 290-5 1 290-10 1 291 3 291 3 292 3 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-2 3 307-63 3 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 328-48 5 828-48 5 828-47 5 828-48 5 828-48 5 828-48 5 828-49 4 860 4 906 4 486	5755	24
064-10 4 252 8 290-5 1 290-10 1 291 3 291 3 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-2 3 307-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 8 312-25 5 454 49 492 49 493 5 692 5 828-48 5 828-48 5 828-50 5 828-51 5 828-61 5 828-61 5 828-62 4 860 4 906 4 11 5 555-14 1 595-12 1 595-13 <	5979	9
252 8 290-10 1 290-10 1 291 3 291 8 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-21 3 307-21 3 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 828-45 5 828-47 5 828-48 5 828-48 5 828-48 5 828-48 5 828-50 5 860 4 906 4 486 5 906 4 486	5064-3	41
290-5 1 290-10 1 291 38 293 295-1 295-1 8 297 38 307-1 to 6307-110 8 307-2 30 307-2 8 307-2 8 307-2 8 307-2 8 307-2 8 307-2 8 307-2 8 309-2 7 309-2 7 309-2 7 309-2 8 307-43 8 309-2 7 309-2 8 309-2 8 309-2 8 309-2 8 309-2 8 828-50 5 828-50 5 828-50 5 828-55 5 860 4 862 4 862 4 862 4 864 4 865	5064-10	41
290-10 1 291 3 293 29 295-1 8 297 307 307-10 3 307-2 3 307-21 3 307-22 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 7 309-2 8 373-25 5 454 4 492 493 692 8 828-47 5 828-48 5 828-50 5 828-50 5 828-50 5 828-51 5 860 4 906 4 486 4 906 4 467 55 595-1a 1 595-1d 1 595-1d 1 595-1d 1 637 6<	5252	85
291 3 293 2 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-2 3 307-2 3 307-2 7 309 6 328-447 5 328-50	5290-5	14
291 8 293 2 295-1 8 297 3 307-1 to 6307-110 3 307-2 3 307-2 3 307-2 3 307-2 3 307-2 3 307-2 3 307-2 3 307-2 3 309-2 7 309-2 7 309-2 7 309-2 8 373-25 5 454 4 492 493 692 8 828-47 5 828-50 5 828-51 5 828-50 5 828-51 5 828-52 5 860 4 861 4 862 4 862 4 864 4 865 5 906 4 18 6 55-1a 1	3290-10	14
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295-1 8 297 3 307-1 to 6307-110 3 307-2 3 307-21 3 307-63 3 309-2 7 309-2 7 309-2 7 309-2 7 309-2 8 313-25 5 454 492 492 493 692 8 828-47 5 828-48 5 828-50 5 828-50 5 828-55 5 860 4 862 4 874 4 866 4 906 4 486 4 906 4 464 1 595-1a 1 595-1a 1 595-1a 1 595-1a 1 595-1a 1 595-1a 1 595-1b 1 595-1c	5291	80
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373-25 5 454 492 493 692 692 828-47 828-47 5 828-48 5 828-50 5 828-55 5 860 4 862 4 874 4 886 4 906 4 181 6 205 4 464 4 467 5 595-1a 1 595-1b 1 595-1c 1 595-1d 1 618 4 635 6 637 6 644 9 644-2 2 677 1	3309-2	72
454 492 493 692 692 5 828-47 5 828-48 5 828-48 5 828-50 5 828-51 5 828-55 5 860 4 862 4 874 4 886 9 906 4 181 6 205 4 467 5 595-1a 1 618 6 637 6 640 6	5309-2	82
492	5373-25	51
493 692 828-47 5 828-48 5 828-50 5 828-50 5 828-50 5 828-50 5 828-50 5 828-50 5 828-50 5 828-50 5 828-50 5 828-55 5 828-55 5 828-55 5 828-55 5 828-55 5 828-50 4 862 4 862 4 874 4 886 4 906 4 181 6 205 4 464 1 595-1a 1 595-1b 1 595-1c 1 595-1g 1 618 4 635 6 637 6 644 9 644-2 9 677 1 <td>6454</td> <td>5</td>	6454	5
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862 4 874 4 886 906 4 181 6 205 6 464 1 595-1a 1 595-1a 1 595-1b 1 595-1c 1 595-1c 1 595-1d 1 595-1d 1 595-1g 1 618 4 635 6 640 6 644 9 644-2 2 677 1		44
874 4 886 4 906 4 181 6 205 6 464 4 467 1 595-1a 1 595-1b 1 595-1c 1 595-1c 1 595-1d 1 595-1d 1 595-1d 1 595-1g 1 618 4 635 6 640 6 644 9 644-2 2 677 1		44
886 4 906 4 181 6 205 4 464 4 467 5 595-1a 1 595-1b 1 595-1c 1 595-1c 1 595-1d 1 595-1d 1 595-1d 1 595-1d 1 595-1g 1 618 4 635 6 637 6 640 6 644 9 644-2 2 677 1		44
906 4 181 6 205 6 464 1 467 1 595-1a 1 595-1b 1 595-1c 1 595-1c 1 595-1d 1 595-1d 1 595-1d 1 595-1d 1 595-1g 1 618 4 635 6 640 6 644 9 644-2 2 677 1		1
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	2.2.4.A	44
$\begin{array}{cccccccccccccccccccccccccccccccccccc$		63
$\begin{array}{cccccccccccccccccccccccccccccccccccc$		1
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	- KOM 41	17
$\begin{array}{cccccccccccccccccccccccccccccccccccc$		17
$\begin{array}{cccccccccccccccccccccccccccccccccccc$		6
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	7595-1d	1
595-1g 1 618 4 635 6 637 6 640 6 644 9 644-2 2 677 1		17
$\begin{array}{cccccccccccccccccccccccccccccccccccc$		17
635 6 637 6 640 6 644 9 644-2 2 677 1		4
637 6 640 6 644 9 644-2 2 677 1		6
640 6 644 9 644-2 2 677 1		68
644 9 644-2 2 677 1		65
644-2 2 677		91
677 677 1		23
677		40
		17
010		T
	IVIQ	

Page

•

7678	· · · · · · · · · · · · · · · · · · ·	.172
7681		5
7681		154
7682	,	154
7684		610
7685		333
7690-1		368
7690-2		368
7690-7		914
7692		630
7692-1	·	630
7707		333
7730		610
7730		914
7730-1		610
		154
7734-1		154
7769-1		554
7805		689
7806		689
7901-4		503
7909		402
7910 7923-1		402
7925		$\begin{array}{c} 730 \\ 137 \end{array}$
7925-1		137
		435
8510		559
8518		517
8518		517
8543		559
8620		559
8623-3		644
8623-9		644
8624-2	, paragraph 2	311
8775		292
8776		292
9410		492
9412 t	o 9417	492
9420		492
9421		492
9423		492
9426-1		755
9426-2		755
9651		406
9880		711
9880-2		711
9884		711
9887		711
9894		711
9984		905
10223		· 539

CITATIONS ---- Continued

Page

SECTIONS GENERAL CODE - Concluded

10224		539
10225		539
10416		299
10417		299
10501-4		678
10501-5		678
10509-1		905
11614 .		87
11615		87
12432		80
12672-1	to 12672-23	182
12672-7	•	182
12819		107
12819		137
12823		593
12833		651
12910		522
13145	·····	346
13384		651
13384	•••••••••••••••••••••••••••••••••••••••	810
13432-1		394
13451-8		186
13451-8		186
13452-1		1
	to 13452-11	186
13452-7		1
13454-2		299
13454-3		299
13455-1	•••••	651
13455-5		1
13455-6		508
13455-7		1
13455-7		508
13455-8		1
13455-8		508
13458-1		704
13965		292

General Assembly — House Bills — Senate Bills Constitution — Ohio Ohio Laws United States

GENERAL ASSEMBLY -

HOUSE BILLS ----

House	Bill	105	94th	General	Assembly	5
		115			·····	154
		665				819

SENATE BILLS ----

•

Senate	Bill	Amended	178	94th	General	Assembly	147
			368				61

OHIO CONSTITUTION ---

Article	I	Section	19	664
	I	Section	19	746
	II	Section	5	704
	II	Section	20	390
	II	Section	22	586
	IV	Section	15	406
	v	Section	4	704
	VI	Section	2, 3	805
	VIII	Section	6	483
	VIII	Section	6	593
	VIII	Section	6	796
	VIII	Section	12	229
	VIII	Section	12	292
	VIII	Section	12	856
	XIII	Section	6	198
	XIII	Section	6	746
	$\mathbf{x}\mathbf{v}$	Section	4	78
	$\mathbf{x}\mathbf{v}$	Section	10	124
	XVIII	Section	1	664
_	XVIII	Section	1	759
-	XVIII	Section	3	198
-	XVIII	Section	3	664
	XVIII	Section	3	746
	XVIII	Section	3	755
_	XVIII	Section	3	759
_	XVIII	Section	3	835
	XVIII	Section	3	840
-	XVIII	Section	4	773
	XVIII	Section	7	198
-	XVIII	Section	7	755
_	XVIII	Section	7	835
-	XVIII	Section	13	42
-	XVIII	Section	13	198
2	XVIII	Section	13	746

CITATIONS — Concluded	Page
OHIO LAWS-	
109 Ohio Laws 407	292 832 819
UNITED STATES —	
U. S. CONSTITUTION	
Article 1 Section 1 Article 1 Section 4 10th Amendment	866 694 866
U.S.C. Title 10 Section 1431	131
U.S.C.A. Title 33 Section 494	107
F.C.A. Title 42 Section 301 et seq	238
FEDERAL REGULATIONS, CODE OF — Title 32, Chapter XVIII, Subchapter A, Part 4001, Sections 4001.1 to 4001.17	866
H.R. 6687 76 Congress, Public Act 819	413
H.R. 7416 77 Congress	694
H. R. 7565 77 Congress, Public Law 729, Chapter 578-2d Session	866

•