Ohio’s Reported Decisions—An Integrated Survey

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Ohio, like New York and Pennsylvania, is a state whose judicial decisions have been variously published and extensively duplicated. The opinions of the Ohio Supreme Court alone may be found in more than seven hundred and seventy volumes, yet the official sets comprise only one hundred and seventy-one volumes. Although much of this reporting is duplication, many opinions of the Supreme Court are found only in private publications, since the reporting of the official sets is selective and limited. The unofficial decisions are constantly referred to in Ohio, notwithstanding the edict of the Ohio General Assembly1 that only officially reported cases “shall be recognized and receive the official sanction” of the courts.

In view of this practice and the volume of Ohio judicial decisions which have been published in reports and legal periodicals, this article attempts to survey the extensive repositories of Ohio court law. No attempt is made at this time to include non-legal periodicals and newspapers which occasionally published court opinions. The bringing to light of the few decisions which were published in newspapers during the early years of the state is deserving of independent treatment; therefore, these publications are not included in this study. One further limitation is employed: annotated, selected, and special reports, such as the Public Utilities Reports and the American Law Reports, are not listed, although these publications include Ohio decisions. Since their coverage is generally national in scope and the printing of Ohio cases in them is not representative of original reporting, these materials are omitted from this survey.

Generally, the publications reviewed are arranged chronolog-

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1 Ohio Gen. Code § 1483.
ically under the courts reported. Reference is only made to the
courts incidentally; therefore, the reader should direct his interest
elsewhere for detailed, historical studies of the Ohio judicial
system.2

The Ohio Supreme Court and Supreme Court Commissions

The Ohio Supreme Court was established by the Ohio Con-
stitution of 18023 and modified and continued by the Constitution
of 1851.4 The court first consisted of three judges5 but was in-
creased over the years to its current aggregate of a chief justice
and six judges.6 Originally, the jurisdiction of the court was
determined by the general assembly but this has been changed
so that today the jurisdiction is determined generally by the Consti-
tution.7 From 1816 to 1852, the judges were required to ride the
circuit, holding a term once a year in each county, and during
the early years more often acted as a trial court rather than under
their appellate authority.8

In 1875, a constitutional provision was adopted establishing
a Supreme Court Commission to assist the Supreme Court in
clearing its docket and giving the assembly authority to establish
similar commissions should the docket of the Supreme Court
again become crowded.9 The first Commission sat from 1876 to
1879 and a second Commission served from 1883 to 1885. While
the Constitution still provides authority for such commissions,
later revisions of the jurisdiction of the Court have seemingly
made the provision obsolete. The Commissions' decisions were
published with those of the Supreme Court.

Given below are the various publications which include the
opinions of the Ohio Supreme Court.

Tappan's Reports, in one volume, was originally published
in 1831. The volume primarily reports opinions of Judge Benjamin
Tappan, the President Judge of the Common Pleas Courts in the
Fifth Circuit of the state. It does, however, contain one Supreme
Court opinion; that of Judge McLean in the case of Landerback
v. Moore10 which is a landmark case involving a suit for slander.
This opinion was rendered in 1817 and is the earliest Supreme
Court case published in any standard legal publication.

2 See Amer, The Growth and Development of the Ohio Judicial System,
in 1 MARSHALL, A HISTORY OF THE COURTS AND LAWYERS OF OHIO, Chap. XIII
(1934); Aumann, The Development of the Judicial System of Ohio, 41 OHIO
ARCHAEOLOGICAL AND HISTORICAL SOCIETY PUBLICATIONS 195 (1932).
3 Art. 3.
4 Art. 4.
5 CONSTITUTION OF OHIO, 1802, Art. 3 § 2.
6 CONSTITUTION OF OHIO, 1851, Art. 4 § 2.
7 ibid.
8 Aumann, supra, 202.
9 Art. 4 § 21.
10 Tapp. 317.
Wright's Reports, in one volume, reports four hundred and ninety-eight Supreme Court cases in which Judge John C. Wright participated from 1831 to 1834. Although five of these opinions were reported in the Ohio Reports, Judge Wright again reported them to correct errors. The great majority of these cases were heard on the circuit.

The Ohio Reports, in twenty volumes, constitutes Ohio's first set of official court reports. It reports selected cases heard on the circuit and in special session. The practice in the later volumes was to omit all circuit cases and report only those of the special session, at which times the court was known as the Supreme Court in Bank. This practice may have been influenced by the holding over of some of the more important or complex circuit cases to the special sessions. The cases reported in the set cover the period from 1821 to 1852, at which time Ohio's second Constitution became effective.

The Ohio Reports, Century Edition, consists of reprints of the official Ohio Reports with annotations supplied by the publisher, the Laning Company.

The Ohio Reports, Extra Annotated, is a set in which the original plates were used to reproduce copies of the official set and includes at the end of each volume annotations prepared by George F. Longsdorf. This series was published by the W. H. Anderson Company.

The Western Law Journal, in ten volumes, published reports of cases in the Supreme, District, Common Pleas and Probate Courts, the Cincinnati and Cleveland Superior Courts, and the Cincinnati Commercial Court. These cases, covering a period from 1840 to 1853, are reprinted in the Ohio Decisions Reprint, volume 1.

The Ohio State Reports, the current official set, began publication in 1852 and succeeded the Ohio Reports. This publication prints the opinions of the Supreme Court, as established by the constitution of 1851 and continued by later amendments. To date, one hundred and fifty-one bound volumes have been published. These reports have no official advance sheets.

The Ohio State Reports, Century Edition, consists of reprints of the official set from volumes 1 through 60, covering the period to 1899. This publication was annotated by its publishers, the Laning Company, and was a companion set to the Ohio Reports, Century Edition.

11 The requirement that the judges hold court in each county resulted in their traveling on horseback for six months of each year. Since the same legal issues were settled differently by the various judges sitting in divers counties, much confusion in the law resulted. This was obviated substantially by having the court sit in bank. See Aumann, supra at 203.
The Ohio State Reports, Extra Annotated, was a companion set to the Ohio Reports, Extra Annotated. Published by the W. H. Anderson Company, it consists of the first eighty-four volumes of the official Ohio State Reports and covers the period 1853 to 1912.

The American Law Register, a Philadelphia publication, reported cases from the Supreme, District, Common Pleas, Probate, Cincinnati Superior, and Montgomery County Superior Courts. Volume 3 of the Ohio Decisions Reprint republished these cases with the exception of those found in other Ohio reports or reprinted elsewhere in the set. This, of course, excluded most of the Supreme Court cases, since they were printed in the official reports. The Reprint covers thirty-four volumes of the Register from 1853 to 1885, volumes 1 through 9 of the old series and volumes 1 through 25 of the new.

The Weekly Law Bulletin, in sixty-six volumes, reported cases in the Ohio courts from 1876 to 1921. In addition to Supreme Court cases, this periodical reported the opinions of the following courts: District, Circuit, Courts of Appeals, Common Pleas, Probate, Cincinnati Superior, Cincinnati Insolvency, Municipal or Police, and Federal. The opinions in volumes 1 through 30 of the Bulletin, except for those of the Supreme Court, were reprinted in the Ohio Decisions Reprint, volumes 7 through 11. Due to the title and ownership changes and publication consolidations, this periodical has been known by various names. It was originally called the *Weekly Cincinnati Law Bulletin* and was published by Carl G. Jahn at Cincinnati. In 1883, at volume 10, the word “Cincinnati” was dropped from its title and it was called *The Weekly Law Bulletin*. In 1885, the Bulletin combined with the Ohio Law Journal, a periodical published at Columbus. The combined volumes continued the volume number of the Bulletin, but were called the *Weekly Law Bulletin and the Ohio Law Journal*. The periodical continued without change until 1902, when the Jahn publications were sold to The Lanning Company of Norwalk, Ohio, the publisher of the Ohio Legal News, a competing periodical. The next volume was numbered “47” and the new publication was called the *Ohio Law Bulletin*. It continued the Weekly Law Bulletin, Ohio Law Journal and Ohio Legal News, preserving the features of the Bulletin and the News. In August, 1909, the Lanning Company sold the Bulletin to the American Publishers Company of Norwalk, and W. T. Tossell, the former assistant editor, became its editor. No name changes were involved and the periodical continued as before. In February, 1917, the ownership again changed; this time it was sold to the Ohio Law Publishing Company of Norwalk, but no editorial or policy changes were made. In 1921 the final volume, number 66, was issued and the periodical merged
with a competing publication, The Ohio Law Reporter, published by The Ohio Law Reporter Company of Cincinnati. The combined publication was entitled *The Ohio Law Bulletin and Reporter*; however, this title did not receive popular usage and the Bulletin died a natural death.

The North Eastern Reporter, in two hundred volumes, printed opinions of the Supreme Court and Courts of Appeals as well as those of the courts of the states of New York, Massachusetts, Indiana, and Illinois. This key-numbered publication of the West Publishing Company covered the period 1885 to 1936.

The North Eastern Reporter, Second Series, a current publication, is a continuation of the North Eastern Reporter. In addition to the court opinions published in the First Series this set, beginning with volume 67 in 1946, has included opinions from the Ohio Common Pleas, Probate, and Municipal Courts. The set is kept current by advance sheets. Its Ohio Edition included the Ohio Supplement, which is discussed below under the Common Pleas and Probate Courts.

The Ohio Supreme Court Decisions (Unreported Cases) is a one volume publication containing records, briefs and holdings of the Supreme Court from 1889 to 1899. Syllabi were added by the publishers, The Laning Company, giving the points of law deduced. No opinions in these cases were ever rendered by the court.

The Ohio Legal News, sometimes called the *Toledo Legal News*, published opinions of the Supreme Court, the Circuit Court for the Sixth Judicial District, the Common Pleas and Probate Courts of Lucas County, the Federal Courts in the Toledo area, and selected opinions of other Ohio and out-of-state courts. The News was primarily a periodical and only the first two volumes, covering the period 1894 to 1895, reported cases. As mentioned above, this publication merged with the Weekly Law Bulletin.

The Ohio Decisions, a set which is more fully discussed under the Common Pleas and Probate Courts, contains certain Supreme Court and Supreme Court Commission cases not included in the official reports. This set, however, was intended to supplement the official reports of the Supreme Court and primarily reported opinions of the nisi prius courts.

The Ohio Law Reporter, a periodical, published the unreported Supreme Court opinions in its first two volumes. Later volumes of this periodical published opinions of other Ohio and federal courts.

The Ohio Opinions, another current series, reports opinions of the Supreme Court, Courts of Appeals, Common Pleas Courts, Pro-

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12 A more complete account of this publication will be found in a later discussion under the heading "The Federal Courts."
bate Courts, Municipal Courts, and Federal Courts which bear on Ohio law. The Opinions, a cooperative venture of The Ohio Law Reporter Company and The W. H. Anderson Company, began in 1934 and to date forty bound volumes have been issued. The set has annotations to earlier cases in point and to Ohio Jurisprudence. The first volumes of the Opinions succeeded the last volume, number 40, of the old Ohio Law Reporter and volume 32 of the Ohio Nisi Prius Reports, New Series. The Ohio Opinions is kept current by a weekly supplement, which, although called the Ohio Law Reporter, carries the volume number and pagination of the future bound volumes of the Ohio Opinions. The advance sheet Reporter also includes a periodical index and other miscellaneous features, yet its function is restricted to that of an advance sheet.

The Gongwer State Reports is a current mimeograph service which provides information regarding cases filed in the Ohio Supreme Court. A synopsis of the case, its history and issues are provided for each case filed. In addition, it reports the decisions on all cases and prints digests of the opinions of the court.

The Ohio Bar, a publication of the Ohio State Bar Association, contains advance opinions of the Ohio Supreme Court, Courts of Appeals, nisi prius and federal courts. The advance opinions have the pagination of the future bound volumes of the Ohio State Reports, Ohio Appellate Reports, and the Ohio Law Abstract.

The District Courts

The District Courts were established by the Constitution of 1851 and were discontinued by a constitutional amendment of 1883 which created the Circuit Courts. A creature of compromise, the District Courts never enjoyed any degree of popularity. One group advocated an independent intermediate court and favored relieving the Supreme Court judges of the burdensome task of circuit riding. The adversaries of this proposal opposed a separate intermediate court and favored the increasing of the membership of the Supreme Court. They feared that the Supreme Court would assume dictatorial characteristics if it only sat in bank, losing its direct contact with the people. A compromise was effected which provided for intermediate district courts manned by one Supreme Court judge and two or three Common Pleas judges, any three of whom were a quorum. Soon after the District Courts were established, it was held in King v. Safford that a District Court composed of three Common Pleas judges, without the presence of a Supreme Court judge, was a lawful and constitutional District Court. Although this ruling was beneficial to the functions of the Supreme Court, it destroyed the remaining prestige of the District Courts.

13 Art. 4.
14 19 Ohio St. 587 (1869).
No official reports of the District Courts were published; however, their opinions appeared in a number of periodicals and were subsequently republished in reprints.

The Ohio Decisions Reprint, in the first nine volumes, printed the opinions of the District Courts. A Laning publication, it consists of thirteen volumes. The Ohio Decisions Reprint was an attempt to compile from the various reports and periodicals all the case law of Ohio not found in the official reports for the period 1840 to 1855.

The following table lists the publications from which cases are reprinted and their location in the Reprint.

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<th>Ohio Decisions Reprints</th>
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<td>Volume 3</td>
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<td>American Law Register, thirty-four volumes</td>
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<td>Cincinnati Superior Court Reporter, two volumes</td>
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In reprinting these opinions, the Laning Company omitted opinions of federal and out-of-state courts and officially published Ohio Supreme Court cases. The Reprint is independently cited; however, it also includes the original pagination from the reprinted sets for reference or citation purposes. Periodical matter, of course, was omitted in the Reprint and many syllabi were added to the opinions. The reprinted sets are considered in detail in this article under their individual titles.

The Western Law Journal, in volumes 8 through 10, printed opinions of the District Courts from 1851 to 1853.15

The Cleveland Law Register, in one volume, printed one District Court opinion, rendered in 1855. It primarily reported opinions of the Circuit, Common Pleas, and Probate Courts of the Cleveland area from 1899 to 1893. This publication, also called the Cleveland

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15 This periodical has already been described under the heading "The Supreme Court and Supreme Court Commissions."
Law Register Reports, was a weekly supplement to the Daily Law Register of Cleveland.

The Cleveland Law Record, in one volume, published opinions of the District and Common Pleas Courts from 1855 to 1856. These opinions, selected especially from the District Court of Cuyahoga County, were reprinted in the Ohio Decisions Reprint, volume 4.

The Weekly Law and Bank Bulletin, in one volume, reported opinions of the District, Common Pleas, Probate, and Cincinnati Superior Courts from 1857 to 1858. This volume is a unit of a series of publications of R. B. and W. W. Warden of Cincinnati. The first opinions were printed in The Daily Court Bulletin of Cincinnati. The Wardens soon thereafter began compiling material from the Daily and issuing a weekly publication, called the Weekly Law and Bank Bulletin. This periodical is also known as Warden's Law and Bank Bulletin, Warden's Weekly Law Bulletin, and Law and Bank Bulletin. When one volume of the Bulletin was completed, its name was changed to The Weekly Law Gazette. The opinions of the Bulletin and the Gazette were reprinted in volume 3 of the Ohio Decisions Reprint.

The Weekly Law Gazette, in four volumes, continued publishing the opinions of the same courts as did the Weekly Law and Bank Bulletin. No volume number one of this set was issued; the Bulletin served as that volume. The series continued through volume 5 and covered the period 1856 to 1860.

The Western Law Monthly, in five volumes covering the period 1858 to 1863, reported cases of the District, Common Pleas, Probate, Cincinnati Superior, Franklin County Superior, out-of-state, and federal courts. The Ohio decisions in this Monthly were reprinted in the Ohio Decisions Reprint, volume 2. This periodical was published by members of the faculty of the defunct Union Law College of Cleveland.

The Cincinnati Municipal Decisions, a one volume publication, is devoted to cases involving municipal corporations decided by the Cincinnati Superior and Hamilton County District Courts from 1862 to 1875.

The American Law Record, in fifteen volumes, published opinions of the District, Common Pleas, Probate, and Cincinnati Superior Courts. These opinions were reprinted in volumes 6 and 7 of the Ohio Decisions Reprint. The Record was published at Cincinnati and reported opinions for the period 1872 to 1886.

The Weekly Law Bulletin contains District Courts decisions. The Cleveland Law Reporter, in two volumes covering the period from 1877 to 1879, reported opinions of the District, Common Pleas, Probate, and Cincinnati Superior Courts. These opinions were reprinted in the Ohio Decisions Reprint, volume 4. The Reporter

\[16 \text{Ibid.}\]
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was a weekly publication edited by J. G. Pomerene at Cleveland, Ohio.

The Ohio Law Journal, in five volumes, printed opinions of the District, Common Pleas, and Probate Courts. These opinions dating from 1880 to 1884 were reprinted in the Ohio Decisions Reprint, volume 3. The Journal was a weekly periodical published at Columbus, and, as noted previously, merged with the Weekly Law Bulletin.

The Circuit Courts

The lack of success of the District Courts was fully felt by 1880. Their deficiencies were among the prime forces which influenced prominent attorneys to organize the Ohio State Bar Association in July, 1880. During the organizational meeting and succeeding special and annual meetings of the Association, various plans were offered and discussed to improve the judicial system in the state. As an initial program of the organized bar of Ohio, the study of the District Courts which resulted in their abolishment and the establishment of the Circuit Courts and the second Supreme Court Commission, proved very fruitful. The new Circuit Courts were created by an amendment to the Constitution of Ohio 17 and resulted in the first separate intermediate courts in the state. Thus, the judges of the Supreme and Common Pleas Courts were relieved of the responsibilities of serving on two courts and new judges were appointed and elected as provided by the general assembly. The assembly was authorized to fix and change the number and boundaries of the circuits and to prescribe the jurisdiction of the new courts. The Circuit Courts began functioning in 1885 and soon gained the confidence of the bar and the people of Ohio.

The opinions of the Circuit Courts were published in the various reports given below.

The Cleveland Law Register includes Circuit Court decisions. 18

The Ohio Circuit Court Reports (Jahn), in twenty-two volumes, reported opinions of the Circuit Courts from 1885 to 1901. This set, a companion to the Weekly Law Bulletin, was merged with the Laning publication, the Ohio Circuit Decisions, when the Jahn publications were purchased by the Laning Company.

The Ohio Circuit Decisions, in twelve volumes, covered the same cases and period as did the above Reports. The Decisions, published some time later, reprinted the opinions which had been published in the Reports, adding other cases which had been omitted from the Reports.

17 Art. 4.

18 A more complete discussion of this publication appears under the heading “The District Courts.”
The Ohio Legal News also included Circuit Courts decisions.\textsuperscript{19}

The Ohio Decisions, in three volumes, reported opinions of the Circuit, Common Pleas, Probate, and Cincinnati Superior Courts. This set was recalled by the publishers and the opinions were republished in the Ohio Circuit Decisions and the Ohio Decisions. This set is differentiated from the republished Ohio Decisions volumes by its citation, "Ohio Lower Dec." The opinions reported were rendered from 1894 to 1896.

Iddings' Term Reports, in one volume, digested but did not print the complete opinions of the Circuit, Common Pleas and Probate Courts of Montgomery County, and of other counties of the Second Judicial District. This volume was the work of Daniel W. Iddings, former Law Librarian of Montgomery County, and included cases from 1899 to 1900.

The Ohio Circuit Court Decisions, in twenty-two volumes, was the successor to the Jahn publication, the Ohio Circuit Court Reports, and the Laning publication, the Ohio Circuit Decisions. The publishers of this set cited the first volume "13\textsuperscript{-}23 O. C. C." This unique method of citation did not gain favor, however, and the volumes were generally referred to by the title of one or the other of its predecessors. This accounts for such citations as 45 Ohio Circuit Court Reports or 24 Ohio Circuit Decisions. The set covered cases from 1901 to 1918 and ended with volume "13\textsuperscript{-}45." The last twelve volumes of the Decisions also contain cases decided by the Courts of Appeals and earlier Circuit Courts opinions which had been omitted. Its publication was terminated at the instance of the Ohio State Bar Association and for competitive reasons, since two other sets of reports of the Courts of Appeals were then being published. The Bar obtained an agreement from these publishers and the publishers of the Ohio Courts of Appeals Reports to withdraw their publications in favor of the one official set.

The Ohio Circuit Court Reports (New Series) reported cases from 1903 to 1917 in twenty-six volumes. Volumes 17 through 26 also include reports of the Courts of Appeals. A product of the Ohio Law Reporter Company, this set began publication shortly after the merger of the Jahn and Laning publications. This series was succeeded by volumes 27 through 32 of the Ohio Court of Appeals Reports.

The Court of Appeals

By a constitutional amendment\textsuperscript{20} in 1912, the Circuit Courts were replaced by Courts of Appeals. Significant changes were made in the judicial system by the Constitutional Convention of 1912. These modifications generally related to the jurisdiction of

\textsuperscript{19} Ibid.

\textsuperscript{20} Art. 4.
the various courts and the replacement of legislative determinations by self-executing constitutional provisions. Although many of the constitutional amendments were fundamental, the change to Courts of Appeals was essentially one of nomenclature, since they were but continuations of the Circuit Courts.

The opinions of the Courts of Appeals are contained in the following reports and periodicals:

- The Ohio Circuit Court Decisions and the Ohio Circuit Court Reports (New Series) include decisions of the Courts of Appeals.\(^ {21} \)

- The Ohio Appellate Reports is the first and only official series of Ohio intermediate appellate court reports. The first volume was issued in 1913, and to date, eighty-five bound volumes have been published.

- The Ohio Courts of Appeals Reports was a continuation of the Ohio Circuit Court Reports. The first volume of this series was numbered 27 and the set reported cases from 1915 to 1922. This publication ended in 1922 with volume 32 by agreement between its publishers, the Ohio Law Reporter Company, the Laning Company and the bar. The publication of the decisions as official reports of Ohio was continued under contract by the Ohio Law Reporter Company.

- The Ohio Law Abstract, a current publication, reports cases of the Courts of Appeals, Common Pleas, Probate, Municipal, and Federal Courts. A product of The Law Abstract Company, a Laning concern, the series began publication in 1923 with the printing of syllabi, digests, and "epitomized opinions" rather than the full texts. At present, fifty-six bound volumes have been published. The early practice of summarizing the cases was discontinued, and the series now constitutes one of the three sources for locating the full texts of unofficially reported appellate and nisi prius decisions of Ohio.

- The Ohio Law Reporter, in volumes 21 through 40, reported opinions of the Courts of Appeals from 1923 to 1934. It appears that these volumes were a continuation of the Ohio Court of Appeals Reports. In its later years, the Reporter concentrated more on the reporting of judicial decisions than on periodical articles.

- The Ohio Opinions, which is discussed more fully above under the Supreme Court, also includes cases of the Courts of Appeals.

- The North Eastern Reporter from volume 151 through 200 and the North Eastern Reporter, Second Series, include the Courts of Appeals opinions.\(^ {22} \)

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\(^ {21} \) An account of these reports is included under the heading "The Circuit Courts."

\(^ {22} \) A more complete statement concerning this publication is given under the heading "The Supreme Court and Supreme Court Commissions."
The Ohio Bar, a publication of the Ohio State Bar Association, covers the advance opinions of the Courts of Appeals.23

Typed copies of the Unreported Ohio Court of Appeals Opinions for the Eighth Judicial District have been prepared by the Cleveland Law Library Association. To date, a total of twelve copies of the fifty-two volumes have been typed and made available to libraries and the Bar of the state.

The Bar Briefs, a publication of the Columbus Bar Association, and The Akron Bar Communications of the Akron Bar Association digest but do not print opinions of the Ohio Court of Appeals for their districts, the second and ninth, respectively.

The Common Pleas and Probate Courts

The Common Pleas Courts have remained relatively unchanged throughout the entire constitutional history of Ohio.24 Originally, these courts were composed of one presiding judge and two or three associate judges. There were no requirements or qualifications attached to their offices and the practice generally was for the president of the court to be a lawyer and the associates to be laymen. The jurisdiction of the courts, always provided for by law, has been modified over the years; however, they have consistently been the nisi prius courts of general jurisdiction. Due to the additional work-load given the Common Pleas Courts by increasing their appellate jurisdiction, it was deemed expedient to withdraw from these courts jurisdiction over probate and testamentary matters. Accordingly, in 1851, when the new Constitution was adopted, it created the Probate Courts of Ohio.25 The functions of these courts have remained relatively unchanged since that date.

The Common Pleas and Probate Courts opinions are published in the following reports and periodicals:

Tappan's Reports, previously discussed for its one Supreme Court opinion, primarily reported opinions of Judge Tappan of the Common Pleas Court of the Fifth Circuit from 1816 to 1819. This publication is sometimes called the *Ohio Decisions, Miscellaneous.*

The Western Law Journal, the American Law Register, the Weekly Law Bulletin, the Ohio Legal News, the Ohio Opinions, and the Ohio Bar include Common Pleas and Probate Courts decisions.26

23 Ibid.
24 The Common Pleas Courts in Ohio find their origin in the Northwest Territory. On August 23, 1788, the Governor and judges of the Northwest Territory, sitting as a legislative council, passed an act establishing "A General Court of Quarter Sessions of the Peace and County Courts of Common Pleas." When Ohio became a state, the Common Pleas Courts became constitutional courts pursuant to Art. 3 of the Constitution of 1802.
25 Art. 4.
26 These publications are discussed in more detail under the heading "The Supreme Court and Supreme Court Commissions."
The Ohio Decisions Reprint, the Cleveland Law Register, the Weekly Law and Bank Bulletin, the Weekly Law Gazette, the Western Law Monthly, the American Law Record, the Cleveland Law Reporter, and the Ohio Law Journal report opinions of the Common Pleas and Probate Courts.

The Cincinnati Daily Court Bulletin, in one volume, reported cases from the Common Pleas, Probate, and Cincinnati Superior Courts for 1857. The series was the predecessor of the Weekly Law and Bank Bulletin which is more fully discussed under the District Courts.

3 Ohio Miscellaneous Decisions, a one volume report, reported cases from the Common Pleas and Superior Courts of Montgomery County from 1865 to 1873. Another publication of the Laning Company, it includes many of the opinions of Judge Haynes of the Superior Court which had been reported and preserved by O. M. Gottschall of the Dayton bar. The volume has been referred to by such names as the Dayton Reports and the Ohio Decisions, Dayton.

Goebel's Probate Reports, in one-volume, reported cases in the Hamilton County Probate Court from 1885 to 1890. These opinions were rendered by Judge Herman P. Goebel, and were edited and arranged by W. H. Whittaker of the Cincinnati Bar.

The Ohio Nisi Prius Reports, in eight volumes, was a companion set to the Jahn publication, the Ohio Circuit Court Reports. In addition to opinions of the Common Pleas Courts, it reported cases from the Cincinnati Superior, Hamilton County Insolvency, and Municipal Courts from 1893 to 1901. The series was discontinued in favor of the Ohio Decisions when the Jahn publications were purchased by the Laning Company.


The Ohio Decisions, in thirty-one volumes, reported opinions of the Common Pleas and the Cincinnati Superior Courts, selected opinions from other lower Ohio courts and a few unofficially published opinions of the Supreme Court and the Supreme Court Commission. The set, which includes opinions from 1894 to 1920, is a companion set to the other Laning publications. While the series was to be unaffected by the purchase of the Jahn publications, from that date this set was cited by various means, i.e., "12 Ohio Decisions," "12 Ohio Decisions, Nisi Prius," or "9 Ohio Nisi Prius Reports." Competition with and eventual sale to the Ohio Law Reporter Company lead to the discontinuance of the series.

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27 A fuller account of these publications is given under the heading "The District Courts."

28 These publications are more completely discussed under the heading "The Circuit Courts."
The Ohio Nisi Prius Reports, New Series, in thirty-two volumes, is a companion set to the Ohio Law Reporter Company's Ohio Circuit Court Reports, New Series. It reported 1902 to 1934 opinions of the Common Pleas, Cincinnati Superior, Hamilton County Insolvency, and Municipal Courts. The series was succeeded by the Ohio Opinions.

The Ohio Law Abstract, considered more fully under the Courts of Appeals, includes opinions of the Common Pleas and Probate Courts.

The Ohio Supplement, in seventeen volumes, was bound with the various volumes of the North Eastern Reporter, Second Series, Ohio Edition, beginning with volume 30 and ending with volume 66. The Supplement reported cases from the nisi prius courts of Ohio from 1932 to 1936.

The North Eastern Reporter, Second Series, only volumes 67 et seq., report Ohio nisi prius cases. This set from volume 67 continues the Ohio Supplement series.

The Cincinnati Superior Courts

There have been two distinct Cincinnati Superior Courts in Ohio. The first of these was created in 1838 and continued until abolished by the Schedule to the Constitution of 1851. This court, as well as its successor, was given concurrent jurisdiction with the Hamilton County Common Pleas Court in essentially all civil matters at law or in chancery. The second court was created in 1854 and functioned until it was abolished in 1921 by an act of the General Assembly. A large number of the judges of the latter court subsequently made outstanding contributions in the national judicial and political realms.

The decisions of the Cincinnati Superior Courts are published in the following publications:

The Western Law Journal, the American Law Register, and

29 Ohio Laws 95.
30 Ohio Laws 34.
31 Ohio Laws 354.
32 Included among these were Alphonso Taft (1864-72), who became Secretary of War, Attorney General of the United States, Minister to France, and Minister to Russia; Joseph B. Foraker (1879-82), who became Governor of Ohio and United States Senator; Smith Hickenlooper (1918-23), who became United States District Judge and later Judge of the United States Circuit Court of Appeals; Stanley Matthews (1882-85), who became United States Senator and Justice of the Supreme Court of the United States; Judson Harmon (1878-82), who became Governor of Ohio and Attorney General of the United States; William H. Taft (1887-90), who became Judge of the United States Court of Appeals, Governor of the Philippines, Secretary of War, President of the United States, and Chief Justice of the Supreme Court of the United States; and Edward F. Noyes (1889-90), who became Governor of Ohio and Minister to France.
the Weekly Law Bulletin include Cincinnati Superior Court cases.\textsuperscript{33}

The Ohio Decisions Reprint, the Weekly Law and Bank Bulletin, the Weekly Law Gazette, the Western Law Monthly, the Cincinnati Municipal Decisions, the American Law Record, and the Cleveland Law Reporter contain Cincinnati Superior Court decisions.\textsuperscript{34}

Handy's Reports, in two volumes, reported the opinions of the Cincinnati Superior Court from 1854 to 1856. The reporters of the volumes were R. D. and J. H. Handy of the Cincinnati bar. These opinions were reprinted in the Ohio Decisions Reprint, volume 12.

Disney's Reports, in two volumes, reported opinions of the Cincinnati Superior Court from 1854 to 1859. These opinions were reprinted in the Ohio Decisions Reprint, volumes 12 and 13. This set, with but a single exception, did not duplicate the opinions found in Handy's Reports. The preparation of the publication was originally undertaken by Judge Stanley Matthews, who subsequently became a Justice of the Supreme Court of the United States, and was continued by William Disney of the Cincinnati bar.

The Cincinnati Daily Court Bulletin, the Ohio Nisi Prius Reports, the Ohio Decisions, and the Ohio Nisi Prius Reports, New Series, include Cincinnati Superior Court opinions.\textsuperscript{35}

The Cincinnati Superior Court Reporter, in two volumes, printed opinions of that court from 1870 to 1873. Volume 1 was edited by Charles P. Taft and Bellamy Storer, Jr., sons of the contemporary judges. The second volume was edited by Charles P. and Peter R. Taft. Both volumes, as were Handy's and Disney's Reports, were published by Robert Clarke & Co., of Cincinnati. These opinions were reprinted in the Ohio Decisions Reprint, volume 13.

The Ohio Decisions, the Ohio Lower Decisions edition, also included Cincinnati Superior Court opinions.\textsuperscript{36}

The Cincinnati Superior Court Decisions, in one volume, reported opinions of the court for the period 1903 to 1907. The Decisions were reported by Judge Lewis M. Hosea of the Superior Court and published by The W. H. Anderson Company. The publication is generally referred to as "Hosea's Reports."

The Ohio Law Reporter, in some of its early volumes, printed a number of otherwise unpublished Cincinnati Superior and other

\textsuperscript{33} These journals are discussed in greater detail under the heading "The Supreme Court and Supreme Court Commissions."

\textsuperscript{34} For more complete references to these publications, see the discussion under the heading "The District Courts."

\textsuperscript{35} More complete discussions of these periodicals appear above under the heading "The Common Pleas and Probate Courts."

\textsuperscript{36} A more complete statement on this publication was given under the heading "The Circuit Courts."
nisi prius court opinions. Most of the opinions published in the Re-
porter, however, were included in the Ohio Nisi Prius, New Series.

The Franklin County Superior Court

Like the Cincinnati Court, the Franklin County Superior Court
generally functioned as a substitute court of common pleas. This
court was established in 1857\textsuperscript{37} and functioned until it was abolish-
ed in 1865.\textsuperscript{38}

The opinions of the Franklin County Superior Court were in-
cluded in the Western Law Monthly and in the reprint of those
cases in volume 2 of the Ohio Decisions Reprint.\textsuperscript{39}

The Cleveland Superior Court

This Superior Court, like that of Cincinnati, sat during two
different periods. It was first created in 1848\textsuperscript{40} and then discon-
tinued by the Schedule of the Constitution of 1851. The court, and
that of Cincinnati and the Commercial Court of Cincinnati, could
accept no new actions after February, 1852, but was permitted to
operate until February, 1853. The second Cleveland Superior
Court was established in 1873\textsuperscript{41} and was abolished two years later.\textsuperscript{42}

Its decisions are contained in the Western Law Journal and
in the reprint of those cases in volume 1 of the Ohio Decisions Re-
print.\textsuperscript{43}

The Montgomery County Superior Court

This court was established in 1856\textsuperscript{44} and functioned until 1885,
when it was abolished by an act of the general assembly.\textsuperscript{45} Its
jurisdiction was the same as that of the other superior courts.

The opinions of the Montgomery County Superior Court are
included in the American Law Register and in their reprints in
volume 3 of the Ohio Decisions Reprint.\textsuperscript{46}

Three Ohio Miscellaneous Decisions also contains the Mont-
gomery County Superior Court opinions.\textsuperscript{47}

\begin{itemize}
\item \textsuperscript{37} 54 Ohio Laws 37.
\item \textsuperscript{38} 62 Ohio Laws 58.
\item \textsuperscript{39} For a more detailed statement regarding these publications, see the dis-
cussion under the heading “The District Courts.”
\item \textsuperscript{40} 46 Ohio Laws 21.
\item \textsuperscript{41} 70 Ohio Laws 297.
\item \textsuperscript{42} 72 Ohio Laws 105.
\item \textsuperscript{43} A discussion of the Western Law Journal was given under the heading
“The Supreme Court and Supreme Court Commissions.”
\item \textsuperscript{44} 53 Ohio Laws 38.
\item \textsuperscript{45} 82 Ohio Laws 85.
\item \textsuperscript{46} The American Law Register is discussed more completely under the
heading “The Supreme Court and Supreme Court Commissions.”
\item \textsuperscript{47} For a fuller account of this volume, see the discussion of it under the
heading “The Common Pleas and Probate Courts.”
\end{itemize}
The Commercial Court of Cincinnati

Created in 1848\(^{48}\) this court was given concurrent jurisdiction with the Hamilton County Common Pleas Court over all chancery matters and those civil actions which were based upon contract. The court was abolished in 1853 as a result of the Schedule of the 1851 Constitution.

Its opinions were included in the Western Law Journal and those cases were reprinted in volume 1 of the Ohio Decisions Reprint.\(^{49}\)

The Hamilton County Insolvency Court

This court, created in 1894,\(^{50}\) was one of a pair of insolvency courts established in Ohio which administered assignments for the benefit of creditors, receivers for insolvent corporations, and other commercial matters. This court was abolished in 1921,\(^{51}\) while the other court, the Cuyahoga County Insolvency Court, continued to function until 1934.

The Weekly Law Bulletin included the opinions of the Hamilton County Insolvency Court.\(^{52}\)

The Ohio Nisi Prius Reports, the Ohio Decisions, and the Ohio Nisi Prius Reports, New Series, contain decisions of this court.\(^{53}\)

The Ohio Law Reporter, dealt with above in greater detail under the Federal Courts, also included the Hamilton County Insolvency Court decisions.

The Municipal and Probate Courts

No adequate historical summary of the Municipal and Police Courts of Ohio can be given in this article, in view of its limited scope. At best, only the more significant highlights of these courts can be presented. The Police Courts were first established in 1852\(^{54}\) and generally given authority similar to the Justices of the Peace and Mayor's Courts. No pattern can be followed as to the various Municipal Courts either as to the dates of establishment or the jurisdiction; however, these courts now operate in most of the major cities in Ohio, the oldest being the Cleveland Municipal Court, created in 1910.

The Municipal and Police Courts opinions are included in the Weekly Law Bulletin, the North Eastern Reporter, Second Series,

\(^{48}\) Ohio Laws 17.
\(^{49}\) See note 43 supra.
\(^{50}\) Ohio Laws 844.
\(^{51}\) Ohio Laws 357.
\(^{52}\) The Bulletin is considered in greater detail under the heading "The Supreme Court and Supreme Court Commissions."
\(^{53}\) For more detailed information regarding these publications, refer to the discussion under the heading "The Common Pleas and Probate Courts."
\(^{54}\) Ohio Laws 223.
and the Ohio Bar, publications which are outlined above under the Supreme Court.

The Ohio Decisions Reprint, in volume 7 through 11, reprinted the opinions in the first thirty volumes of the Weekly Law Bulletin.\textsuperscript{55}

The Ohio Nisi Prius Reports, the Ohio Decisions, the Ohio Nisi Prius Reports, New Series, and the Ohio Supplement also covered the Municipal and Police Courts opinions.\textsuperscript{56}

\textit{The Federal Courts}

The Ohio Law Reporter, more fully discussed under the Federal Courts, contains decisions of the Municipal and Police Courts. The Ohio Law Abstract, which is treated in detail under the Courts of Appeals, also includes Municipal and Police Court opinions.

A number of reports have selected and published certain federal cases particularly applicable to Ohio law. These publications are outlined below. The general federal reports, however, are not included in this survey.

The Ohio Federal Decisions, in sixteen volumes, printed selected opinions of Federal Courts arising out of Ohio disputes or construing Ohio statutes. This series, another Laning Company publication, included opinions from many sources covering the period 1809 to 1811.

The Weekly Law Bulletin, the Ohio Legal News, and the Ohio Opinions contain selected decisions from the Federal Courts bearing on Ohio law.\textsuperscript{57}

The Ohio Law Reporter, in forty-two volumes, included selected opinions of the Federal Courts. The Reporter, a competitor of the Weekly Law Bulletin, was an Ohio Law Reporter Company publication. For most of its life, it functioned as a periodical, rather than a report, printing only Federal opinions and reserving the other decisions for its companion sets, the Ohio Circuit Court Reports, New Series, the Ohio Court of Appeals Reports, and the Ohio Nisi Prius Reports, New Series. The Reporter was the victor in the struggle for publication supremacy but was voluntarily abandoned at a later date in favor of the Ohio Opinions. Its title was then combined with that of the Ohio Opinions to formulate the caption for the advance sheets to the Ohio Opinions.

\textsuperscript{55} A more complete discussion of the Reprint is given under the heading "The District Courts."

\textsuperscript{56} These reports are discussed further under the heading "The Common Pleas and Probate Courts."

\textsuperscript{57} These publications were more completely discussed under the heading "The Supreme Court and Supreme Court Commissions."
The Ohio Law Abstract also covers selected Federal Courts decisions.58

**Miscellaneous Ohio Reprints**

A number of reprints of the various reports of the Ohio judicial decisions has been published. These reprints, with the exception of the Ohio Decisions Reprint, were not discussed in the preceding sections of this article, since they are essentially duplication of the original reports and are not independently cited. On the other hand, the Ohio Decisions Reprint was previously treated because of its significance and frequency of citation.

Numerous reprints or republications of the Ohio Reports and the Ohio State Reports have been issued. These reprints were basically duplicate copies of the originals59 and have not been independently cited by distinctive names. However, there are a few notable exceptions to this general rule. For example, in 1850, editions of volumes 2 and 3 of the Ohio Reports were published with notes by S. Shellabarger. Soon thereafter a new edition of volumes 4 through 7 was printed with notes by M. E. Curwen. A reprint of the first seven volumes of these reports, Wilcox's Condensed Reports, merits special mention. This is a condensed edition by P. B. Wilcox, a Reporter of the Ohio Reports, with the first four official volumes in one volume and volumes 6 and 7 in another. The Reports were condensed by omitting the arguments of counsel. In 1833, Reporter Hammond, the predecessor of Wilcox, published a condensed edition of the first two volumes of the Reports in one volume. Neither of the latter editions found lasting favor.

A reprint of Tappan's Reports was published in 1875 and a revision in 1899. Both editions were typographical improvements over the original but otherwise did not alter the text.

The R. D. and J. H. Handy's Reports of Cases in the Superior Court of Cincinnati suspended publication while in the middle of the second volume. Thus, it includes only 288 pages, without title or index. In 1877, a new edition, two volumes in one, was published with notes by Lewis E. Mills.

Wright's Ohio Supreme Court Reports was republished in 1884 as a second edition with annotations.

Mr. Carl Jahn, while publishing the Weekly Law Bulletin and competing with the Laning Company, issued certain reprints

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58 A more specific treatment of this publication is given under the heading "The Court of Appeals."

59 The original edition of volume 7 of the Ohio Reports was published in two parts which were inadvertently paged separately. It is therefore necessary to cite that edition by part as well as volume. The second edition of 1852 has a dual pagination with both original and continuous page numbers; therefore, it and its reprints can be cited without reference to the parts.
of cases found in the old Ohio legal periodicals. This group of reprints, consisting of five volumes, competed with the Laning series, the Ohio Decisions Reprint. Although the Jahn reprints are not as comprehensive as the Ohio Decisions Reprint, they nevertheless include cases not found in the Reprint. These originally appeared in the Cleveland Law Register and the Cincinnati Daily Court Bulletin. The Jahn series is without a title but can be independently cited, since it has separate volume and page numbers. A list of the publications thus reprinted follows:

- American Law Record
- Cleveland Law Record
- Cleveland Law Reporter
- Cleveland Law Register
- Cincinnati Daily Court Bulletin
- Weekly Law and Bank Bulletin
- Weekly Law Gazette
- American Law Register
- Western Law Journal
- Western Law Monthly

Table of Abbreviations of Ohio Court Reports

Uniformity is not without its faults, yet its benefits become apparent when one examines the numerous unstandardized and conflicting abbreviations which have been used to identify the various Ohio court reports. While it is too late in the season of Ohio court reporting to give consistency to the citations of the past publications, we can partially relieve the confusion by listing the many varying abbreviations of the publications discussed in this article as culled from numerous sources and repositories.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Publication</th>
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<tr>
<td>A. L. Rec.</td>
<td>American Law Record</td>
</tr>
<tr>
<td>A. L. Reg. (N.S.)</td>
<td>American Law Register, New Series</td>
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<tr>
<td>A. L. Reg. (O. S.)</td>
<td>American Law Register, Old Series</td>
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<tr>
<td>Abs.</td>
<td>Ohio Law Abstract</td>
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<td>Am. L. Rec.</td>
<td>American Law Record</td>
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<td>Am. L. Reg.</td>
<td>American Law Register</td>
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<td>Am. Law Rec.</td>
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<td>Am. Law Reg.</td>
<td>American Law Register</td>
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<td>App.</td>
<td>Ohio Appellate Reports</td>
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<tr>
<td>B.</td>
<td>Weekly Law Bulletin</td>
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<tr>
<td>Bull.</td>
<td>Weekly Law Bulletin</td>
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<tr>
<td>Burgess</td>
<td>Ohio State Reports, volumes 46-51</td>
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<tr>
<td>C. C.</td>
<td>Ohio Circuit Court Reports</td>
</tr>
<tr>
<td>C. C. n.s.</td>
<td>Ohio Circuit Court Reports, New Series</td>
</tr>
<tr>
<td>C. D.</td>
<td>Ohio Circuit Decisions</td>
</tr>
<tr>
<td>C. L. Rec.</td>
<td>Cleveland Law Record</td>
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<tr>
<td>C. L. Reg.</td>
<td>Cleveland Law Register</td>
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<tr>
<td>C. L. Rep.</td>
<td>Cleveland Law Reporter</td>
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<tr>
<td>C. S. C. R.</td>
<td>Cincinnati Superior Court Reporter</td>
</tr>
<tr>
<td>Cin. Law Bul.</td>
<td>Weekly Law Bulletin</td>
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Cincinnati Municipal Decisions
Cincinnati Superior Court Reporter
Cincinnati Superior Court Reporter
Cincinnati Superior Court Reporter
Cincinnati Superior Court Reporter
Weekly Law Bulletin
Ohio Circuit Court Decisions
Cleveland Law Record
Cleveland Law Register
Cleveland Law Reporter
Cleveland Law Reporter
Cleveland Law Record
Cleveland Law Register
Ohio State Reports, volumes 5-21
Disney's Reports
Ohio Decisions Reprint
Ohio Decisions Reprint
3 Ohio Miscellaneous Decisions
Iddings' Term Reports
Iddings' Term Reports
Ohio Decisions Reprint
Disney's Reports
Weekly Law Gazette
Goebel's Probate Reports
3 Ohio Miscellaneous Decisions
Ohio State Reports, volumes 22-23
Ohio State Reports, volumes 14-19
Handy's Reports
Ohio Reports, volumes 1-9
Ohio Reports, volumes 1-9
Handy's Reports
Handy's Reports
Cincinnati Superior Court Decisions
Iddings' Term Reports
Iddings' Term Reports
Iddings' Term Reports
Weekly Law and Bank Bulletin
Ohio Decisions (Ohio Lower Decisions)
Ohio Law Reporter
Weekly Law and Bank Bulletin
Ohio Reports, volume 20
Ohio Decisions (Ohio Lower Decisions)
3 Ohio Miscellaneous Decisions
North Eastern Reporter
North Eastern Reporter, Second Series
Ohio Nisi Prius Reports
Ohio Nisi Prius Reports, New Series
North Eastern Reporter
Ohio Reports
Ohio Appellate Reports
Ohio Appellate Reports
Ohio Appellate Reports
| Ohio Leg. N. | Ohio Legal News |
| Ohio Legal N. | Ohio Legal News |
| Ohio Lower Dec. | Ohio Decisions (Ohio Lower Decisions) |
| Ohio Misc. Dec. | 3 Ohio Miscellaneous Decisions |
| Ohio N. P. | Ohio Nisi Prius Reports |
| Ohio N. P., N. S. | Ohio Nisi Prius Reports, New Series |
| Ohio, N. S. | Ohio Reports, Annotated |
| Ohio Op. | Ohio Opinions |
| Ohio Prob. | Goebel's Probate Reports |
| Ohio S. & C. P. Dec. | Ohio Decisions |
| Ohio S. U. | Ohio Supreme Court Decisions (Unreported Cases) |
| Ohio St. | Ohio State Reports |
| Ohio St., N. S. | Ohio State Reports, Annotated |
| Ohio Sup. & C. P. Dec. | Ohio Decisions |
| Ohio Supp. | Ohio Supplement |
| Ohio Unrept. Cas. | Ohio Supreme Court Decisions (Unreported Cases) |
| Rand. | Ohio State Reports, volume 52-71 |
| S. & C. P. Dec. | Ohio Decisions |
| Stanton | Ohio Reports, volumes 11-13 |
| Sup. & C. P. Dec. | Ohio Decisions |
| T. | Tappan's Reports |
| Tapp. | Tappan's Reports |
| Tappan | Tappan's Reports |
| W. | Wright's Reports |
| W. L. B. | Weekly Law Bulletin |
| W. L. G. | Weekly Law Gazette |
| W. L. Gaz. | Weekly Law Gazette |
| W. L. J. | Western Law Journal |
| W. L. Jour. | Western Law Journal |
| W. L. M. | Western Law Monthly |
| Ward | Ohio State Reports, volumes 2, 4 |
| Warden | Ohio State Reports, volumes 2, 4 |
| Warden & Smith | Ohio State Reports, volume 3 |
| Week. Cin. L. B. | Weekly Law Bulletin |
| Week. L. Gaz. | Weekly Law Gazette |
| Week. Law Bull. | Weekly Law Bulletin |
| Week. Law Gaz. | Weekly Law Gazette |
| West. L. J. | Western Law Journal |
| West. L. M. | Western Law Monthly |
| West. L. Mo. | Western Law Monthly |
| West. Law J. | Western Law Journal |
| West. Law M. | Western Law Monthly |
| Wilcox | Ohio Reports, volume 10 |
| Wright | Wright's Reports |