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ANNOTATED

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AT THE DATE OF PUBLICATION, WITH NOTES OF DECISIONS
CONSTRUING THE STATUTES

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CINCINNATI
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TITLE XVIII: RAILROADS

CHAPTER 1: [CINCINNATI SOUTHERN RAILWAY]

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AN ACT

Relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants. (Sec. 60.)

Sec. 15093. Trustees authorized to borrow $10,000,000, etc., subject to an election. (S307 App. of 1800.) Be it enacted by the General Assembly of the State of Ohio, That whenever, in any city of the first class, having a population exceeding one hundred and fifty thousand inhabitants, the city council thereof shall, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such city that a line of railway, to be named in said resolution, should be provided between termini designated therein, one of which shall be such city, it shall be lawful for the board of trustees, appointed as herein provided, and they are hereby authorized to borrow, as a fund for that purpose, not to exceed the sum of ten millions of dollars, and to issue bonds therefor in the name of said city, under the corporate seal thereof, bearing interest at a rate not to exceed seven and three-tenths per centum per annum, payable at such times and places, and in such sums, as shall be deemed best by said board. Said bonds shall be ingredient by the president and registered in the name of the said city, and the said city shall be entitled to the property and rights therein.


The legislature of the state of Ohio, acting in its legislative capacity, having passed an act and confirmed the same, the act above referred to (S307 App. of 1800) being so certified.

This and the following: The act above referred to (S307 App. of 1800) having been passed by the legislature of the state of Ohio, and confirmed by the said act, and the said act having been certified as above, the said act is hereby confirmed.

2. Issuing bond

An act of the legislature of the state of Ohio, relating to the issuance of bonds for the purpose of providing a railroad from the city of Cincinnati to the city of Cleveland, and approved by the governor of the state, and the said act having been certified as above, the said act is hereby confirmed.

3. Issuing bond

An act of the legislature of the state of Ohio, relating to the issuance of bonds for the purpose of providing a railroad from the city of Cincinnati to the city of Cleveland, and approved by the governor of the state, and the said act having been certified as above, the said act is hereby confirmed.
signed by the president of said board, and attested by the city auditor, who shall keep a register of the same, and shall be secured by a mortgage on the line of railway, and its net income, and by the pledge of the faith of the city, and a tax, which shall be the duty of the council thereof annually to levy, sufficient, with said net income, to pay the interest and provide a sinking fund for the final redemption of such bonds; provided, that no money shall be borrowed on loans issued until after the question of providing the line of railway specified in the resolution shall be submitted to a vote of the qualified electors of said city, at a specified election to be ordered by the city council thereof, of which not less than twenty days' notice shall be given in the daily papers of the city; and further provided, that a majority of the said electors voting at such election shall decide in favor of said line of railway. The returns of said election shall be made to the city clerk, and be by him laid before the city council, who shall declare the result by a resolution. The bonds issued under the authority of this section shall not be sold or disposed of for less than their par value.

References to Page's Digest and Ohio Jurisprudence

Public ownership of railroads—Cincinnati Southern Railway: see Ohio Railroads § 65 et seq.

Approval by electors: see Ohio Railroads § 67.

ANNOTATIONS

1. Constitutionality
2. Issuing bonds
3. Various acts
4. Miscellaneous

1. Constitutionality

The legislation has power to authorize a municipal corporation to construct a railway having such municipal corporations regard, and that in the proper part of such railway lies outside of the state of Ohio: Walker v. Cincinnati, 11 O. S. 14.

This and the following sections are constitutional: Walker v. Cincinnati, 21 O. S. 14.


An act authorizing any city of the fourth grade of the second class, which at the federal census of 1880 had a population of not less than 15,000 and not more than 60,000, or which at any subsequent federal census may have such population, to construct a railway, one terminus of which should be in such city (act of May 4, 1881, 26 v. 595; referring to Salem), was held to be unconstitutional in Railway v. Martin, 53 O. S. 316, 44 N. E. 390.

In this case Walker v. Cincinnati, 21 O. S. 14, was explained as a case in which no objection was made to the statute in question as being a special act which conferred corporate power.

2. Issuing bonds

An act of the general assembly to authorize a municipal corporation to issue bonds for the construction of a railway having been adjudged by this court to be constitutional, the bond issued, and the bonds having been thereon sold and the instrument made, the court will follow the former decision as to the validity of such statutory acts relating to the renewal or extension of such bonds: Cincinnati v. Taft, 19 O. C. C. 465, 10 O. C. D. 751.

The cost of such railway is not necessarily limited by the amount of the bond issue herein provided for. Subsequent bond issues may be provided for: Thomas v. Greenwood, 16 Dec. Rep. 318, 7 Am. L. 52.

Bonds issued by a municipality under authority of O.C. §§ 7910 and 10593 are not subject to the limitations of the Longworth act: 1919 A.G.O.Opera. Vol. 13, 114.

3. Various acts

The act of May 4, 1881 (26 v. 595, appendix, § 15293, et seq.), under which the line of railroad known as the "Cincinnati Southern Railway" was constructed, does not require that the road be kept unencumbered perpetually by the board of trustees provided for by the act nor exclude the power of alienation of the property by the proper municipal authorities in accordance with appropriate legislation: Cincinnati v. Dexter, 65 O. S. 93, 44 N. E. 510.

The act of March 12, 1897 (34 O. L. 87), which authorizes the sale of railways constructed under the appendix, § 15293, et seq., is not in conflict with Art. VII, § 6 of the constitution of this state nor will a bond for sale, made under its provisions, constitute a lease of municipal credit to the purchaser, nor to any corporation subject to the control of the railroad, though in making the sale, the parties contemplate that the road will pass into the hands of a corporation and that the future gross earnings of the road is to be paid as a part of its purchase price: Cincinnati v. Dexter, 35 O. S. 39, 44 N. E. 553.

The trustees of the Cincinnati Southern Railway, by their action in acquiring property and locating terminals in the vicinity of hill creek, did not disclose an intention to make those terminals the sole and ultimate terminals of the railway in the city, nor did they require exhaust their power for acquiring land for that purpose. On the contrary, the act of April, 1898 (appendix, § 15310, confirm and exercise the power originally possessed by the trustees that bail, and the topographical features of the city and its railway requirements justify the location of the principal terminals on the lower ground near the river: Cincinnati v. Trustee, 76 O. S. 792.

The board of public service is not authorized by the act of April, 1898 (appendix, § 15310), to grant to the trustees the right of way to occupy the streets of the city of Cincinnati: Cincinnati Railroad v. Railway, 62 O. N. P. (N.F.) 199, 16 O. D. (N.F.) 777.

4. Miscellaneous

Payment of the purchase-money in cash is not essential to a valid sale under the statute. The sale is authorized by the act of April 4, 1898, 34 O. L. 87, and all payment satisfactory to the designated municipal board: Cincinnati v. Dexter, 65 O. S. 93, 44 N. E. 510.

While the states of Kentucky and Tennessee each granted the privilege of constructing a railroad with its own capital, and the state of Georgia, and also certain franchises necessary to the operation and maintenance of the road, which added materially to its value, and thereby increased, their property interest in the road, nor is the covenants of the state necessary to the sale: Cincinnati v. Dexter, 66 O. S. 93, 54 N. E. 553.

It is not a ground of defense in favor of the debtor, that the act or proceedings sought to be restrained, without in the contract, as the creditor is the one party who can be injuriously affected, the remedy belongs to him: Cincinnati v. Dexter, 65 O. S. 93, 44 N. E. 553.
A municipal corporation in Ohio owning and operating a railroad under general legislation, has the authority even after the adoption of the constitution of 1851, in the performance of a private or proprietary function, and it is subject to the same constitutional protection as a private corporation. Section 4 of the Ohio constitution vests the legislature with power to alter or repeal such authority: State, ex rel. v. LeBlond, 183 O. S. 4, 140 N. E. 491.

In the lease of the Cincinnati Southern Rail, the party held to be valid and binding upon the city: Cincinnati, Southern Trustees, 3 O. C. 428 (affirmed, without report). Cincinnati v. Blumberg, 52 O. S. 287.

The trustees of the Cincinnati Southern Railway have ample power to move the B. & O. S. Railroad track from the center to one side of the street in order that its own track may be laid on the other side: Gas, Coke, Coal & Mining Co. v. Railroad, 25 O. C. C. 336, 25 O. C. C. 336 (affirmed, without opinion). Gas, Coke, Coal and Mining Co. v. Railroad, 25 O. S. 243.

The construction of a lessee company of the Southern Railroad owned by the state in connection with other lines which such lessor company controls, is in no sense a combination of the city by the other. The lessee carrying on the operation of the road, and there being no addition of the share of such other lessee, nor any change in the account of the use of this bridge and viaduct, it should be taxed with the remainder of the road as a whole and "averaged" over the entire road: Railway v. Mynicka, 6 O. N. P. 246, 27 O. D. (N. P.) 171 (affirmed, without report). Railway v. Mynicka, 77 O. S. 247.

The sidetracks of the company, which are in daily use for the loading and unloading of freight, and ground purchased for the purpose of establishing sidetracks, and personal property to be "local" or "stationary", should also be "averaged" over the same tracks: Railway v. Mynicka, 6 O. N. P. 246, 27 O. D. (N. P.) 171 (affirmed, without report). Railway v. Mynicka, 77 O. S. 247.


Upon notice to appoint a trustee of the Cincinnati Southern Railroad, the court shall order the title to be transferred to the beneficial owner, and the necessary parties not being before the court: 18 re Railroad, 9 Den. Rep. 441, Bull. 26.

Sec. 15094. Duty of city solicitor; of the judges. (3808 App. of 1880.) If a majority of the vote cast at an election shall be in favor of providing the line of railroad as specified in the first section, it shall be the duty of the solicitor forthwith to file a petition in the superior court of said city, or, if there be no superior court, then in the court of common pleas of the county in which said city is situated, praying that the judges thereof shall appoint five trustees, to be called the trustees of the rail (the blank to be filled with the name given to the rail in the resolution); and it shall be the duty of said judges to make the appointment, and to enter the same on the minutes of the court. They shall enter into bond to the city in such sum as the court may direct, with sureties or more sufficient assurances, to be appointed (approved) by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the treasurer of the corporation for safe keeping.

Board of trustees — in general: Ohio, 874 Railroads 385.

Sec. 15095. Of the trustees. (3808 App. of 1880.) The said trustees and their successors shall be the trustees of the said fund, and shall have the control and disbursements of the same. They shall expend said fund in procuring the right to construct, and in constructing a single or double track railroad, with all the usual appendages, including a line of telegraph between the termini specified in the said resolution; and for the purposes aforesaid shall have power and capacity to make contracts, appoint, employ, and discharge officers and agents, and acquire, hold and possess all the necessary real and personal property and franchises, either in this state or in any other state into which said line of railroad may extend. They shall also have power to receive donations of land, money, bonds and other personal property, and to dispose of the same in aid of said fund.

Board of trustees — in general: Ohio, 874 Railroads 385.

Sec. 15096. President of the board; duties, etc. (3812 App. of 1880.) The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may by resolution from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the city under whose action they are appointed, but they may adjourn from time to time to meet at any time and place that they shall think proper. They shall keep a record of their proceedings, and they shall cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the city auditor annually, and whenever requested by a resolution of the city council. No money shall be drawn from said board, except as authorized by the resolution aforesaid.
rail: O-JR Railroads

SEC. 15097. Security of officers. (8311 App. of 1880.) Said trustees shall have power to take such security from any officer, agent or contractor, chosen, appointed, or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested directly or indirectly in any contract concerning said railway.

SEC. 15098. Removal for cause. (8312 App. of 1880.) Whenever the city solicitor of any city under whose section a board of trustees has been appointed as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustees, by petition, praying that such trustee be removed, and another appointed in his place: and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner. If the said city solicitor shall fail to make application in either of the foregoing cases, after request of any holder of the bonds issued by said trustees or by a tax-payer of the corporation, such bondholder or tax-payer may file a petition in his own name or on behalf of the holders of such bonds for like relief, in any court having jurisdiction, and if the court hearing the petition shall adjudge in favor of the plaintiff, he shall be allowed as part of his costs, a reasonable compensation to his attorney.

Board of trustees—in general: O-JR Railroads

SEC. 15099. Appropriation of land for abutments, etc. (8313 App. of 1880.) Whenever in the construction of a line of railway as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or piers of any bridge across any stream or by bordering upon this state, or for any other purpose, or to appropriate any rights or franchises, the proceedings shall be commenced and conducted in accordance with the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 3, 1852, and the acts supplementary thereto, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case.

Power to condemn: O-JR Railroads § 63.

SEC. 15100. Purchase of right-of-way, etc. (8314 App. of 1880.) Whenever there shall be between the termini designated in any resolution passed under this act, a railroad already partially constructed, or rights of way acquired therefor, which can be adopted as part of the line provided for in said resolution, the trustees of said line may purchase the said railroad and right of way, and pay for the same out of the trust fund.

SEC. 15101. Compensation of trustees. (8315 App. of 1880.) The city council of any city passing a resolution as provided in the first section, may appropriate and pay to the said trustees, out of the general fund of said city, such sum as may be necessary for defraying the expenses of the election, and said sum shall be repaid out of said trust fund when raised.

AN ACT
Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 5, A. D. 1889. (76 v. 28.)

SEC. 15102. Advances of funds in certain cases. (8316 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, That the city council of any city of the first class described in the act to which this act is supplementary, may, after trustees have been appointed, as provided in said original act, advance to said trustees, out of any funds of said city, such sum as may be necessary, not exceeding fifty thousand dollars, for carrying the object for which these are appointed into effect; and said sum shall be repaid out of the trust fund provided for in said original act, when raised.

SEC. II. This act shall take effect on its passage.

AN ACT
Supplementary to "the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, A. D. 1889. (76 v. 129.)

SEC. 15103. Rights of bondholders, etc. (8517 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, That the respective holders of all the bonds authorized to be issued by the act to which this act is
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supplementary, hereby declaired to be entitled to hold, by way of mortgage, without any conveyance, the line of railway specified in the resolution of the city council and its appendages and the net income thereof, and all the estate, right, title, and interest therein of the city and of the board of trustees of said line, until the respective sums mentioned in said bonds and the interest thereon shall be fully paid, without any preference one above another by reason of priority of date of any such bonds, or of the time when such holder became the owner of the same, or otherwise however. The mortgage lien hereby given is to vest, as fast as rights of way, or lands whereon the works and conveniences used in constructing, maintaining or operating said railway are acquired or taken by virtue of the powers of the said trustees. Said bonds may be made payable, both as to principal and interest, in gold or lawful money.

Sec. 15104. Deeds and actions, in what name commenced. (8319 App. of 1880.) Deeds and contracts may be made, and proceedings for appropriation and actions may be commenced, either in the name of the city providing the line of railway, or in the name of the "Trustees of Railway," (filling the blank with the name given to the railway in the resolution), and said proceedings may be commenced and conducted either in the court of common pleas or the probate court, as in other cases of appropriation for the use of municipal corporations.

Board of trustees—powers: OJR Railroads § 60.

Sec. 15105. Occupation of streets, grounds, etc. (8319 App. of 1880.) If said trustees shall find it necessary for the purposes of the railway to use or occupy any street, alley, or other public way, space or ground, or any part thereof belonging to such city, they may take and use, or occupy the same; and if the municipal corporations having charge thereof shall require said trustees to provide a new street, alley, or other public way, space or ground, in place of that so used or occupied, they may acquire, by purchase, condemnation, the necessary land and cause the necessary improvement to be made thereon.

Board of trustees—powers: OJR Railroads § 60.

Trustees have full power to move the tracks of a railway company which are laid in a street in the order thereto, over to one side, in order that the tracks of the Cincinnati Southern Railway Company may be laid upon the other side: Mining Co. v. Railway, 14 O. C. C. (N.S.) 196, 26 O. C. D. 193 (affirmed, without opinion, Mining Co. v. Railway Co., 80 O. S. 447).

The placing of two railway tracks on a street from thirty to forty feet in width between the curbs does not amount to a destruction of or an exclusive occupancy of the street, and injunctive against such use, for the street will not be the subject of abutting property owners, where an action by the railway company to condemn their rights in the street is pending: Mining Co. v. Rail-

way, 14 O. C. C. (N.S.) 196, 26 O. C. D. 193 (affirmed, without opinion, Mining Co. v. Railway Co., 80 O. S. 447).

Sec. 15106. Powers of trustees in completing, leasing, etc. (8320 App. of 1880.) In addition to the powers given to the said trustees in the act to which this is supplementary, they shall have power to contract for completing and leasing the whole line of railway for which they are trustees: but no such contract and lease shall be made until they shall have prepared and submitted for inspection, as herein provided, a form of lease containing the conditions on which said line of railway will be let and held. After said form is prepared, it shall be printed in full, and notice given by publication in two or more newspapers of general circulation in said city, that said trustees will attend at a stated time and place, with a printed copy, to hear such suggestions and objections as may be urged in regard to the proposed conditions. Such hearing shall be held for at least three days, and for such further time as the trustees shall deem necessary. A certified copy of the form of lease by which they may finally adopt shall be deposited with the city auditor, and thereafter no change shall be made in the conditions without a new notice and like hearing.

Board of trustees—power to contract, sell, and lease: OJR Railroads § 61.

Sec. 15107. Trustees to borrow $5,000,000 and to issue bonds—how bonds to be signed and attested. (8321 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, That it shall be lawful for the board of trustees appointed under the act to which this is supplementary, and they are hereby authorized to borrow as a fund for the completion of the line of railway for which they are trustees, a sum in addition to the amount authorized by said original act, not to exceed six millions of dollars; and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway. Said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by the pledge of the faith of the city, and the tax which shall be annually levied by the council of said city on the real and personal property therein returned on the grand levy sufficient to pay the interest thereon and provide a sinking fund for their final redemption; and they may be made payable both as to principal lawful money at such sums as shall be provided, provided the bonds are of a like character with the original bonds.
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both as to principal and interest in gold or lawful money at such times and places, and in such sums as shall be deemed best by said board: provided, that no money shall be bor-
rowed on bonds issued until after the question of borrowing said money and issuing said bonds shall be submitted to a vote of the qualified

electors of said city, at a special election to be ordered by the mayor thereof; of which ten days' notice shall be given in the daily papers of the city; and the mayor shall issue said notice within ten days after the passage of this act, and further provided, that a majority of said electors, voting at said election, shall be in favor of borrowing said money. The results of said election shall be made to the city clerk, and be by him laid before the council, who shall declare the result by resolution; and provided, that none of the bonds authorized by this act shall be sold for less than par in lawful money or bear a greater rate of interest than seven and three-tenths per centum per annum.

Sec. 15108. Actions relating to said trust. (8322 App. of 1880.) In actions relating to said trust it shall not be necessary to name the in-
dividual trustees composing the said board of trustees, and action shall be commenced against them as "trustees of — railway." (Filing the bond and the name given to the railway.) Service shall be made at the office of the rail board on the president, secretary, or other person in charge thereof; and actions now pending shall be continued as above provided by naming the names of the trustees. (Re-enacted 83 v. 88.)

Liability of city and trustees. § 15109.

AN ACT

Supplementary to the "act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, A. D. 1869. (76 v. 115.)

Sec. 15109. Leasing lines of railway. (8323 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, that the board of trustees appointed under the act to which this is supplementary, shall have power to contract for completing and leasing the whole line of railway for which they are trustees, after its partial completion and before its final completion, upon the conditions and in the mode provided for in the fourth section of the act of April 10, 1873, entitled "an act supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869. Before making any contract for completing and leasing the whole line of each railway, such trustees shall advertise, once a week for

eight weeks, in at least two newspapers published in and general circulation in each of the states of Boston, New York, Philadelphia, Baltimore, and Cincinnati, for proposals for completing and leasing the whole line of said railway: provided further, that said trustees may operate so much of said railway as is completed, or any part or parts thereof, until such contract is entered into, and may lease rolling stock for that purpose.

Sec. II. That section two of an act passed on the twenty-fourth of February, A. D. 1876, entitled "an act supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed April 4, A. D. 1869, be and the same is hereby repealed.

Sec. III. This act shall take effect and be in force from and after its passage.

Board of trustees—power to contract, sell, and

lease—O&UR Railroads § 81.

AN ACT

Supplementary to the acts passed February 24, 1876, and April 24, 1877; supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869 (O. L. vol. 45, p. 84), and to repeal section nine and a portion of section four of said act. (76 v. 115.)

Sec. 15110. Two million loan authorized. (8324 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, That it shall be lawful for the board of trustees, ap-

pointed under the acts to which this is supple-

mentary, and they are hereby authorized to bor-

row, as a fund, for the completion of the line of railway for which they are trustees, a sum in addition to the amounts authorized by said acts, not to exceed two millions of dollars, and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway. Said bonds shall be signed and attested in the same manner as the bonds au-

thorized by the acts to which this is supple-

mentary, and shall be secured by the pledge of the faith of the city, and a tax which shall be annually levied by the council of said city, on the real and personal property therein returned on the grand levy, sufficient to pay the interest thereon and provide a sinking fund for their final redemption, and they may be made payable, both as to principal and interest, in coin or lawful

money, at such times and places and in such sums as shall be deemed best by said board of trustees: provided, that none of the bonds au-

thorized by this act shall be sold for less than par in lawful money, or bear a greater rate of interest than seven per cent. per annum: pro-

vided, further, that it shall be unlawful for said trustees to use the whole or any part of said bonds, or the proceeds thereof, upon any part of said railway, which may have been in use
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for the passage of freight and passenger trains, before the passage of this act, or in providing terminal facilities, yards, workshops, depots, or depot grounds therefor, until after provision shall have been fully made by said trustees, for the complete construction of that part of said railway which may remain uncompleted at the date of the passage of this act, so as to admit of the passage of trains of passenger and freight cars from one terminus to the other terminus of said railway, and until the fund shall have been set aside and appropriated for that purpose, so as not to be diverted to any other object whatever: provided, further, that whenever, and as soon as said railway shall have been so far completed as to that passenger and freight cars may pass over its line from one terminus to the other terminus thereof, or to any other railroad of similar gauge in the vicinity of said terminus, and extending thereto, and over said railroad to said terminus, all net earnings and income therefrom shall be paid into the treasury of said city, to the credit of the interest fund.

Provided, that said trustees, with the approval of the trustees of the sinking fund of the city owning said line of railway, may expend a sum not exceeding fifty thousand ($50,000), in the purchase of rights of way, and such other terminal facilities as may be deemed necessary by them to meet the requirements of business and travel on that part of said railway which may, before the passage of this act, have been in use for the passage of freight and passenger trains.

Provided, further, that no bonds shall be issued or sold, until after the question of their issue shall have been submitted to a vote of the qualified electors of said city, after not less than ten days' notice of the time of taking such vote, which time shall be fixed by the mayor of said city, and proclamation thereof shall be made by him of the time of holding such election, which shall be held within twenty days from the passage of this act; and said vote shall be taken at the usual places of holding elections in each ward of said city, and the ballots cast at such election shall have written or printed thereon the words, "For issue of $2,000,000 bonds—Yes," or, "For issue of $2,000,000 bonds—No"; and no bonds shall be issued unless a majority of all the votes cast shall have written or printed thereon the words, "For issue of $2,000,000 bonds—Yes."
The returns of said election shall be made to the city clerk, and by him laid before the common council who shall declare the result by resolution.

The operation of a lessor company of the Southern Railroad owned by the city of Cincinnati is in connection with other lines which such lessor company may own or control, the city being a part of the city with such other lines in violation of Art. VI, § 6 of the constitution of Ohio; and the lessor company, by reason of the fact that its lessor

is the city of Cincinnati is in no wise limited as to the character of the lines it may carry on in the operation of the leased line or in the connections it may make with other roads: Railroad v. Railway, 3 O. N. P. (N.S.) 709, 19 O. D. (N.P.) 777.

The board of public service is not authorized by the act of April 25, 1878, 75 v. 116, § 5, (8224, Eng. & B.Power.; appendix, § 15110), to grant to the companies the right to occupy the streets of the city of Cincinnati: Railroad v. Railway, 3 O. N. P. (N.S.) 709, 19 O. D. (N.P.) 777.

SEC. 15111. Trustees may lease and hold lands for terminal facilities. (8326 App. of 1860.) Said trustees shall, in addition to the powers granted in the acts to which this is supplementary, have power to acquire by lease and hold lands for terminal facilities and rights of way therefor in the city owning the line of railway. The leases for the land so acquired shall be made to and in the name, and under the corporate seal of said city. They shall be signed and attested in the same manner as the bonds authorized by the acts to which this act is supplementary, and the rents therein reserved shall be secured by a covenant that the council of said city will annually levy a tax on the real and personal property thereof, returned on the grand levy sufficient to pay the same; provided, that the aggregate amount of said rents shall not exceed ten thousand dollars per annum; provided, that no lands or rights of way shall be leased or acquired by the said trustees, without the approval of the trustees of the sinking fund of said city; provided, further, that all contracts made by the trustees of said railway contrary to any of the provisions of this act shall be void so far as the fund in the hands of the trustees are concerned, but shall be personally binding upon the trustees making the same.

The trustees of the Cincinnati Southern Railway may appropriate realty for terminal facilities even if such realty has been leased. A resolution of council declaring it necessary to appropriate such realty is not necessary: Trustees v. Haady, 8 Ohio Rep. 471, 1852, 24 Ball. 82.

Sec. 15112. Repeat. (8326 App. of 1860.) Repealed, 1888, c. 169.

Sec. 15113. Advertisement for proposals to complete roads. (8326 App. of 1860.) That before the execution of any lease or license to any person, any company, or any trusts, appointed under the said act, in any and all manner, wherein there may be any bond of trustees of the sinking fund in any such city, and before the award of any such lease or license to any lessee or licensee, or the delivery of possession under such lease or license to said lessee or licensee, said bond in the names of the trustees of the sinking fund aforesaid.

Sec. 15114. To or alley unless they public works. (8326 App. of said railway shall; alley, or other public, any part thereof be, they make applicable to the consent thereto of said city; provide right to use the street occupied by said rail

Sec. 15115. 1 look to application. (1880.) Nothing in the act other than the cities of the first class, excepting one hundred thousand, in passing M., and the same is here

Sec. 15116. (8330 App. of 1860.) Nothing in the act of said city, and by circumscription of said city, the requirements for terminal facilities, as a condition precedent to the taking of such land is hereby made.

Sec. 15117. Parts of road. (8332 App. of 1860.) Acts to which said portions of trustees are complete of the sin temporarily, the portions upon said best.

Board of trustees' leases: OJurR

Sec. 15118. (8332 App. of 1860.) Acts to which this are inconsistent with provisions of this

Supplementary to a mandry to the and April 24, 1 relating to the a population to thousand inhabit L. vol. 87, p. 1, and a portion passed April 14.

Sec. 15119. Any loan, and issue of it enacted by State of Ohio, on board of trustees, which this is required to be or
Sec. 15114. Trustees shall not use street or alley unless they receive consent of board of public works. (3328 App. of 1880.) The trustees of said railway shall not use or occupy any street, alley, or other public way, space or ground, or any part thereof belonging to said city, unless they make application, in writing, and receive the consent thereof of the board of public works of said city: provided, that they shall have the right to use the streets and public ground now occupied by said railway.

Sec. 15115. Bond-holders not required to look to application of proceeds. (3329 App. of 1880.) Nothing in this act contained shall require any purchaser or holder for value of any of said bonds authorized by this act, to look to the application of the proceeds thereof in the construction of said lines of said railroad according to the requirements of this act.

Sec. 15116. Repeal of section nine of the original act. (3330 App. of 1880.) The section nine of the act entitled "an act relating to the cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869. (Vol. 65, p. 56), be and the same hereby repealed.

Sec. 15117. Trustees may lease detached parts of road. (3331 App. of 1880.) The trustees of said railway shall have the power, as fast as portions of the line for which they are trustees are completed, with the approval of the trustees of the sinking fund, to rent or lease, temporarily, the right to use and operate such portions upon such terms as they may deem best.

Board of trustees—power to contract, sell, and lease. 0-12362Railroad § 61.

Sec. 15118. Inconsistent acts repealed. (3332 App. of 1880.) Any and all parts of the acts to which this act is supplementary, which are inconsistent with or in conflict with the provisions of this act, are hereby repealed.

Supplementary to an act entitled, "an act supplementary to the acts passed February 24th, 1877, and April 14, 1877, supplementary to the act relating to the cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869. (Vol. 65, p. 56), and to repeal sections nine and a portion of section four of said act." passed April 14, 1877. (78 V. 638.)

Sec. 15119. Cincinnati Southern Railway loan, and issue of bonds. (3333 App. of 1880.) Be it enacted by the General Assembly of the State of Ohio, That it shall be lawful for the board of trustees, appointed under the acts to which this is supplementary, and they are hereby authorized to borrow, as a fund for the completion of the line of railway for which they are trustees, a sum, in addition to the amounts authorized by said acts, not to exceed $3,000,000, and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway. Said bonds shall be signed and attested in the same manner as the bonds authorized by the acts to which this is supplementary, and shall be secured by the pledge of the faith of the city and a tax which shall be annually levied by the council of said city on the real and personal property therein returned on the grand levy, sufficient to pay the interest thereon, and provide a sinking fund for their final redemption, and they may be made payable, both as to principal and interest, in coin or lawful money, at such times and places and in such sums as shall be deemed best by said board of trustees, provided, that none of the bonds authorized by this act shall be sold for less than par in lawful money, or bear a greater rate of interest than seven per cent. per annum.

This act is valid and constitutional; and does not confine corporate power upon the creation of a new road, and the same hereby repealed.

Sec. 15120. Advertisement for proposals to complete road. (3334 App. of 1880.) Within twenty days after the passage of this act, the said trustees are directed and required to advertise, for not less than forty days, twice each week, in three or more daily newspapers of general circulation in the state, one of which at least shall be published in the city owning the said line of railway, for proposals for the completion of the construction of said railway to a junction with any other railroad of similar gauge, in the vicinity of the terminus of said railway, and extending therefrom, so as to admit of the passage of trains from one terminus to the other terminus of said railway. And the said board of trustees are hereby authorized and empowered to conditionally accept the lowest and best bid for bids, in their judgment, for the performance of said work, from responsible parties, who shall furnish satisfactory security for the fulfillment of the contract or contracts, if it shall be awarded to them, as shall be prescribed by the board of trustees in the advertisement for such proposals; provided, that such bids or bills shall not, in the aggregate, exceed the amount of bonds authorized by this act.

Sec. 15121. Proceedings after conditional acceptance of bid. (3335 App. of 1880.) When the said board of trustees shall have received and conditionally accepted a bid or bids for the completion of said railway, as herein provided, they shall notify the mayor of the city owning said line of railway thereof; and the
§ 15122. Disposition of proceeds of bonds. (6350 App. of 1880.) The said board of trustees are hereby required to apply the proceeds, or the proceeds from the sale of the bonds herein provided exclusively in payment for the work in the completion of said railway in pursuance of said contract or contracts, until the said contract or contracts are fully performed, and said work completed, excepting the sum of $50,000 which they were authorized to expend in terminal facilities and in the purchase of rights of way, by the act passed on April 16, 1878, and which authority is hereby confirmed, under the conditions of the act passed on April 16, 1878.

AN ACT Supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 1, 1862. (77 W. 161.)

§ 15123. Trustees of Cincinnati Southern Railroad authorized to borrow additional sum and issue bonds therefor. That it shall be lawful for the board of trustees, appointed under the act to which this is supplementary, and they are hereby authorized to borrow, as a fund for the line of railway for which they are trustees, in addition to the amount authorized by said original act, and the act of February 24, 1878, and May 15, 1878, supplementary thereof, a sum not to exceed three hundred thousand dollars, and to issue bonds therefor in the name and on behalf of the corporate city of the city owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city and all taxes which shall be annually levied by the council of said city on the real and personal property therein, and are hereby authorized to borrow, as a fund for the line of railway for which they are trustees, in addition to the amount authorized by said original act, and the act of February 24, 1878, and May 15, 1878, supplementary thereof, a sum not to exceed three hundred thousand dollars, and to issue bonds therefor in the name and on behalf of the corporate city of the city owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city and all taxes which shall be annually levied by the council of said city on the real and personal property in the city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act, and the lien of said bonds shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15124. May acquire land for terminal facilities. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15125. Issuance of sinking fund bonds. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15126. Rents and other income. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15127. Property held for terminal facilities. May be treated as realty. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15128. Sale of bonds. May be sold as securities. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.

Sec. 15129. Notice to be given. Said trustees may, in place of any part of the bonds provided for by the railroad act, acquire land for terminal facilities, and rights of way thereto in the city, or elsewhere, to be paid for by the sale of bonds by said trustees and held for the purpose of providing funds for the payment of the said bonds, and shall be made and issued in the name and on behalf of the corporate city of said city, and shall be paid as and when due, out of the revenue of said city, or from other sources, the same as if said city were a separate corporation, and all such taxes shall be and remain a lien upon all lands and other property within said city, and said city shall be and remain liable for the payment and redemption of the bonds issued under the authority of this act.
and to every such lease, and all the leases of lands shall contain a provision securing to said city the right to purchase or appropriate the fee simple of said lands upon the payment of the principal sum to be fixed therefor.

SEC. 15126. Duty of trustees of sinking fund as to rents hereby authorized, etc. It shall be the duty of the trustees of the sinking fund of said city to annually certify, at the time and in the manner required by law, for valuing other taxes, the rate of tax necessary to provide for the payment of the rents hereby authorized and heretofore authorized for bonds and rights of way of said railroad; and the council of said city shall place the full amount so certified in the tax ordinance with the other amounts certified by said trustees of the sinking fund and with the same preference. The rate of tax so certified for said rents shall be in addition to the aggregate of taxes otherwise allowable in said city.

SEC. 15127. Trustees may compromise disputed claims. It shall be lawful for the trustees appointed under the act to which this act is supplementary, and they are hereby authorized, with the approval of a majority of the trustees of the sinking fund of said city, whenever any controversy heretofore had arisen, or shall hereafter arise, in respect to any amount due or claimed to be due, taxes, expenses, or other expenses or person engaged in the construction or maintenance of said railroad, to compromise and adjust, upon such terms as may seem to them equitable and just, such claim or controversy.

AN ACT
Supplementary to an act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869. (77 v. 176.)

SEC. 15128. Trustees of Cincinnati Southern Railroad required to give bond. That each and every trustee now in office, appointed by virtue of the second section of the said act, and who has held such office, for the period of five years, shall, within thirty days from the passage of this act, give a bond, in the place of the one heretofore given to the city of Cincinnati, in such amount as the superior court of the city of Cincinnati shall order hereafter appoint, with two or more sureties to be approved by the said court; conditioned for the faithful discharge of his duties as said trustee, and any trustee hereafter appointed, shall, in like manner, within thirty days from the giving of any bond under the act to which this is supplementary, enter into a new bond, conditioned and approved as herein directed; provided, however, that the trustees on any bond, in the place of which a new bond may be given, as herein provided, shall continue liable as to any act or matter occurring prior to the time when such new bond is required to be given. And a failure of any such trustee to give such bond within the time so fixed shall be treated as a failure to discharge his duties as such trustee, and by the said court, as a resignation of his said office, and the court shall proceed to fill the vacancy as in the said act so provided for other cases.

Board of trustees—in general. OH. R. R. Roads § 60.

SEC. 15129. Compensation. That the trustees appointed under the act to which this act is supplementary, shall receive such compensation, prior to leasing the line of railroad of which they are trustees, as shall be allowed by the court appointing them, to be paid out of the trust fund provided for the construction of said railroad, and to be proportioned according to their respective services. And said court shall likewise have power to fix and allow to be paid out of said fund, the compensation of any commissioners heretofore appointed by lawful authority to investigate the affairs of said trustees, to be proportioned according to their respective service. Repealed 4/1/17.
§ 15133. RAILROADS

pose of filling and improving, for the uses of said railway, and lands which the said trustees may purchase, or may hereafter purchase or lease, within the limits of the city of Cincinnati, for the purposes of terminal facilities under the authority conferred by said act; provided that, however, before such improvements shall be made, the consent of any company or corporation which may have leased said railway, shall first be had to the appropriation of the money so borrowed, and that said company shall also, before said appropriation shall be made, waive any right it may have to any other or different use of said money than that so adopted.

Sec. 15134. Authorizing Cincinnati to adjust claims growing out of construction of Southern Railway. That whenever any city of the first grade of the first class shall have built a railway extending from such city into another state, or may hereafter build any such railway, and such city or a board of trustees of said railway shall have appropriated or occupied in whole or in part to the uses and purposes of such railway, any street, alley, road or avenue within such city, and when suits have been brought and judgments obtained against such city or board of trustees of said railway for damages by reason of such appropriation, it shall be the duty of the city solicitor to certify such judgments as are reversed to the board of trustees of the sinking fund of such city. The board of trustees of the sinking fund are thereupon authorized to issue the bonds of such city in a sum not exceeding one hundred thousand dollars, bearing interest not to exceed five per cent. per annum, and payable at such times as may, in their opinion, be to the best interests of said city; said bonds shall be secured by the pledge of the faith of said city, and a tax, which it shall be the duty of the city council of said city annually to levy upon all the taxable property of said city, in a sufficient sum to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. The city solicitor of said city is further authorized, by and with the consent of the board of trustees of the sinking fund of such city, to compromise and adjust all claims for damages to abutting property by reason of such appropriation. From the proceeds of said bonds, the board of trustees of the sinking fund of such city are further authorized to pay such unreversed judgments as are reversed, and settle such claims as are adjusted.

Sec. 15135. When to take effect. This act shall take effect and be in force from and after its passage.

Supplementary act relating to cities of the first grade. An act tonullify and alter the railroad franchise granted to the city of Cincinnati, dated omn April 3, 1867, and to make such further provision therein as the legislature of the state of Ohio may prescribe, approved March 24, 1867.

Sec. 15137. If the contrary to the act to be lawful for the city of Cincinnati to extend its franchise for the terms therein shall vote in favor of extending the franchise to said city for a period of two years more, and for such time as the city of Cincinnati may require, and the city of Cincinnati shall have a railroad to said city; the same vill be conclusively determined and finally decided without further notice or hearing, unless the legislature shall extend the provision of this act.

Sec. 15138. If the contrary to the act to be lawful for the city of Cincinnati to extend its franchise for the terms therein shall vote in favor of extending the franchise to said city for a period of two years more, and for such time as the city of Cincinnati may require, and the city of Cincinnati shall have a railroad to said city; the same vill be conclusively determined and finally decided without further notice or hearing, unless the legislature shall extend the provision of this act.

Sec. 15139. If the contrary to the act to be lawful for the city of Cincinnati to extend its franchise for the terms therein shall vote in favor of extending the franchise to said city for a period of two years more, and for such time as the city of Cincinnati may require, and the city of Cincinnati shall have a railroad to said city; the same vill be conclusively determined and finally decided without further notice or hearing, unless the legislature shall extend the provision of this act.

CINCINNATI SOUTHERN RAILWAY § 15141

SEC. 15137. Trustees may borrow. It shall be lawful for the board of trustees appointed under the act to which this is supplementary, and they are hereby authorized to borrow on a fund for terminal facilities and permanent improvements for the line of railway in addition to the sums herebefore authorized, a sum not to exceed two million five hundred thousand dollars, and to issue bonds therefor in the name of and under the corporate seal of the city upon the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of all the faith of the city and a tax in addition to all other taxes for municipal purposes, which shall be annually levied by the board of trustees of said city on the real and personal property returned on the grand levy sufficient to pay the interest and provide a sinking fund for their final redemption, and they shall be payable both as to principal and interest to any bank or trust company of the United States, at such times and places and in such sums as shall be deemed best by said board; provided, that none of the bonds authorized by this act shall bear a greater interest than four per cent. per annum nor be held for less than ten years, and, provided further, that no more than five hundred thousand dollars shall be borrowed or bonds issued therefor in any one year.

Terminals and improvements: 67-76 Railroads 44

SEC. 15138. Condition. The trustees of said railway are hereby authorized to agree with any lessee of said line of railway that they will exercise the powers granted them in section 2 of this act, on condition that the said lessee company will enter into a supplemental agreement with said trustees by which said lessee company will obligate itself to provide, by way of additional rental for said line of railway, to pay said trustees such sums annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity.

SEC. 15139. Sinking fund trustees may not vote. Upon making the agreement provided for in the preceding section, it shall be submitted to the trustees of the sinking fund for their approval. If the said trustees of the sinking fund approve said agreement, or if they fail so to do within ten days thereof, said thereof shall be given by the said trust railway to the mayor of the city. Said notice shall contain a copy of the agreement referred to, and of the approval, or the fact of the failure to approve. The mayor of said city shall thereupon submit the question of the issuance of the bonds provided for in section 2 of this act, to a vote of the qualified electors of said city at a general election held in said city. The mayor shall give at least twenty days' notice of the time of holding such election, and said notice shall contain a copy of the agreement provided for in section 3 of this act, and the approval aforesaid of the trustees of the sinking fund or the fact of their failure to approve. The vote shall be taken at the usual place of holding such elections in each precinct and ward of said city, and in the usual manner of holding state and municipal elections, and the ballots for such election shall be printed thereon the words: "Shall bonds for terminal facilities and permanent improvements for the city of be issued? Yes. No." (Inserting in said blank space the name of said line of railway). And no bonds shall be issued under this act unless a majority of all the votes cast upon the question of said election shall be cast in favor thereof. The returns of said election shall be made to the board of elections of said city, which shall canvass the same and report the result to the mayor thereof, who shall transmit same to the trustees of said railway.

SEC. 15140. Expenditure of fund. The said trustees shall expend the said fund in providing terminal facilities for said railway, and in making permanent betterments upon the line thereof, and they shall have the same powers in the expenditure thereof as they had with reference to the fund expended under the provisions of the act to which this is supplementary.

See notes to G. C. § 15012.

If the trustees of the Cincinnati Southern railway pass a resolution appointing an attorney for the board at a compensation of fifty dollars per month subject to the will and pleasure of the board, and if such attorney should render such services, such resolution does not give them power to pay additional compensation for services after such services are rendered; but it may be a question of fact whether services which such attorney actually rendered were rendered in good faith, and are to be paid by his acceptance thereof: Porter v. Cincinnati Southern R. Co., 66 O. S. 235, 117 N. E. 10.

Property acquired by the city of Cincinnati for a viaduct or elevated track and additional terminals for the Cincinnati Southern Railway, owned by said city and operated by a lease, which property so acquired is being improved by the city for said purpose and when completed is to be turned over to said lessees, is property which is being used in the exercise of a municipal function and while so held by the city is exempt from taxation: Trustees v. Roth, 2 G. A. 314, 17 O. S. C. (N.R. 623) (overruling Trustees v. Roth, 19 O. N. P. (N.R. 621).

SEC. 15141. Trustees may bid in property. The trustees of any such railway shall have the power, and they are hereby authorized, in case the same shall become necessary, in order to protect the interests of such city under any lease.
§ 15142

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and mortgage which may have been made under
and by virtue of the act of March 13, 1881, en-
titled "An act supplementary to the act relating to
cities of the first class, having a population ex-
ceeding one hundred and fifty thousand inhab-
nants," passed May 4, 1889 (78 O. L., page 58),
at any sale of the lesser company's property in
any judicial proceeding to bid for and acquire
such property, and the said bid shall be applied
as a credit upon any debt of said lesser company
found to be due and owing such city on account
of such lease and mortgage. And in case it shall
become necessary to incur expense in carrying
out the provisions of this section, the said trus-
tees are hereby authorized and empowered to
borrow such sum as may be necessary for said
purposes, and to issue bonds therefor, payable
both as principal and interest in lawful money
of the United States at such times and places and
in such sum as shall be deemed best by the trus-
tees of such railway. Said bonds shall be signed
and attested in the same manner as the bonds
authorized by the act to which this is supple-
mentary. Said bonds shall bear a rate of interest
not to exceed four per cent. per annum, and be
secured by a pledge of the faith of the city, and
a tax in addition to all other taxes for mu-
nicipal purposes, which shall be annually levied
by the council or board of legislation of said
city sufficient to pay the interest and provide a
sinking fund for their final redemption.

Sec. 15142. Further power of trustees.

In case the said trustees acquire said lesser com-
pany's property by purchase, as provided in the
proceeding section, or by forfeiture, they shall
have power, with the approval of the trustees
of the sinking fund, to license the right to use
and operate the said line of railway until a lease
shall be made thereof, and they shall, as soon
as practicable, lease the line of railway to such
person or company as shall organize or may be
organized under the provisions of section 3888
of the Revised Statutes of Ohio (G. C. § 10170)
as will conform to the terms and conditions to be
fixed in a form of lease by said trustees, which
form shall be subject to the approval of the trus-
tees of the sinking fund of such city; provided,
that before making such lease said trustees shall
invite propositions for same in accordance with
the form aforesaid by advertisements for such
length of time and in such newspapers as shall
be prescribed by the trustees of said railway and
the trustees of the sinking fund of such city;
provided, further, that no award of a lease shall
be made nor shall possession be delivered there-
under until approved by the said trustees of the
sinking fund. And provided further, that no
lease of said railway shall be made until the
question of making such lease be submitted to
the vote of the qualified electors of said city at
a general election held in said city after an awar-
ness as aforesaid. The mayor of said city shall, up-
notificion given him of an award of lease as afo-
said, give at least twenty days notice of the
time of holding such election to the qualified
electors of said city. The vote shall be taken at
the usual places of holding elections in each pre-
cept and ward of said city, and in the usual
manner of holding state and municipal elections,
and the ballots for such election shall have printed
thereon the words, "Shall the —— be leased?"
Yes. No."

Sec. 15143. Repeal. That the acts of
March 15, 1881, (78 O. L., 69), March 12, 1887
(84 O. L., 85), and section 1 of the act of March
8, 1889 (89 O. L., 1), each of said acts being
entitled "An act supplementary to an act rela-
ting to cities of the first class having a popula-
tion exceeding one hundred and fifty thousand inhab-
ants," be and they are hereby repealed.

Sec. 15144. When to take effect. This act
shall take effect when and as from and after
its passage.

Sec. 15145. Redemption of bonds. That
all bonds of any city, which may have been is-
sued for the construction of a railway under the
act to which this is supplementary, and which
have been redeemed by purchase or exchange
by the trustees of the sinking fund of any such city,
shall be held and considered to have been fully
paid by such redemption, and shall be deemed
cancelled and destroyed, and thereafter no part
of the income derived from said railway shall be
applied to the payment of any interest on, or
the provision of sinking fund for said can-
celled bonds, or shall any levy for interest or
sinking fund be made therefor.

Sec. 15146. Time may be extended. The
trustees of the said railway are hereby author-
ized, by a proper endorsement or stamping on any

Sec. 15147. The act of March 8, 1889, enti-
titled "An act relating to cities of the first class
having a population exceeding one hundred and
fifty thousand inhabitants," is hereby amended
by repealing the first class clause having a popula-
tion exceeding one hundred and fifty thousand inhab-
ants, passed May 4, 1889, (78 O. L., page 58),
and enacting the following clause:

Sec. 15148. Act shall take effect after its passage.

Sec. 15149. In any city of the state
built, or may be ex-

Sec. 15150. Act shall take effect after its passage.

To provide for the

Sec. 15151. Act shall take effect after its passage.
of the outstanding bonds and the coupons thereof, issued under the act to which this is supplementary, to agree to extend the time of payment of said bonds for a period not to exceed forty years from the maturity thereof, upon the holders of said bonds at a rate of interest, it being agreed, to reduce the interest thereon to such rate as said trustors shall fix, not exceeding three and one-half per cent, per annum. And said trustors are hereby further authorized to cause to be engraved, printed and attached to such bonds such additional coupons as may be necessary to evidence the interest to be paid for the extended time of payment of said bonds. Any expense incurred by reason of the extension aforesaid shall be paid by the city treasurer upon the order of the board of said railroad out of any income derived from said railroad.

Sec. 15147. Repeal. That section 2 of the act of March 8, 1889 (18 O. L., 675) being an act entitled "An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1889, be and the same is hereby repealed.

Sec. 15148. When to take effect. This act shall take effect and be in force from and after its passage.

Sec. 15149. Earning. Etc. That whenever in any city of the first class a railroad has been built, or may hereafter be built, under the provisions of an act entitled, "An act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1889 (Ohio Laws, vol. 65, page 80), and the acts amendatory and supplementary thereto, all net earnings and incomes therefrom shall be paid into the treasury of said city to the credit of the interest fund, and in the case of the sale or final disposition of such railroad, the purchase money or price shall be paid into the treasury of said city to the credit of the sinking fund, and shall be applied to the reduction of the bonded debt of said city until the same shall be extinguished, due regard being had to the priority right of any issue or issues of bonds to the proceeds of such sale or final disposition of such railroad.

Sec. 15150. When to take effect. This act shall take effect and be in force from and after its passage.
§ 15150-3

RAILROADS

and provide a sinking fund for their redemption at maturity.

[Sec. 15150-3.] How fund shall be expended. § 3. The said trustees shall expend said fund in completing any terminal facilities for said railroad heretofore determined upon by them and partially completed with the proceeds of the bonds issued under the act of April 23, 1898, to which this is supplementary and in making permanent betterments upon the line of said railway, and they shall have the same powers in the expenditure thereof, as they had with reference to the fund expended under the acts to which this is supplementary.

Under G. C. § (15150-3) the board of trustees can not change the rate of compensation or any terminal facility at law named in a contract after the services have been rendered: Trustees v. Porter, 31 O. N. P. (N.S.) 441, sub nom. Railway v. Porter, 82 O. D. (N.P.) 8 (for opinion in supreme court, see Porter v. Railway, 88 O. S. 2). AN ACT

To supplement "An act supplementary to an act passed April 23, 1899 (8 O. L. p. 647), entitled 'An Act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants,' passed May 4, 1898, (86 O. L. p. 80), and to all acts supplementary to said act of May 4, 1899, and authorizing the board of trustees appointed under the act of May 4, 1899, to issue additional bonds for terminal facilities and permanent betterments of the line of railways,' passed May 17, 1911 (106 O. L. p. 112), and to provide for levying a tax to pay the interest and provide a sinking fund for the redemption of bonds issued under the act to which this act is supplementary. (106 V. 112.)

Sec. 15150-4. Tax levy to pay interests and provide a sinking fund for redemption of certain bonds. § 1. That all bonds issued under the provisions of the act passed May 17, 1911 (Appendix [Sec. 15150-1 to 15150-3]), and entitled "An act supplementary to an act passed April 23, 1899 (83 O. L. p. 637), [Appendix, Secs. 16136 to 16144], entitled 'An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants,,' passed May 4, 1898, (86 O. L. p. 80), [Appendix, Secs. 16093 to 16101], and to all acts supplementary to said act of May 4, 1899, and authorizing the board of trustees appointed under the act of May 4, 1899, to issue additional bonds for terminal facilities and permanent betterments for the line of railway," to which this act is supplementary, shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property within the United States as such times and places and in such sums as shall be deemed best by the board issuing said bonds, shall be levied by the council of said city on such times and places and in such sums as shall be deemed best by the board issuing said bonds, and O. C. § (15150-3) constitute the legislation under which is incurred the indebtedness provided for by Appendix [Sec. 15150-1] to 15150-4, and conform with the provisions of Article 11 of the constitution of Ohio, and is effective for that purpose as any ordinance which the city council could pass: Cincinnati v. Hamilton, 131 O. S. 110 N. E. 345.

AN ACT

Providing for the issue of bonds to be issued under the act passed May 17, 1911 (106 O. L. 111), may bear a higher rate of interest than provided in said act. (106 V. 112.)

[Sec. 15150-5.] Trustees may issue bonds for terminal facilities and betterment of railway at higher rate than provided by former act. § 1. That the bonds remaining to be issued under the provisions of the act passed May 17, 1911 (106 O. L. 111) [Appendix, [Sec. 15150-1 to 15150-3]] entitled "An act supplementary to an act passed April 23, 1899 (83 O. L. p. 637) [Appendix, Sec. 16136 to 16144], entitled 'An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1898, (86 O. L. p. 80),' [Appendix, Secs. 16093 to 16101], and to all acts supplementary to said act of May 4, 1899, and authorizing the board of trustees appointed under the act of May 4, 1899, to issue additional bonds for terminal facilities and permanent betterments for the line of railway," and to the act passed March 5, 1913 (106 O. L. 119) [Appendix, Sec. 15150-4], entitled 'An act to supplement "An act supplementary to an act passed April 23, 1899 (83 O. L. p. 637) entitled 'An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1898, (86 O. L. p. 80),' and to all acts supplementary to said act of May 4, 1899, and authorizing the board of trustees appointed under the act of May 4, 1899, to issue additional bonds for terminal facilities and permanent betterments for the line of railway," to which this act is supplementary, and any of said bonds which may be issued after the passage of this act, may bear interest at a rate not to exceed five percent per annum. Such bonds shall not be sold for less than par, and shall not be issued until the lessee of the railway shall enter into an agreement to pay by way of additional rental for said line of railway such sum annually as will equal said interest and provide a sinking fund for their final redemption. Said bonds shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property re-

turned on the grand interest thereon and p their final redemption made payable both as in any lawful money at such times and places and shall be deemed best for the term of improvement.

An Act supplementary to an act to provide funds in case of the failure of the board of trustees to secure the sum of $250,000 for the construction of railroad, to be paid in annual installments of $5,000, authorized the board of trustees to issue additional bonds for terminal facilities and permanent betterments for the line of railway, to which this act is supplementary, and any of said bonds which may be issued after the passage of this act, may bear interest at a rate not to exceed five percent per annum. Such bonds shall not be sold for less than par, and shall not be issued until the lessee of the railway shall enter into an agreement to pay by way of additional rental for said line of railway such sum annually as will equal said interest and provide a sinking fund for their final redemption. Said bonds shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property re-

Sec. 15150-6

issue additional bond on line of railway. for the board of trustees of the railroad of May 4, 1899, and in the manner and upon the terms and conditions as a fund for the payment of the sum of $250,000 for the construction of railroad, to be paid in annual installments of $5,000, authorized the board of trustees to issue additional bonds for terminal facilities and permanent betterments for the line of railway, to which this act is supplementary, and any of said bonds which may be issued after the passage of this act, may bear interest at a rate not to exceed five percent per annum. Such bonds shall not be sold for less than par, and shall not be issued until the lessee of the railway shall enter into an agreement to pay by way of additional rental for said line of railway such sum annually as will equal said interest and provide a sinking fund for their final redemption. Said bonds shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property re-

[Sec. 15150-4] for additional real estate and Railway are held to agree with an agent that they will sell in the first section as said lessee comp
turned on the grand levy sufficient to pay the interest thereon and provide a sinking fund for their final redemption, and said bonds may be made payable both as to principal and interest in any lawful money of the United States and at such times and places and in such sums as shall be deemed best by the board having same.

Terminals and improvements: O-JURRailroad § 64

AN ACT

Supplementary to an Act entitled, "An act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869 (46 O. L. 58), and to all acts supplementary to said act, and authorizing the board of trustees appointed under said act of May 4, 1869, to issue additional bonds for permanent betterments upon the line of railway constructed under the provisions of said acts. (106 v. 146.)

[Sec. 15150-6.] Trustees authorized to issue additional bonds for permanent betterments on line of railway. § 1. That it shall be lawful for the board of trustees appointed under the act of May 4, 1869, to which this act is supplementary, and they are hereby authorized to borrow as a fund for permanent betterments on the line of railway of which they are trustees, in addition to the sum heretofore authorized, a sum not to exceed two million, five hundred thousand dollars, and to issue bonds therefor in the name and under the corporate seal of the company owning the line of railway. Said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this act is supplementary and shall be secured by a pledge of the faith of the city and a tax, in addition to all other taxes for municipal purposes which shall be annually levied by the council of said city on the real and personal property located on the grand levy sufficient to pay the interest thereon and provide a sinking fund for their final redemption, and they may be made payable both as to principal and interest in any lawful money of the United States, and at such times and places and in such sums as shall be deemed best by said board; provided that none of the bonds authorized by this act shall bear a greater rate of interest than five per centum per annum, nor be sold for less than par; and provided further, that before any money is borrowed for bonds issued under this act, the agreement authorized in the second section hereof shall be entered into by and between the said trustees and the lessors of said railway.

[Sec. 15150-7.] Agreement with lessees for additional rental. § 2. The trustees of said railway are hereby authorized and empowered to agree with any lessees of said line of railway, that they will exercise the powers granted them in the first section of this act, on condition that said lessees company will enter into an additional supplementary agreement with said trustees by which said lessee company will obligate itself, as and by way of further additional rental for said line of railway, to pay said trustees such sum annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity.

[Sec. 15150-8.] Expenditure of fund. § 3. The said trustees shall expend said fund in obtaining the right to construct and in constructing permanent betterments upon said line of railway, and they shall have the same powers in the expenditure thereof as they had with reference to the fund expended under the acts to which this is supplementary.

AN ACT

Supplementary to an act entitled, "An act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869 (46 O. L. 58), and all acts amendatory and supplementary thereto, and authorizing the trustees of the line of railway constructed under said acts to which this act is supplementary, to construct and lease terminals and to lease railway property for terminal purposes. (107 v. 441.)

Sec. 15150-9. Trustees authorized to construct and maintain railway terminal upon majority vote; submission of question. § 1. That the board of trustees of any railway, appointed under the provisions of the act to which this act is supplementary, and they are hereby authorized to construct and maintain a general railway terminal in the city owning said railway, which may be a union railway terminal, whenever the voters of such city shall, by a majority of those voting thereon, at a general election, vote to maintain such a union railway terminal, and the votes of the other cities which shall become a part of such city, which shall be constituted a terminal city for the purpose of conducting such terminal business, by a majority of those voting thereon, at a general election, vote to constitute such city a terminal city for the purpose of conducting such terminal business.

Shall general railway terminals be provided by the trustees of the line of railway, pursuant to contract with The Company?" (filling the blanks with the names of the railway and the union depot company), which submission shall be made by the deputy state supervisors and inspectors of elections, at a general or special election upon the request of the board of trustees for such line of railway. After an affirmative vote at such election, it shall be lawful for the trustees appointed under the act to which this act is supplementary, and they are hereby authorized to borrow, as a fund for the purposes of the railway of which they are trustees, and for the purpose of the provisions of this act, a sum in addition to the amounts heretofore authorized not to exceed twenty million dollars, and to issue the bonds of said city therefor in the name and under the corporate seal of the company owning the line of railway. Said bonds shall be signed and attested in the same manner as the bonds authorized by the acts to which this is supplementary. Said bonds shall not be held to be included in any limitation of bonded indebtedness prescribed.
by law. An annual rental shall be provided for in the lease of such terminal, as hereinafter authorized, sufficient to pay all interest on said bonds and to provide a sinking fund for their final redemption at maturity, which rental shall constitute a fund to be used for said purposes and no other until said bonds are paid; and, provided, further, the taxing authorities of said city shall levy an annual tax to provide such sums as may be necessary, if any be necessary, in addition to the said rental, to pay said interest and provide said sinking fund as aforesaid. Said bonds may be made payable at such times and in such sums as shall be deemed best by said board of trustees, provided, that none of the bonds authorized by this act shall be sold for less than par or bear a greater rate of interest than five percentum per annum, payable semiannually; provided, further, that no money shall be borrowed or bonds issued hereunder for this act until the agreement authorized and provided in the second section of this act has been entered into by and between said trustees and a terminal company, organized as provided in said second section of this act.

Sections and improvements: O.U.R. Railroads § 54.

SEC. 15150-10. Trustees empowered to make contracts. § 2. The trustees of said railway are hereby authorized to make all necessary contracts to carry out the purposes of this act, and they are hereby authorized to agree with any company duly incorporated under title IX, division II, subdivision II,chapter I of the General Code of Ohio, relating to union depot companies organized by railroad companies, that they will exercise the power granted them in section 1 of this act, on condition that said company will enter into an agreement with said trustees, by which said company will obligate itself to perpetually lease, use and occupy said depot and terminal property, and pay therefor as rental to said trustees, such sum annually as will equal the interest charge upon all bonds issued to provide the cost thereof, and provide a sinking fund for their final redemption at maturity, including interest and sinking fund charges during the period of construction, and also pay all taxes upon said property including the interest of the lessor as well as that of the lessee therein, also all insurance assessments and public charges of every nature thereto, and provide for the care, maintenance, improvement and upkeep of said property and all expenses of the trust referable thereto. Such rental to obtain until the maturity of said bonds, and thereafter such annual rental as may be agreed upon at the time of making said lease. Said contract shall also contain provisions obligating the lessee to use and occupy said property after maturity and payment of

SEC. 15150-11. Application of proceeds from sale of bonds. § 3. The proceeds of said bonds shall be a fund which shall be used by said trustees in securing property for and in constructing a general railway terminal in said city, and they shall have the same powers as to the expenditure thereof as they had with reference to the fund created by the act of 1893, with the right and manner of exercising the right of eminent domain. The compensation for such and other service rendered by said trustees shall be such as may be determined, and may be altered from time to time by the court appointing them.

SEC. 15150-12. Power to make perpetual lease. § 4. The said trustees shall have power to lease perpetually to any union terminal company organized by railroad companies, that they may exercise the powers granted them in section 1 of this act, on condition that said company will enter into an agreement with said trustees, by which said company will obligate itself to perpetually lease, use and occupy said terminal property, and pay therefor as rental to said trustees, such sum annually as will equal the interest charge upon all bonds issued to provide the cost thereof, and provide a sinking fund for their final redemption at maturity, including interest and sinking fund charges during the period of construction, and also pay all taxes upon said property including the interest of the lessor as well as that of the lessee therein, also all insurance assessments and public charges of every nature thereto, and provide for the care, maintenance, improvement and upkeep of said property and all expenses of the trust referable thereto. Such rental to obtain until the maturity of said bonds, and thereafter such annual rental as may be agreed upon at the time of making said lease. Said contract shall also contain provisions obligating the lessee to use and occupy said property after maturity and payment of

SEC. 15150-13. Cumulative powers. § 5. The powers conferred in this act upon said trustees are cumulative to and in addition to the powers conferred on said trustees by the act of 1893.

AN ACT

Supplementary to an act entitled "An act relating to cities of the first class, having a population exceeding one hundred and fifty thousand in-
the performance of said company are contract and lease, descriptive of such manner as under the lease, any contract, the railroad made may extend out, the terminal property in such manner as herein prescribed by said

[T]: [Sec. 15150-14.] Authority to issue additional bonds for permanent betterments. § 1. That it shall be lawful for the board of trustees, so far and in the manner as hereinbefore stipulated by the act of May 3, 1869, to which this act is supplementary, and such year authorized by the act to which this is supplementary, and such year, to issue bonds for permanent betterments on the line of railway, in a sum not to exceed one million dollars and to issue bonds for the same and under the corporate seal of the city owning the said railway. Said bonds shall be issued and attested in the same manner as the bonds authorized by the act; and such bonds shall be issued, and to issue bonds for the said city, and under the corporate seal of the city, the said railway. Said bonds shall be issued and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city; and, in addition to the above, the said city, for municipal purposes, shall be annually levied by the council of the said city on the real and personal property returned on the grand levy sufficient to pay the interest thereon and provide a sinking fund for their final redemption; and they may be made payable both as to principal and interest in any lawful money of the United States, at such times and places and in such sums as shall be deemed best by said board, provided that none of the bonds authorized by this act shall bear a rate of interest in excess of five per centum per annum, nor be sold for less than par; and provided further, that before any money is borrowed or bonds are issued under this act, the agreement authorized in the second section hereof shall be entered into and between the said trustees and the lessors of said railway.


[Sec. 15150-15.] Lease by trustees authorized. § 2. The trustees of said railway are hereby authorized and empowered to agree with any lessee of said line of railway, that they will exercise the power granted them in the first section of this act, on condition that said lessors company will enter into an additional and supplementary agreement with said trustees by which said lessors company will obligate itself, as said by way of further additional rental for the said line of railway, to pay said trustees such sum annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity.

[Sec. 15150-16.] Expenditure of funds. § 3. The said trustees shall expend said fund in obtaining the right to construct and in constructing permanent betterments upon said line of railway, and they shall have the same powers in the expenditure thereof as they had with reference to the fund expended under the acts to which this is supplementary.

[Sec. 15150-17.] Bonds may be issued to provide terminal facilities. § 1. That it shall be lawful for the board of trustees appointed under said act of May 4, 1869, to which this act [G. C. §§ 15150-17 to 15150-19] is supplementary, and such year, to issue bonds for the completion of the terminal facilities and permanent betterments on the line of railway of which they are trustees, in addition to and under the corporate seal of the city, the said railway. Said bonds shall be issued and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city, and a tax, in addition to the above, the said city, for municipal purposes, shall be annually levied by the council of the said city on the real and personal property returned on the grand levy sufficient to pay the interest thereon and provide a sinking fund for their final redemption; and they may be made payable both as to principal and interest in any lawful money of the United States, at such times and places and in such sums as shall be deemed best by said board, provided that none of the bonds authorized by this act shall bear a rate of interest in excess of six per centum per annum, nor be sold for less than par; and provided further, that before any money is borrowed or bonds are issued under this act, the agreement authorized in the second section hereof shall be entered into and between the said trustees and the lessors of said railway. [110 v. 168, § 1.]

Terminals and improvements: C. J. Railroad § 46.

[Sec. 15150-18.] Annual rental for interest and sinking fund. § 2. The trustees of said railway are hereby authorized and empowered to agree with any lessee of said line of railway, that they will exercise the powers granted them in the first section of this act, on condition that said lessor company will enter into an additional and supplementary agreement with said trustees by which said lessor company will obligate itself, as said by way of further additional rental for the said line of railway, to pay said trustees such sum annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity. [110 v. 168 (169), § 2.]
§ 15150-19  RAILROADS

[Sec. 15150-19.] [Expenditure of fund.]
§ 3. The said trustees shall expend said fund in the completion of the terminal facilities and permanent betterments heretofore undertaken and in obtaining the right to construct and in constructing additional terminal facilities and permanent betterments upon said line of railway, and they shall have the same powers in the expenditure thereof as they had with reference to the fund expended under the act to which this is supplementary. [110 v. 168 (169), § 3.]

§ 15150-20. [Trustees may exchange lands for terminal facilities.] That it shall be lawful for the board of trustees appointed under the act of May 4, 1869, to which this act is supplementary, by and with the consent of any lessor thereof, and the trustees of the sinking fund of the city owning such line of railway, to exchange with any union terminal company engaged in providing terminal facilities in any city on such railway any lands, rights of way, or easements, including easements held in any public ways, for other lands, rights of way, or easements that may be deemed by said board of equal value to said line of railway. [113 v. 265.]

CHAPTERS 2 TO 8: [OTHER SPECIAL ACTS]

Secs. 15151 to 15240, repealed, 113
v. 685 (687), § 1. [§§ 5337 to 5417]
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THE STATE OF OHIO

LEGISLATIVE ACTS
PASSED
(EXCEPTING APPROPRIATION ACTS)

AND

JOINT RESOLUTIONS
ADOPTED
By The
NINETY-EIGHTH GENERAL ASSEMBLY OF OHIO
At Its Regular Session
BEGUN AND HELD IN THE CITY OF COLUMBUS, OHIO
January 3, 1949, to July 29, 1949, Inclusive

ALSO THE TIMES FOR HOLDING THE COURTS OF APPEALS
AND THE COURTS OF COMMON PLEAS IN OHIO
FOR THE YEARS 1949 AND 1950

VOLUME CXIII
AN ACT

To permit the use of net earnings of a municipality owned railroad
for sinking fund or bond retirement fund purposes and for that
purpose to amend section 15149 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 15149 of the General Code be amended to
read as follows:

Net earnings and incomes credited to sinking fund or bond retirement
fund.
Sec. 15149. That whenever, in any city of the first class a railroad
has been built, or may hereafter be built, under the provisions of ***
sections 15904 to 15920, inclusive, of the General Code, all net earnings and
incomes therefrom shall be paid into the treasury of said city to the credit
of the *** sinking fund or bond retirement fund, and in the case of the
sale or final disposition of said railroad, the purchase money or price shall
be paid into the treasury of said city to the credit of the sinking fund ***
or bond retirement fund and shall be applied to the reduction of the bonded
debt of said city until the same shall be extinguished, due regard being had
to the priority right of any issue or issues of bonds to the proceeds of
such sale.

Repeal.

SECTION 2. That existing section 15149 of the General Code is
hereby repealed.

JOHN F. CANTWELL,
Speaker of the House of Representatives.

GEORGE D. NYE,
President of the Senate.

Passed June 23, 1949.
Approved July 1, 1949.

FRANK J. LAUSCH,
Governor.

The sectional number herein is in conformity to the General Code.

WILLIAM D. CAMPBELL,
Director of Code Revision.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
1st day of July, A. D. 1949.

CHARLES F. SPEWERY,
Secretary of State.

File No. 115.
### GENERAL CODE—Concluded

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THE STATE OF OHIO

LEGISLATIVE ACTS
PASSED
(EXCEPTING APPROPRIATION ACTS)

AND

JOINT RESOLUTIONS
ADOPTED
BY THE
ONE HUNDRED AND SECOND GENERAL ASSEMBLY
OF OHIO

At Its Regular Session
JANUARY 7, 1957, TO JUNE 18, 1957, INCLUSIVE

VOLUME CXXVII

Issued by
TED W. BROWN
Secretary of State

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Columbus, Ohio
1957
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Supplementary to an act entitled "An Act relating to cities of the first class having a population exceeding one hundred fifty thousand inhabitants" passed May 4, 1869 (66 O.L. 80) and all acts amendatory and supplementary thereto, and authorizing the trustees of a line of railway constructed under said acts, to which this act is supplementary, to sell, lease, and exchange lands, rights-of-way, and easements.

Be it enacted by the General Assembly of the State of Ohio:

Cincinnati Southern Railway land sale and exchange authorized.

SECTION 1. That it shall be lawful for a board of trustees of the Cincinnati Southern Railway appointed under the Act of May 4, 1869 (66 Ohio Laws 80), to which this act is supplementary, to sell any property, land, right-of-way, or easement which is a part of its line of railway but which is no longer needed, in the opinion of such board of trustees, in the operation thereof, and to exchange any property, land, right-of-way, or easement, which is a part of its line of railway, for other property, land, right-of-way, or easement for the purpose of relocating the tracks or other facilities of its line of railroad.

Cincinnati Southern Railway prior land sales and exchanges approved.

SECTION 2. All the sales and exchanges of lands, rights-of-way, and easements heretofore made by the board of trustees of the Cincinnati Southern Railway, appointed under the Act of May 4, 1869, are hereby confirmed, ratified, and approved.

ROGER CLOUD,  
Speaker of the House of Representatives.

PAUL M. HERBERT,  
President of the Senate.

Passed May 16, 1957.  
Approved May 28, 1957.

C. WILLIAM O'NEILL,  
Governor.

This act is of a special nature and does not require a Code sectional number.  
OHIO LEGISLATIVE SERVICE COMMISSION  
CHARLES W. INGLER, Director.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 28th day of May, A. D. 1957.

TED W. BROWN,  
Secretary of State.

Effective August 27, 1957.
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**REAL ESTATE COMMISSION, OHIO—**
Name changed from board of real estate examiners

1991

MICHAEL V. DISALLE,
Governor.

The sectional number herein is in conformity with the Revised Code.

OHIO LEGISLATIVE SERVICE COMMISSION
LAUREN A. GLOSSER, Director

Filed in the office of the Secretary of State at Columbus, Ohio, on the 3rd day of July, A. D. 1961.

TED W. BROWN,
Secretary of State.


(Senate Bill No. 562)

AN ACT

Supplementing the Act relating to cities of the first class, having a population exceeding one hundred fifty thousand inhabitants passed May 4, 1869.

Be it enacted by the General Assembly of the State of Ohio:

Powers of municipal railroad trustees.

SECTION 1. The trustees of any municipally owned line of railway, appointed and acting pursuant to an Act entitled, "Relating to cities of the first class having a population exceeding one hundred fifty thousand inhabitants", passed the 4th day of May 1869, shall have the authority to operate, lease, modify any existing lease, manage, rebuild, relocate and improve such line of railway in accordance with ordinances of the council of the city owning such line of railway, and such authority may be exercised in accordance with such ordinances notwithstanding any provisions of the Act heretofore referred to or any Act supplementing or modifying said Act.

ROGER CLOUD,
Speaker of the House of Representatives.

JOHN W. DONAHEY,
President of the Senate.
THE STATE OF OHIO

VOLUME CXXXVII

LEGISLATIVE ACTS
(EXCEPTING APPROPRIATION ACTS)

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

ONE HUNDRED AND TWELFTH GENERAL ASSEMBLY
OF OHIO

AT ITS REGULAR SESSION
JANUARY 3, 1977 TO DECEMBER 21, 1978, INCLUSIVE

Issued by
Anthony J. Celebrezze, Jr.
Secretary of State

The National Graphics Corporation
Columbus, Ohio 43216
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Payment eliminated by school districts to state on railroad’s partial payments of taxes — S. B. 221
Scenic railways exempt from fence repair obligations — H. B. 458
Spark arresters on locomotives — H. B. 501

RAIL TRANSPORTATION AUTHORITY —
State plan deadline; legislative members; classified employees — H. B. 300

(provided)
AN ACT

To repeal Sections 2 and 6 of the Act of May 4, 1869, entitled "to authorize cities of the first class to build railroads and to lease or operate the same," to repeal Section 1 of the Act of April 17, 1883, supplementary to the foregoing Act, and to authorize a city that has built a railroad pursuant to such Acts to provide for a board of trustees therefore.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. A city that has built a railroad pursuant to the Act of May 4, 1869, and is governing it pursuant to such Act, The Act of April 17, 1883, and other Acts supplementary to the Act of May 4, 1869, shall provide by legislation for the continuance of a board of trustees as a successor to the board in existence on the effective date of this act, which successor board shall continue to have and exercise all power and authority vested in the existing board and not expressly terminated by virtue of the repeals of Section 2 of this act. The board of trustees shall consist of five members who shall be appointed by the mayor with the approval of the city council. At the first meeting of the board, the members shall draw lots to determine which member will initially serve for a term of five years, four years, three years, two years, and one year. Thereafter, terms shall be for five years, and members shall receive no compensation unless otherwise authorized by subsequent action of the city council. At no time shall there be more than three members of the same political party serving on the board. All other terms and conditions of the service of the members of such board, including further details of method of selection, qualifications, method of removal, bonding, and any other necessary provisions not contained in the remaining provisions of the Act of May 4, 1869, and all acts supplementary thereto, shall be provided by legislation of such city.

SECTION 2. Sections 2 and 6 of the Act of May 4, 1869, enti-
Appendix

This Appendix to the General Code of Ohio is published in the hope that it may be of some value to some. However, the 124th made the fact that this work is not intended to be exhaustive of all the subjects in the law, and that it is not intended to be a substitute for the judgment and discretion of the judges and courts.

The work has been compiled for the use of the courts and practitioners in the State of Ohio. It contains the text of all the laws of Ohio, as they exist from time to time, as well as the decisions of the Supreme Court of Ohio and the United States Supreme Court.

The work is intended to be a companion to the General Code of Ohio, and should be read in conjunction with that code. It is not a substitute for the code, but is intended to supplement it, and to provide a convenient reference for the practitioner.

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