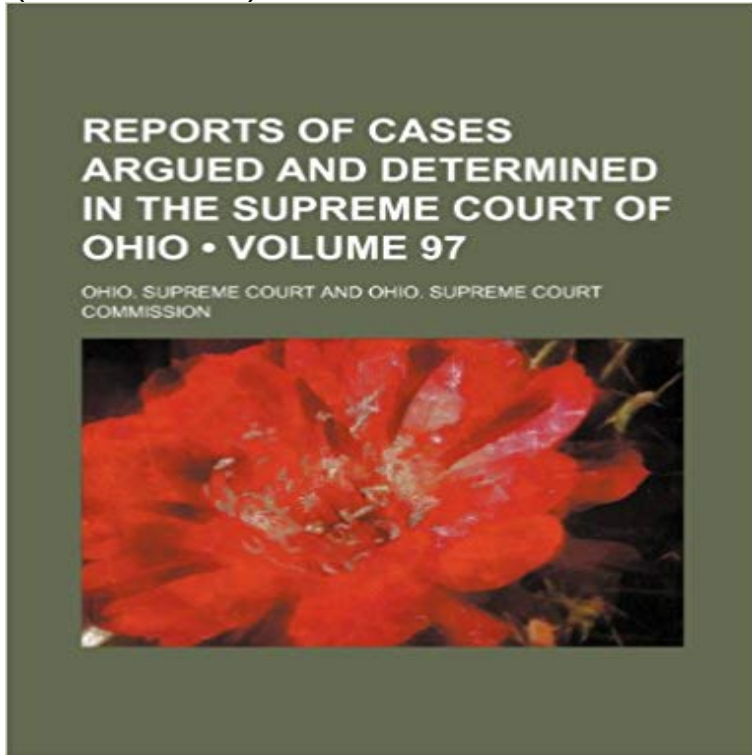


# Reports of Cases Argued and Determined in the Supreme Court of Ohio (Volume 97)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1918. Excerpt: ... Opinion, per Wanamaker, J. Courts have unanimously held that any person who knows, or ought to know, that he is dealing with a trustee of a private trust, deals at his peril, and is put upon inquiry to ascertain if the action of the trustee is proper and legal. If this is the doctrine as to private trusts, with greater force of reason it should be the prevailing doctrine as to public trusts. The pertinent part of Section 286 is as follows: If the report sets forth that any public money has been illegally expended or that any public money collected has not been accounted for, or that any public property has been converted or misappropriated, within ninety days after the receipt of such certified copy of such report the attorney general or such prosecuting attorney shall cause to be instituted, and each of said officers is hereby authorized and required so to do, civil actions in the proper court. It should be noted that the statute covers any public money illegally expended or any public property converted or misappropriated. When either of these two facts appear, that is (a) illegal expenditure of public money or (b) any public property converted or misappropriated, then there is warrant and authority in law for bringing the action under these statutes. But it is claimed that such actions can only be brought when the public money has been unlawfully paid to some officer, or when the public property has been unlawfully misappropriated by some public officer. Opinion, per Wanamaker, J. These statutes do not place any such limitation upon actions brought under them. They are manifestly in the interest of conserving public money and public property, and he who wrongfully takes such public money

or public property may be, and should...

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