

THE STATE OF OHIO, }
LUCAS COUNTY } The Court of Common Pleas, Lucas County, Ohio.

At a term of the above named Court, begun and held before the

Hon. Byron F. Ritchie,

Hon. James S. Martin,

Hon. James Austin, Jr.,

Hon. Charles M. Milroy,

Hon. Roy R. Stuart,

Hon. H. S. Core,

} Presiding Judges

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on the 2nd day of April A. D. 1928, among other proceedings had by and before said Court on the 1st day of September, A. D. 1928 being the 130th day of said term, as appears by its Journal of that day, were the following, viz:

The State of Ohio, on the relation of William B. Guitteau, a taxpayer of and on behalf of the City of Toledo,

No. 112014 -vs- Mo. 2353

Albert W. Payne, as Clerk of the Council of the City of Toledo.

} This day this cause came on to be heard on the return of the alternative writ of mandamus, the pleadings and the evidence, and all parties were present in court in person and by counsel. On consideration whereof,

the court finds on the issues joined in favor of the plaintiff and against the defendant, and allows a peremptory writ of mandamus as prayed for in said petition.

It is ordered that the said Albert W. Payne, as such officer, do, immediately upon the service of this writ, notify the Board of Deputy State Supervisors and Inspectors of Elections of Lucas County, Ohio, of the adoption by the Council of the City of Toledo, on August 23, 1928 of ordinance number 6705 providing for the submission to the electors of the City of Toledo, of an amendment of sections 1 to 236, both inclusive of the Charter of the City of Toledo, and to transmit to the said Board the original or a duly certified copy of said ordinance and requesting said Board to provide for an election on the adoption or rejection by the people of the City of Toledo, of the said amendment at a special election to be held in said city on the 6th day of November, 1928. Writ returnable forthwith.

And it is further ordered that the said relator recover from the defendant his costs herein expended. To which action of this court defendant excepts.

Roy R. Stuart,
Judge.

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No. 112014

LUCAS COUNTY
Court of Common Pleas

The State of Ohio, on the
relation of William B. Guitteau
a taxpayer of and on behalf of
the City of Toledo,

vs.

Albert W. Payne, as Clerk of
the Council of the City of
Toledo,

**Transcript of Journal
Entry**

Cornell Schreiber,
Plaintiff's Attorneys

Defendant's Attorneys

Comp. J.F.S. to C.F.W.

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THE STATE OF OHIO, } The Court of Common Pleas, Lucas County, Ohio.
LUCAS COUNTY }

At a term of the above named Court, begun and held before the

Hon. Byron F. Ritchie,
Hon. James S. Martin,

Hon. James Austin, Jr.,

Hon. Charles M. Milroy,

Hon. Roy R. Stuart,

Hon. H. S. Core,

} *Presiding Judges*

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on the 2nd day of April A. D. 1928, among other proceedings had by and before said Court on the 4th day of September, A. D. 1928 being the 131st day of said term, as appears by its Journal of that day, were the following, viz:

The State of Ohio, on the relation of William B. Guitteau, a tax payer of and on behalf of the City of Toledo,

No. 112014 -vs- Mo. 2422

Albert W. Payne, as Clerk of the Council of the City of Toledo.

) This day this cause came on to be heard on the motion of the defendant to set aside the findings, order and judgment heretofore entered into this cause and

the Court being fully advised

in the premises, orders that motion for a new trial be and the same is hereby overruled. To the foregoing order, findings and judgment, the defendant excepts.

The defendant is given the statutory time in which to prepare and file his bill of exceptions.

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No. 112014 -----

LUCAS COUNTY
Court of Common Pleas

State of Ohio, on the relation
of William B. Guitteau, a tax
payer of and on behalf of the
City of Toledo,

vs.

Albert W. Payne, as Clerk of
the Council of the City of
Toledo,

Transcript of Journal
Entry

Cornell Schreiber,
Plaintiff's Attorneys

)
)
Defendant's Attorneys

Comp. G. F. S. to C. F. D.

THE STATE OF OHIO,
LUCAS COUNTY

Appeals
The Court of ~~Common Pleas~~ Lucas County, Ohio.

At a term of the above named Court, begun and held before the

Hon. Silas S. Richards,
Hon. Roy H. Williams,
Hon. Harry W. Lloyd,
Hon. _____
Hon. _____

Presiding Judges

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on the 14th day of May A. D. 1928, among other proceedings had by and before said Court on the 26th day of October A. D. 1928 being the 139th day of said term, as appears by its Journal of that day, were the following, viz:

Albert W. Payne, as
Clerk of the Council of the
City of Toledo,

C. P. No. 112014 -vs-
C. A. No. 2130

The State of Ohio, on the
relation of William B. Guitteau,
a taxpayer of and on behalf of
the City of Toledo.

} This day this cause came on to be
} heard on the proceedings in error,
} and the same having been argued
} by counsel the court finds that there
} is no error apparent of record, and
} that the judgment of the court below
} should be affirmed.

It is therefore ordered, adjudged and decreed that the judgment of the Court of Common Pleas be and the same is hereby affirmed, and that the petition in error herein be and it is hereby dismissed.

It is further ordered, adjudged and decreed that the plaintiff-in-error pay the costs of this proceeding in error, taxed at \$_____, and that the defendant-in-error recover from plaintiff-in-error his costs herein taxed at \$_____, for all of which sums execution is hereby awarded.

The court finds that there is reasonable grounds for the proceeding in error herein, and it is therefore ordered that the affirmance of the judgment of the Court of Common Pleas be without penalty.

It is further ordered that a special mandate be sent to the Court of Common Pleas of Lucas County, Ohio, to carry into effect the judgment of this Court.

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C. P. No. 112014
No. C. A. No. 2130

LUCAS COUNTY
APPEALS
Court of ~~Common Pleas~~ **Common Pleas**

Albert W. Payne, as Clerk of
the Council of the City of
Toledo,

vs.

The State of Ohio, on the
relation of William B.
Guitteau, a taxpayer of and
on behalf of the City of Toledo,

Transcript of Journal
Entry

Geo. W. Ritter, Martin S. Dodd,
Edward Lamb, *Plaintiff's Attorneys*

Cornell Schreiber, *Defendant's Attorneys*

Comp. J.F.S. to C.F.D.