

THE PROPOSED CONSTITUTION OF 1874

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I - BILL OF RIGHTS

SECTION 1. All persons are by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.

SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked or repealed by the General Assembly.

SEC. 3. The people have the right to assemble together in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the General Assembly for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate; but in civil cases, in courts inferior to the common pleas, in which the amount in controversy does not exceed one hundred dollars, or the right of appeal to the court of common pleas is given, a jury of not less than six persons may be provided by law.

SEC. 6. There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime.

SEC. 7. All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office; nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is

evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

SEC. 10. Except in cases of impeachment, and cases arising in the army or navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offences, no person shall be held to answer for a capital, or other infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in a criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the State, for an offense committed within the same; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person, for an injury done in his land, goods, person or reputation, shall have remedy by due course of law; and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors or privileges shall ever be granted or conferred by this State.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

SEC. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for purpose of making or repairing roads, which shall be open to the public, without charge, other than streets and highways in cities and incorporated villages, a compensation shall be made to the owner in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensa-

tion shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 20. Jurisdiction to charge property or affect rights in judicial proceedings, shall not be acquired by publication only, unless upon or after making proof of such publication, it shall be found by the court that the residence and postoffice address of the party to be affected are unknown, and cannot be ascertained by reasonable diligence.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II - LEGISLATIVE

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

SEC. 2. Senators and Representatives shall be elected biennially by the electors in the respective counties or districts, on the Tuesday succeeding the first Monday in November; their terms of office shall commence on the first day of January next thereafter, and continue two years.

SEC. 3. Senators and Representatives shall have resided in their respective counties or districts one year next preceding their election, and shall continue to reside therein during their terms of service.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia; nor shall any per-

son interested in a contract with, or unadjusted claim against the State, hold a seat in the General Assembly.

SEC. 5. No person convicted of embezzlement of the public funds shall hold office in this state; nor shall any person holding public money have a seat in the General Assembly, until he shall have accounted for such money and paid it into the treasury.

SEC. 6. Each House shall be judge of the election, returns and qualifications of its members; a majority of the members elected to each House shall be a quorum to do business, but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as shall be prescribed by law.

SEC. 7. The mode of organizing the House of Representatives at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each House, except as otherwise provided in this Constitution, shall choose its officers; may determine its rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected thereto, expel a member, but not a second time for the same cause; and shall have other powers necessary to provide for its safety and the undisturbed transaction of its business.

SEC. 9. Each House shall keep a journal of its proceedings, which shall be published, and on which, at the request of two members, the yeas and nays shall be entered. On the passage of every bill or joint resolution, in each House, a vote shall be taken by yeas and nays, and entered on the journal. No bill or joint resolution, except joint resolutions relating to the course of business in the General Assembly, shall be passed in

either House, without the concurrence of a majority of the members elected thereto.

SEC. 10. Any member of either House shall have the right to protest against any act or resolution thereof, and such protest, and the reasons therefor, shall, on being presented to such House, be entered on the journal by the clerk, without alteration, commitment or delay.

SEC. 11. All vacancies in either House, shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest in all cases, except treason, felony or breach of the peace; and for any speech or debate, in either House, shall not be questioned elsewhere.

SEC. 13. The proceedings of both Houses shall be public, except in cases which, in the opinion of two-thirds of the members present, require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than two days, Sundays excluded, nor to any other place than that in which the two Houses shall be in session.

SEC. 15. No law shall be passed except by bill. Bills may originate in either House, but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the members elected to the House in which it shall be pending, by a vote by yeas and nays, entered on the journal, dispense with this rule; but the reading of a bill on its final passage shall in no case be dispensed

with. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended; and the section or sections so amended shall be repealed.

SEC. 17. The presiding officer of each House shall sign, publicly, in the presence of the House over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

SEC. 18. Every bill passed by the General Assembly shall be presented to the governor. If approved, he shall sign it, and thereupon it shall become a law. If not approved, he shall send it, with his objections, in writing, to the House where it originated, which may then reconsider the vote on the passage of the same. If three-fifths of the members elected to that House then agree to re-pass the bill, it shall be sent, with the objections of the governor, to the other House, which may also reconsider the vote on its passage. If three-fifths of the members elected to that House agree to re-pass the same, it shall become a law; but the vote necessary to re-pass such bill, in each House, shall not be less than that required on the original passage. The vote in each House shall be by yeas and nays, entered on the journal thereof. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law, unless the General Assembly by adjournment prevent its return; in which case it shall be filed by him with his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained

in bills passed by the General Assembly, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner herein prescribed in cases of disapproval of bills. Every order or resolution, in which the concurrence of both branches of the General Assembly may be necessary, except on questions of adjournment, or pertaining to the transaction of business by the Houses, shall be presented to the governor, and, before the same shall take effect, be approved by him, or, being disapproved, shall be re-passed in the manner herein prescribed for the re-passage of bills.

SEC. 19. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of the State of Ohio.*"

SEC. 20. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under the laws of this State, which shall be created or the emoluments of which shall be increased during such term.

SEC. 21. The General Assembly shall fix the term of office and compensation of officers in cases not provided for in this Constitution; but shall not extend the term of office, or change the salary, fees or compensation of any person elected or appointed to any office or position after such person shall have been elected or appointed. If any office be abolished, the salary or compensation attached thereto shall thereupon cease.

SEC. 22. The General Assembly shall provide by law, before what authority and in what manner the trial of contested elections shall be conducted.

SEC. 23. No money shall be drawn from the treasury

except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and no appropriation shall be for a longer period than two years. On the passage of such bills, or on concurring in amendments thereto, a separate vote on any item or items therein shall, on demand of any member, be had by yeas and nays, entered on the journal; and every such item, failing to receive the vote of the requisite majority of the members elected to the House in which the bill is pending, shall be stricken therefrom, and each item receiving such majority shall be declared passed.

SEC. 24. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any officer or employe not elected or appointed in pursuance of law.

SEC. 25. No extra compensation shall be made to any officer, public agent, employe or contractor, after the services shall have been rendered or the contract entered into; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by bill, passed by two-thirds of the members elected to each branch of the General Assembly. No provision authorizing the expenditure or payment of money for any purpose not provided for by pre-existing law, shall be included in any bill making appropriations for a purpose which shall have been so provided for; nor shall more than one class of compensation or claims be included in the same bill.

Every appropriation for the payment of such compensation or claim, included in an act making appropriations of a different class, shall be void.

SEC. 26. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate, and the Senators, when sitting for that purpose, shall be on oath or affirmation to do justice according to law and evidence. When the governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators.

SEC. 27. The governor, judges, and all State officers may be impeached for misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold office under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

SEC. 28. All regular sessions of the General Assembly shall commence on the first Wednesday of January annually.

SEC. 29. All laws of a general nature shall have a uniform operation throughout the State. No act, or part of an act, except such as relates to public schools, public buildings, or public bridges, shall be passed to take effect upon a vote of the people to be affected thereby, or upon the approval of any other authority than the General Assembly, except as otherwise provided in this Constitution; nor shall any act be passed conferring special powers or privileges upon any county, township, city, village or other municipality, not conferred upon all

counties, townships, cities, villages and municipalities of the same general class.

SEC. 30. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this Constitution or the Constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this Constitution, and in the election of United States Senators; and in these cases the vote shall be taken viva voce.

SEC. 31. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects and errors in instruments and proceedings, arising out of their want of conformity to the laws of this State.

SEC. 32. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof and be adopted by a majority of all the electors voting at such election in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve the law passed for that purpose; but no town or

city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 33. The members of the General Assembly shall receive a fixed annual salary and mileage, to be prescribed by law, and no other allowance or perquisites, either in payment of postage or otherwise; and no change in their compensation shall take effect during their term of office, but the General Assembly shall provide for ratable deductions therefrom on account of unnecessary absence during its sessions.

SEC. 34. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

ARTICLE III – EXECUTIVE

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, treasurer of state, auditor of state and attorney-general, who shall be chosen by the electors of the state on the Tuesday succeeding the first Monday of November, at the places of voting for members of the General Assembly.

SEC. 2. The official terms of the governor, lieutenant-governor, secretary, treasurer and attorney-general, shall be two years; and of the auditor four years, and shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish

them, and declare the result in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared elected, but if two or more shall be highest, and have an equal number of votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. The supreme executive power of the state shall be vested in the governor.

SEC. 5. He may require information, in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

SEC. 6. He shall by message communicate to the General Assembly, at every session, the condition of the state, and recommend such measures as he may deem expedient.

SEC. 7. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they have been convened.

SEC. 8. In case of disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 9. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

SEC. 10. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think

proper, subject, however, to such regulations as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the General Assembly at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve.

SEC. 11. A Seal of the State shall be kept by the governor, used by him officially, and called "The Great Seal of the State of Ohio."

SEC. 12. All grants and commissions shall be issued in the name and by the authority of the State of Ohio, sealed with the great seal, signed by the governor, and countersigned by the Secretary of State.

SEC. 13. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of governor, except as herein provided.

SEC. 14. In case of the death, impeachment, resignation, removal, or disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor. The General Assembly shall provide by law for the case of impeachment, removal, death, resignation or disability of both governor and lieutenant-governor, declaring what officer shall act as governor until the disability be removed, or a governor elected and qualified.

SEC. 15. The lieutenant-governor shall be president of the Senate, and may vote when the Senate is equally divided but not upon a question relating to a bill on any stage thereof, nor upon a joint resolution requiring a vote of the majority of the members elected to the Senate, nor in a contested election of a member of the Senate, nor in the election of a Senator in Congress. The Senate shall choose a president pro tempore, who shall serve during its pleasure. He shall preside when the lieutenant-governor is absent or impeached, or acting as governor.

SEC. 16. Should the office of auditor, treasurer, secretary, or attorney-general become vacant, for any such cause as is specified in the fourteenth section of this Article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Such vacancies shall be filled at the first election for governor held more than thirty days after they occur; and the person chosen shall hold the office for the full term fixed in the second section of this Article.

SEC. 17. The officers mentioned in this Article shall, at stated times, receive for their services a compensation to be fixed by law.

SEC. 18. The officers of the executive department, and of the public State institutions, shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

ARTICLE IV - JUDICIAL

SECTION 1. The judicial power of the State shall be vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and

such other courts inferior to the circuit court, in one or more counties or cities, as the General Assembly may from time to time establish.

SEC. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, at the seat of government or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be ten years. Said court may appoint a clerk and reporter, who shall receive such compensation as may be prescribed by law.

SEC. 3. At the first election for judges of the supreme court, no elector shall vote for more than three candidates.

SEC. 4. The judges of the present supreme court, in office when the judges of the supreme court first elected under this Constitution shall be qualified, are hereby constituted a commission to dispose of such part of the business then on the docket, as shall not, by arrangement between the commission and the new court, be transferred to the latter; which commission shall have like jurisdiction and powers in respect thereto, as are or may be vested in said court. The members of the commission shall be paid the same compensation as the judges of the supreme court for the time being.

SEC. 5. Said commission shall consist of five members, a majority of whom shall be necessary to form a quorum or pronounce a decision. Any vacancy occur-

ring in the commission shall be filled by appointment of the governor, with the advice and consent of the Senate; or if the General Assembly be not in session, by the governor; but, in such case the appointment shall expire at the end of the next session of the General Assembly. The commissioners may appoint and remove such attendants as may be necessary. The clerk and reporter of the supreme court shall be clerk and reporter of the commission. The decisions of the commission shall be certified, entered and enforced as the judgments of the supreme court. The commission shall continue until the cases committed to it are determined, but not exceeding three years; and all cases then undetermined shall be disposed of by the supreme court.

SEC. 6. The General Assembly may, on application of the supreme court, duly entered on its journal and certified, provide by law, from time to time, for the appointment by the governor, with the advice and consent of the Senate, of a like commission; provided that the term of any such commission shall not exceed two years; nor shall it be created oftener than once in ten years.

SEC. 7. The State shall be divided into seven judicial circuits of compact territory, and bounded by county lines, in each of which, three judges residing therein, shall be elected by the electors thereof. The circuit court shall consist of three of the judges so elected, two of whom shall be necessary to form a quorum, or pronounce a decision; and shall be held in each county at least twice in each year. The judges may be allotted for that purpose to the several circuits, in such mode and order, and under such regulations as may be prescribed by law; and their term of office shall be eight years.

More than one court may be held at the same time in any circuit.

SEC. 8. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction, inferior to that of the supreme court, as may be provided by law.

SEC. 9. The State shall be divided into twelve common pleas districts, of compact territory, bounded by county lines. Each district composed of two or more counties shall be divided into subdivisions, not exceeding the number of judges to be chosen therein, of compact territory, bounded by county lines, and as nearly equal in population as practicable, having due regard to business. In each district, or its subdivisions, as the case may be, such number of common pleas judges, residing therein, as is provided in this Constitution, shall be elected by the electors thereof, who shall be judges of their respective districts. In each quarter of the judicial year, which shall commence on the first day of January, and in each county of the several districts, a term of the common pleas court shall be held by one or more of these judges; and more than one court may be held at the same time in any district or division. The judicial service of each district shall be apportioned to the several counties thereof, according to population and business. Not less than seventy-two days of open session, in the first, second and fourth quarters, respectively, and twenty-four days in the third quarter, shall be held by each judge, unless all the business assigned to him be sooner disposed of: provided, that in districts composed of a single county, no judge shall be required to hold such session more than ten days in the third quarter.

The General Assembly may provide by law for assigning a judge or judges of any district, to hold court in any other district, when necessary.

SEC. 10. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law, but shall be inferior to that of the circuit court.

SEC. 11. The judges of the courts of common pleas, while in office, shall reside in the district for which they are elected; and their term of office shall be six years.

SEC. 12. The General Assembly may fix by law the times of holding the several courts of record, or may authorize the judges thereof, respectively, to fix the same.

SEC. 13. The General Assembly may increase or diminish the number of the judges of the circuit courts, and of the courts of common pleas, the number of circuits and districts; and may change the circuits, districts and subdivisions, and establish other courts, whenever two-thirds of the members elected to each House shall concur therein; but no such change shall vacate the office of a judge. No member of the General Assembly creating an additional judgeship, shall be eligible to such office for one year after the creation thereof, nor until after the first general election thereafter.

SEC. 14. The several judges of the supreme court, circuit courts, courts of common pleas, and such other courts as may be created, respectively, shall have such jurisdiction at chambers, or otherwise, as may be conferred by law.

SEC. 15. There shall be established in each county a probate court, which shall be a court of record, open at all times, and held by one judge, elected by the electors

of the county; and whose term of office shall be four years.

SEC. 16. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators and guardians, and such other jurisdiction in any county or counties as may be provided by law. But no provisional order made by a probate judge, in a cause pending in any other court, shall be operative or revived after such order shall have been vacated or dissolved.

SEC. 17. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term than six years.

SEC. 18. The General Assembly may provide by law for the appointment of a judge pro tempore, to hold sittings of any court inferior to the circuit court, when the judge thereof is absent, or otherwise unable or disqualified to preside.

SEC. 19. The judges of the supreme court, circuit courts, courts of common pleas, and such other courts as may be created, shall at stated times, receive for their services such compensation as may be provided by law, which, after the first session of the General Assembly held under this Constitution, shall not be changed during their term of office; but the compensation of the judges of the supreme court shall be five thousand dollars per annum, until the Legislature shall otherwise provide. No judge of a court of record shall receive

any fees or perquisites, or hold any other office of profit or trust under the authority of this State or the United States. All votes for such judge for any elective office, except a judicial office, under the authority of this State, given by the General Assembly, or the people, shall be void.

SEC. 20. In case the office of a judge shall become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by the governor, until a successor is elected and qualified; and such successor shall be elected at the first election for governor that occurs more than thirty days after the vacancy shall have happened.

SEC. 21. Judges may be removed from office by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members elected to each House concur therein; but no such removal shall be made except upon complaint, the substance of which shall be entered on the Journal; nor until the party charged shall have had notice thereof, and an opportunity to be heard.

SEC. 22. Drunkenness of a judicial officer, during a term of his court, or when otherwise officially engaged, shall work a forfeiture of his office; and upon such fact being established, as shall be provided by law, his office shall become vacant. It shall be the duty of the General Assembly to provide for carrying this section into effect.

SEC. 23. There shall be elected in each county, by the electors thereof, a clerk of the court of common pleas, who shall hold his office for the term of four years, and until his successor is elected and qualified. He shall, unless otherwise provided, be clerk of all other courts of record in such county. The General Assembly may

provide for the election of a clerk, with a like term of office, for each or any other court of record, except the supreme court. The judge of the probate court shall perform the duties of clerk of said court, unless otherwise provided by law. Clerks of courts shall be removable for such cause and in such manner as the General Assembly may prescribe.

SEC. 24. Probate judges and clerks of courts, other than the supreme court, shall receive a fixed salary out of the proper county treasury and all their official fees shall be paid into such treasury. The clerk of the supreme court, shall receive a fixed salary out of the State treasury and shall pay into it all his official fees.

SEC. 25. A competent number of justices of the peace shall be elected by the electors in each township, at the time fixed for the election of other township officers. Their term of office shall be four years, and their powers and duties shall be defined by law. Vacancies occurring in the office shall be filled by appointment, until the next general election of township officers, in such manner as may be provided by law.

SEC. 26. All judges of courts of record inferior to the supreme court, shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their official experience may suggest; and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the governor such defects and omissions in the laws as they may find to exist; and all judges of courts of record inferior to the supreme court shall report to the General Assembly, at each regular session thereof, the number of days they have held court in the several counties composing

their respective circuits and districts the preceding year.

SEC. 27. The style of all process shall be "The State of Ohio." All prosecutions shall be carried on in the name and by the authority of the State of Ohio, and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

ARTICLE V - ELECTIVE FRANCHISE

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

SEC. 2. No idiot or insane person shall be entitled to the privilege of an elector.

SEC. 3. The General Assembly shall have power to exclude from the privilege of voting, or being eligible to office, any person convicted of bribery, perjury or other infamous crime.

SEC. 4. All elections shall be by ballot.

SEC. 5. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases, except treason, felony and breach of the peace.

SEC. 6. No person shall be deemed to have gained or lost his residence as an elector, by reason of his presence or absence in the service of the United States, or in the navigation of the high seas or waters of the United States, or by reason of his presence or absence for any temporary purpose.

SEC. 7. Every elector in the actual military service of

the United States, or of this State, and not in the regular army, may exercise the right of suffrage at such place and under such regulations as may be prescribed by law.

ARTICLE VI - EDUCATION

SECTION 1. The principal of all funds arising from the sale or other disposition of lands and other property, granted or entrusted to the State for educational or religious purposes, shall forever be preserved inviolate and undiminished and the income therefrom shall be faithfully applied to the specific objects of the original grants and trusts.

SEC. 2. The General Assembly shall make such provision, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State. No religious or other sect shall ever have exclusive right to, or control of any part of the school funds of the State.

SEC. 3. Women, having such qualifications as to age, citizenship and residence, as may be prescribed for electors, shall be eligible to any office under the school laws, except that of State commissioner of common schools.

ARTICLE VII - PUBLIC INSTITUTIONS

SECTION 1. Institutions for the benefit of the insane, both curable and incurable, the blind, and the deaf and dumb, shall always be supported by the State.

SEC. 2. An asylum for idiotic and imbecile youth, a home for soldiers' and sailors' orphans, and a girls' industrial home, shall be supported so long as the General Assembly may deem them necessary.

SEC. 3. The punitive and reformatory institutions for

the State shall be a reform school for boys, a house of discipline and a penitentiary.

SEC. 4. All public institutions shall be subject to such regulations as may be prescribed by law.

ARTICLE VIII - PUBLIC DEBTS AND PUBLIC WORKS

SECTION 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose.

SEC. 2. The State may also contract debts to repel invasion, suppress insurrection, defend the State in time of war, or redeem its present indebtedness; but the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose; and all debts incurred to redeem the present indebtedness of the State shall be made payable from the sinking fund hereinafter provided for, as the same shall accumulate.

SEC. 3. Except as provided in sections one and two of this Article, no debt shall be created by or on behalf of the State.

SEC. 4. The credit of the State shall not be given or loaned to, or in aid of any individual, association or corporation; nor shall the State become a stockholder or part owner in any company or association.

SEC. 5. The State shall never assume any debt of a county, township, city, town, village, or corporation,

unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in time of war.

SEC. 6. No county, township, city, town, village or other political or municipal division of the State, shall become a stockholder, either directly or indirectly, in any joint stock company, corporation or association; or raise money for or in aid of, or loan its credit to or in aid of any such company, corporation or association; or purchase or construct, or in any way aid in purchasing or constructing any railroad, canal, or appurtenance thereto.

SEC. 7. The faith of the State being pledged for the payment of its public debt, in order to provide therefor, a sinking fund shall be created, sufficient to pay the accruing interest on such debt, and annually reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding at the rate of six per cent per annum, from the fifteenth day of November, one thousand eight hundred and fifty-one. The said sinking fund shall consist of the net annual income of the public works, and stocks owned by the State, of any other funds or resources that are or may be provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid; and no part thereof shall ever be transferred to any other fund, or used for any other purpose.

SEC. 8. The auditor of state, secretary of state, and attorney-general, shall be a board of commissioners, to be styled "The Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the Gen-

eral Assembly, make an estimate of the probable amount of the fund provided for in the seventh section of this Article, from all sources, except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same, with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this Article.

SEC. 10. It shall be the duty of said commissioners faithfully to apply said fund, together with all moneys that may be appropriated by the General Assembly to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the State, excepting only the school and trust funds held by the State.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and communicate it to the General Assembly, if in session, and if not, then at its first session after such report is made.

SEC. 12. At the first general election after the adoption of this Constitution, and every four years thereafter, so long as the State has public works which require superintendence, there shall be elected by the electors of the State a superintendent of public works, to serve for four years.

SEC. 13. The qualifications, powers, duties and compensation of said superintendent, shall be such as may be prescribed by law.

ARTICLE IX - MILITIA

SECTION 1. All able-bodied male citizens of the United States, residents of this State, being eighteen and under forty-five years of age, shall be enrolled in the militia and perform military duty in such manner, not incompatible with the Constitution and laws of the United States, as may be provided by law; but no person having conscientious scruples against bearing arms shall be compelled to perform military duty in time of peace. Every person claiming exemption from such service shall, in lieu thereof, pay into the school fund of the county of which he may be a resident an equivalent in money; the amount and manner of payment to be fixed by law.

SEC. 2. The governor shall appoint the adjutant-general, quartermaster-general and his other staff officers; also, all colonels, lieutenant-colonels, majors and other field officers. He shall also, with the advice and consent of the Senate, appoint all major-generals and brigadier-generals. Should a vacancy occur in the office of major-general or brigadier-general when the General Assembly is not in session, it shall be filled by appointment by the governor. No such appointment shall extend beyond the close of the next session of the General Assembly.

SEC. 3. Captains and subalterns shall be elected by the persons subject to military duty in their respective companies, in such manner as may be provided by law.

SEC. 4. Major-generals, brigadier-generals, and colonels or commandants of regiments or battalions shall severally appoint their staff officers and captains shall appoint their non-commissioned officers and musicians.

SEC. 5. The governor shall commission all officers of the line and staff, ranking as such, and shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasion.

SEC. 6. The General Assembly shall provide for the safe keeping of the public arms of the State.

ARTICLE X - COUNTY AND TOWNSHIP ORGANIZATIONS

SECTION 1. Each county shall be a body corporate, with such organization, powers, immunities and liabilities as may be prescribed by law. All suits and proceedings by or against a county shall be in the name thereof.

SEC. 2. The General Assembly shall provide by law for the election of such county and township officers as may be necessary. The county auditor, county treasurer and prosecuting attorney shall each receive a fixed salary out of the treasury of the proper county, and no other fees or compensation shall be allowed or paid said officers.

SEC. 3. County officers, until otherwise directed by law, shall be elected on the Tuesday succeeding the first Monday of November, by the electors of each county, in such manner and for such term, not exceeding four years, as may be provided by law.

SEC. 4. No person shall be eligible to the office of sheriff or county treasurer for more than four years in any period of six years.

SEC. 5. Each township shall be a body corporate, with such organization, powers, immunities and liabilities as may be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

SEC. 6. Township officers shall be elected by the

electors of each township, at such times, in such manner and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified.

SEC. 7. No money shall be drawn from any county or township treasury, except by authority of law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to another.

SEC. 8. County and township officers may be removed in such manner, and for such cause, as shall be provided by law.

SEC. 9. Counties and townships shall, when necessary to the public convenience or welfare, have such power of local taxation and assessment for police purposes, for constructing and improving ditches and public roads other than railroads, and for clearing water courses, as may be prescribed by law.

ARTICLE XI – MUNICIPAL CORPORATIONS

SECTION 1. The General Assembly shall provide, by general laws, for the organization and classification of municipal corporations. The number of such classes shall not exceed six, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than all corporations of the same class. The General Assembly shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. No municipal corporation shall loan its credit to any person or corporation, except as may be otherwise provided in this Constitution.

SEC. 3. No assessment shall be levied by a municipal

corporation upon any property, which shall require the payment in one year of more than ten per centum of its value, as ascertained by the tax duplicate; nor shall the aggregate of such assessments, in any period of ten years, exceed fifty per centum of the highest taxable valuation of such property during the same period.

SEC. 4. The indebtedness of a municipal corporation shall never exceed in the aggregate five per centum of the value of the property within such corporation, as ascertained from time to time by the tax duplicate thereof, without the consent, first obtained, to such increase of indebtedness, and the approval of the objects for which the same is to be created, of at least three-fourths of all the electors of such corporation, to be ascertained in the mode prescribed by law; and in no case shall such indebtedness exceed ten per centum of said taxable value. In ascertaining such indebtedness, there shall be included an amount which, at the rate of six per centum per annum, will produce a sum equal to the aggregate annual rents payable by such corporation. This section shall not be construed to prevent municipal corporations from incurring indebtedness necessary for military purposes in time of war, or for the completion of any work authorized by law and heretofore undertaken; nor, until the first valuation of real estate for taxation hereafter made, to prevent the borrowing of money in anticipation of the collection of assessments actually levied.

SEC. 5. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debt contracted by a municipal corporation, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to another.

SEC. 6. No property shall be appropriated to the use of a municipal corporation, until compensation therefor be first made in money or first secured by a deposit of money, to be assessed in the manner and by the rule prescribed in section nineteen of the Bill of Rights.

ARTICLE XII – PRIVATE CORPORATIONS

SECTION 1. The General Assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws, but such laws may, from time to time, be altered or repealed.

SEC. 3. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law; but, in all cases, each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

SEC. 4. No property shall be appropriated to the use of a corporation until full compensation therefor be first made in money, or first secured, by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as may be prescribed by law.

SEC. 5. No act of the General Assembly authorizing the issue of bills, notes or other paper, which may circulate as money, shall take effect until submitted to the people, at the general election next succeeding the passage thereof, and approved by a majority of the electors voting at such election; and the redemption of all such paper shall be fully secured by the deposit of such se-

curities of the United States, or of this State, as may be prescribed by law.

SEC. 6. The directors of a corporation shall be chosen at one time by general ticket. At elections for directors, each shareholder shall have as many votes as the number of shares held by him, multiplied by the number of directors to be chosen, and may cast all his votes for one candidate, or distribute them, as he may see fit.

SEC. 7. Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; and, as to contracts made or business done in this State, shall be subject to the same regulations, limitations and liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

SEC. 8. The General Assembly may, by general law, subject to the provisions of this Constitution, extend the existence of societies for savings, created prior to the first day of September, one thousand eight hundred and fifty-one, whose charters are subject to alteration, amendment, or repeal. No other corporations of this State incorporated prior to the first day of May, one thousand eight hundred and fifty-two, shall have the benefit of any law passed since that date, or which shall hereafter be passed, except laws regulating judicial procedure, unless they shall reorganize under and subject to the provisions of this Constitution.

SEC. 9. No officer or agent of any company owning, operating or using a railroad within this State, shall be

interested directly or indirectly, either by himself or associated with others in the receipts, contracts or earnings of such company, otherwise than as an ordinary shipper or passenger, or as a stockholder, bond creditor or employe; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered and accorded to the public; and all contracts and arrangements in violation of this section shall be void.

SEC. 10. No railroad company shall consolidate with another, having a line parallel or competing with its own; or lease, purchase, or control such line; and no officer of a railroad company shall act as an officer of any other company owning or controlling a parallel or competing line; and no railroad company shall do business in this State, which shares its earnings, in any manner, with a company owning or controlling a parallel or competing line within this State.

SEC. 11. No foreign corporation shall carry on the business of transporting persons or property, or of telegraphing, mining, manufacturing or insurance in this State, except while it maintains therein an office, where, or on the person in charge of which, process may be served in any action or legal proceeding instituted against it; nor after it shall cause or procure to be removed into any of the courts of the United States a proceeding instituted by or against it, in any court of this State, upon a cause of action arising out of such business, which a corporation of this State, if a party to such proceeding, might not cause or procure to be so removed.

SEC. 12. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad companies for transporting

freight and passengers; and shall provide for enforcing such laws by adequate penalties and forfeitures.

SEC. 13. No corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law; nor until the consent of the persons holding the larger amount in value of the stock shall be obtained, at a meeting held after notice given, for a period not less than sixty days, in pursuance of law.

SEC. 14. Persons and property transported over any railroad, shall be carried to any station at charges not exceeding in gross the charges for the same class and amount of transportation of persons and property in the same direction, to any more distant station; but excursion commutation tickets may be issued at special rates.

ARTICLE XIII – REVENUE AND TAXATION

SECTION 1. The General Assembly shall provide for raising revenue to defray the expenses of the State for each year, including a sum sufficient to pay the interest on the State debt, and so much, at least, of the principal thereof, as is provided for in Article VIII of this Constitution.

SEC. 2. The General Assembly shall never levy a poll tax for county or State purposes.

SEC. 3. Laws shall be passed taxing, by a uniform rate, all real and personal property, according to its value in money, to be ascertained by such rules of appraisement as may be prescribed by the General Assembly, so that all property shall bear an equal proportion of the bur-

dens of taxation, provided, that the deduction of debts from credits may be authorized.

SEC. 4. The General Assembly may provide by general laws for exemption from taxation of all burial grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public libraries, public property used exclusively for any public purpose, and personal property to an amount not exceeding two hundred dollars for each individual; but such laws shall be subject to alteration or repeal, and the value of property so exempted shall, from time to time, be ascertained and published, as may be directed by law.

SEC. 5. The General Assembly may impose taxes by license, excise or otherwise, and also provide, by equitable rules, for taxing franchises and income derived from investments, when the principal from which such income is derived cannot be taxed.

SEC. 6. Banks and bankers shall be taxed by such equitable rules, based upon capital employed and business done, as will require them to share equally with other persons in the burdens of taxation; but this provision shall not prevent the taxation of shares of stock in any bank.

SEC. 7. The General Assembly may, by special tax, assessment, or otherwise, regulate, restrain or prohibit the keeping, harboring, or running at large of dogs.

SEC. 8. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 9. The State shall never contract any debt for the purposes of internal improvement.

ARTICLE XIV – LEGISLATIVE APPORTIONMENT AND REPRESENTATION

SECTION 1. The apportionment for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and seventy-two, in the manner hereinafter provided.

SEC. 2. The population of the State, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number one hundred and five, and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

SEC. 3. Every county shall be entitled to one representative; every county containing said ratio and one-half over, shall be entitled to two representatives; every county containing three times said ratio shall be entitled to three representatives; and so on, requiring after the first two an entire ratio for each additional representative.

SEC. 4. The ratio for a Senator shall be ascertained by dividing the population of the State by the number thirty-seven. The districts formed shall be of contiguous territory and bounded by county lines. Until the next decennial apportionment, the county of Hamilton shall be entitled to four; and the county of Cuyahoga to two senators; and the other districts to one senator each, and such additional senators for fractional ratios as are provided for in this Article.

SEC. 5. When a county shall have a fraction above the ratio so large that multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios in the following

manner: If there be only one ratio, a representative shall be allotted to the fifth General Assembly of the decennial period; if two ratios, a representative shall be allotted to the fourth and third General Assemblies; if three, to the third, second and first General Assemblies; if four, to the fourth, third, second and first General Assemblies, respectively.

SEC. 6. The same rules shall be applied in apportioning the fractions of senatorial districts that are applied to the fractions of representative districts, and any senatorial district which may have less than one-half of a senatorial ratio, at any decennial apportionment, shall then be attached to the contiguous district having the least population.

SEC. 7. Any county, forming part of a senatorial district, having a population equal to a full senatorial ratio at any decennial apportionment, shall then be made a separate senatorial district, if a full senatorial ratio be left in the district from which it is taken.

SEC. 8. Until the next decennial apportionment, the assignment of representatives and senators to the several General Assemblies of the decennial period shall be as provided in this Article, and no change shall be made in the principles of representation herein adopted; or in the senatorial districts herein established, except as above provided. All territory belonging to a county at the time of an apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

SEC. 9. The governor, auditor and secretary of state, or any two of them, shall, at least four months prior to the day fixed for holding the general election for senators or representatives, in the year one thousand eight

hundred and eighty-two, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, and the number of representatives each county or district shall be entitled to elect within the ensuing ten years; and the governor shall cause the same to be published in such manner as may be directed by law.

SEC. 10. The State is hereby divided into thirty-three senatorial districts, as follows:

The county of Hamilton shall be the first district; the counties of Butler and Warren, the second; Preble, Darke and Mercer, the third; Van Wert, Allen, Putnam and Paulding, the fourth; Defiance, Williams, Henry and Fulton, the fifth; Wood and Lucas, the sixth; Hancock, Hardin and Logan, the seventh; Auglaize, Shelby and Miami, the eighth; Montgomery, the ninth; Clermont, Brown and Adams, the tenth; Highland, Ross and Fayette, the eleventh; Clinton, Greene and Clarke, the twelfth; Madison, Champaign, Union and Delaware, the thirteenth; Marion, Morrow and Richland, the fourteenth; Wyandot, Crawford and Seneca, the fifteenth; Sandusky, Ottawa and Erie, the sixteenth; Huron, Lorain and Ashland, the seventeenth; Knox, Coshocton and Licking, the eighteenth; Franklin, the nineteenth; Fairfield, Pickaway and Perry, the twentieth; Pike, Scioto and Lawrence, the twenty-first; Gallia, Jackson and Meigs, the twenty-second; Vinton, Athens, Hocking and Morgan, the twenty-third; Muskingum and Guernsey, the twenty-fourth; Tuscarawas, Holmes and Wayne, the twenty-fifth; Carroll and Stark, the twenty-sixth; Medina, Summit and Portage, the twenty-seventh; Cuyahoga, the twenty-eighth; Geauga, Lake and Ashtabula, the twenty-ninth; Trumbull and Mahon-

ing, the thirtieth; Columbiana and Jefferson, the thirty-first; Harrison, Belmont and Noble, the thirty-second; Monroe and Washington, the thirty-third. For the first decennial period the first district shall be entitled to four senators, the twenty-eighth to two senators, and every other district to one senator in the General Assembly; and the twenty-fifth district to an additional senator in the fifth General Assembly of the decennial period.

SEC. 11. The apportionment for the house of representatives, until the end of the first decennial period, shall be as follows: The county of Hamilton shall be entitled to ten, and the county of Cuyahoga to five representatives in each General Assembly, and shall each be entitled to an additional representative in the fifth General Assembly of the decennial period. The counties of Belmont, Butler, Columbiana, Franklin, Lucas, Montgomery, Muskingum, Stark, Trumbull and Washington shall severally be entitled to two representatives in each General Assembly; and the counties of Franklin and Montgomery each to two additional representatives - one in the third, and one in the fourth General Assembly of the decennial period. The counties of Licking and Ross shall severally be entitled to one representative in each General Assembly, and two additional representatives - one in the third, and one in the fourth General Assembly of the decennial period. The counties of Ashtabula, Brown, Clarke, Clermont, Darke, Fairfield, Lawrence, Meigs, Miami, Mahoning, Richland, Seneca, Summit, Tuscarawas and Wayne shall severally be entitled to one representative in each General Assembly, and one additional representative in the fifth General Assembly of the decennial period.

Every other county shall be entitled to one representative in each General Assembly of the decennial periods.

SEC. 12. In voting for representatives and senators, in counties and districts entitled to more than two, each elector may cast as many votes for one candidate as there are representatives or senators to be elected, or he may distribute the same, or equal parts thereof, among the candidates, as he may see fit, and the candidate receiving the highest number of votes shall be declared elected.

ARTICLE XV - JUDICIAL APPORTIONMENT

SECTION 1. The districts of the courts of common pleas, with their several subdivisions shall be as follows:

First - The county of Hamilton, with four judges, shall form the first district, and shall not be subdivided.

Second - The counties of Clermont, Brown and Adams, with one judge, shall constitute the first subdivision; the counties of Warren, Clinton, Fayette and Highland, with two judges, the second subdivision; and the counties of Greene and Madison, with one judge, the third subdivision of the second district, and together shall form said district.

Third - The counties of Butler and Preble, with two judges, shall constitute the first subdivision; the county of Montgomery, with two judges, the second subdivision; and the counties of Miami and Darke, with one judge, the third subdivision of the third district, and together shall form said district.

Fourth - The counties of Scioto, Pike and Jackson, with one judge, shall constitute the first subdivision; the counties of Lawrence, Gallia and Meigs, with one judge, the second subdivision; and the counties of Vin-

ton, Athens and Washington, with one judge, the third subdivision of the fourth district, and together shall form said district.

Fifth – The counties of Ross and Pickaway, with one judge, shall constitute the first subdivision; the counties of Franklin and Delaware, with two judges, the second subdivision; and the counties of Fairfield, Hocking and Perry, with one judge, the third subdivision of the fifth district, and together shall form said district.

Sixth – The counties of Muskingum and Morgan, with one judge, shall constitute the first subdivision; the counties of Guernsey, Noble and Monroe, with one judge, the second subdivision; the counties of Carroll, Harrison and Belmont, with one judge, the third subdivision of the sixth district, and together shall form said district.

Seventh – The counties of Knox and Licking, with one judge, shall constitute the first subdivision; the counties of Morrow, Richland, Ashland and Wayne, with two judges, the second subdivision; the counties of Holmes, Coshocton and Tuscarawas, with one judge, the third subdivision of the seventh district, and together shall form said district.

Eighth – The county of Stark, with one judge, shall constitute the first subdivision; the counties of Jefferson and Columbiana, with one judge, the second subdivision; the counties of Summit, Portage, Mahoning and Trumbull, with two judges, the third subdivision; and the counties of Ashtabula, Lake and Geauga, with one judge, the fourth subdivision of the eighth district, and together shall form said district.

Ninth – The county of Cuyahoga, with three judges, shall constitute the first subdivision; the counties of Me-

dina, Lorain and Huron, with one judge, the second subdivision; the counties of Erie, Sandusky and Ottawa, with one judge, the third subdivision of the ninth district, and together shall form said district.

Tenth – The county of Lucas, with two judges, shall constitute the first subdivision; and the counties of Wood, Henry, Fulton and Williams, with one judge, the second subdivision of the tenth district, and together shall form said district.

Eleventh – The counties of Mercer, Van Wert, Allen and Auglaize, with one judge, shall constitute the first subdivision; the counties of Defiance, Paulding and Putnam, with one judge, the second subdivision; and the counties of Seneca, Hancock and Hardin, with one judge, the third subdivision of the eleventh district, and together shall form said district.

Twelfth – The counties of Clarke and Champaign, with one judge, shall constitute the first subdivision; the counties of Shelby, Logan and Union, with one judge, the second subdivision; and the counties of Marion, Wyandot and Crawford, with one judge, the third subdivision of the twelfth district, and together shall form said district.

SEC. 2. The division of the State into Circuits shall be as follows:

First – The county of Hamilton shall constitute the first circuit.

Second – The counties of Butler, Preble, Miami, Montgomery, Warren, Clermont, Brown, Adams, Highland, Clinton, Fayette, Greene, Clarke, Madison, Champaign and Union shall constitute the second circuit.

Third – The counties of Darke, Shelby, Logan, Mer-

cer, Auglaize, Hardin, Marion, Wyandot, Allen, Van Wert, Paulding, Putnam, Hancock, Seneca, Henry, Defiance, Williams, Fulton and Wood shall constitute the third circuit.

Fourth – The counties of Pickaway, Ross, Pike, Scioto, Lawrence, Jackson, Vinton, Hocking, Fairfield, Perry, Athens, Meigs, Gallia, Morgan, Washington and Noble shall constitute the fourth circuit.

Fifth – The counties of Franklin, Delaware, Morrow, Crawford, Richland, Ashland, Knox, Licking, Muskingum, Coshocton, Tuscarawas, Holmes and Wayne shall constitute the fifth circuit.

Sixth – The counties of Ashtabula, Lake, Geauga, Trumble, Mahoning, Portage, Stark, Carroll, Columbiana, Jefferson, Belmont, Harrison, Guernsey and Monroe shall constitute the sixth circuit.

Seventh – The counties of Cuyahoga, Summit, Medina, Lorain, Huron, Erie, Sandusky, Ottawa and Lucas shall constitute the seventh circuit.

SEC. 3. Any new county, that may be hereafter created, shall be attached to such circuit and district or subdivision thereof, as may be provided by law.

ARTICLE XVI – MISCELLANEOUS

SECTION 1. Columbus shall be the seat of government, until otherwise provided by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the executive and other departments of State, shall be let, on contract, to the lowest responsible bidder, by such executive officers and in such manner as may be prescribed by law.

SEC. 3. An accurate and detailed statement of receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as may be prescribed by law.

SEC. 4. Except as otherwise provided in this Constitution, no person shall be elected to any office, or appointed to fill a vacancy in any elective office, who does not possess the qualifications of an elector.

SEC. 5. No person who may hereafter fight a duel, assist in the same as a second, or send, or accept, or knowingly carry a challenge therefor, shall hold any office in this State.

SEC. 6. No person elected to the General Assembly, or to a convention or commission to revise, alter or amend this Constitution, or elected or appointed to any judicial or lucrative State or county office, shall, from the time of his election or appointment until the end of the term of such office, knowingly accept from a railroad or transportation company any free pass, gift, or commuted service, not offered to the public.

SEC. 7. Every person elected or appointed to any office, before entering upon the discharge of his duties, shall take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

SEC. 8. Lotteries and the sale of lottery tickets, for any purpose, shall forever be prohibited.

SEC. 9. There may be established in the office of the secretary of state a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 10. The General Assembly, by suitable enactments, shall require such appliances and means to be

provided and used as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining; and shall provide for enforcing such enactments by adequate pains and penalties.

ARTICLE XVII – AMENDMENTS

SECTION 1. Either branch of the General Assembly may propose amendments to this Constitution; and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors, for approval or rejection; and if a majority of the electors, voting at such election, adopt such amendments, the same shall become a part of the Constitution. When more than one amendment is submitted at the same time, they shall be so submitted, as to enable the electors to vote on each amendment separately.

SEC. 2. When three-fifths of the members elected to each branch of the General Assembly deem it necessary to call a convention, to revise, amend or change this Constitution, they shall recommend to the electors to vote, at the next election of members of the General Assembly, for or against a convention; and if a majority of those voting at said election vote for a convention, the General Assembly shall, at its next session, provide, by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within their election, for the purpose aforesaid. No

amendment or change of this Constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the State, and adopted by a majority of those voting for and against the same.

SCHEDULE

SECTION 1. This Constitution shall take effect on the first day of October, one thousand eight hundred and seventy-four, and all laws then in force, not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 2. The official term of all judges whose offices are created by this Constitution, and of all elective State officers, shall begin on the second Tuesday of January next succeeding their election.

SEC. 3. The probate courts provided for in this Constitution shall be the successors of the present probate courts; the courts of common pleas the successors of the present courts of common pleas; and the circuit courts the successors of the present district courts; and all business pending in either of said courts shall be transferred to its successor, and proceed as though no change had been made; and all business pending in the general terms of the superior courts of Cincinnati and Cleveland, on the second Tuesday of January, one thousand eight hundred and seventy-five, shall then be transferred to and proceed in the proper circuit courts, and such general terms shall thenceforth be abolished.

SEC. 4. The superior courts for the counties of Greene and Montgomery shall cease to exist the second Tuesday of January, one thousand eight hundred and seventy-five, unless sooner abolished by law; and the business of said courts shall thereupon be transferred to and pro-

ceed in the courts of common pleas of the proper counties. The superior courts of Cincinnati and Cleveland shall continue until otherwise provided by law.

SEC. 5. All officers shall continue in office until their successors are elected or appointed and qualified, and all vacancies in office occurring after the first day of October, one thousand eight hundred and seventy-four, shall be filled in the manner prescribed by law, until officers are elected or appointed and qualified under this Constitution. Until the election and qualification of the superintendent of public works, the members of the board of public works shall continue to discharge the duties of their office and receive the compensation provided by law; and, until otherwise prescribed by law, the said superintendent shall have the powers and perform the duties of said board.

SEC. 6. The governor, and all other State and county officers, and members of the General Assembly, whose successors are by existing laws required to be elected in the year one thousand eight hundred and seventy-five, shall continue in office during the terms now established by law, and until their successors are elected and qualified. The successors to such State and county officers, and the first General Assembly, under this Constitution, shall be elected at a special election, to be held on the Tuesday succeeding the first Monday in November, one thousand eight hundred and seventy-five, and shall serve for one year, and until their successors are elected and qualified; but such General Assembly shall not be counted to effect the allotment of additional members to the house of representatives or the senate, as provided for in this Constitution. Such successors shall be elected on the Tuesday succeeding the first Monday in Novem-

ber, one thousand eight hundred and seventy-six. But this section shall not prevent the General Assembly from abolishing or changing the term or duties of any office not created by the Constitution.

SEC. 7. The first election for judges of the supreme, circuit and common pleas courts, and for all elective state and county officers whose successors, by existing law, would be elected in the present year, and to fill vacancies in the General Assembly, shall be held on the second of October, one thousand eight hundred and seventy-four, and shall be conducted and the returns made and the officers so elected commissioned in the manner now provided by law for the election and commissioning of like officers. The first election for the judges for the courts of probate shall be held at the election for governor, in the year one thousand eight hundred and seventy-six; and all probate judges, in office on the first day of October, one thousand eight hundred and seventy-four, shall continue in office until the second Tuesday of January, one thousand eight hundred and seventy-five; and all common pleas judges in office on the first day of October, one thousand eight hundred and seventy-four, shall continue to serve in their respective districts as now constituted, and until the second Tuesday in January, one thousand eight hundred and seventy-five.

SEC. 8. Where two or three counties are joined in the same election district, the returns of elections shall be sent to the county having, by the latest federal census, the largest population.

SEC. 9. The governor shall, immediately upon the taking effect of this Constitution, appoint a commission, to consist of three persons, whose duty it shall be to re-

wise, rearrange, simplify and abridge the general laws of the State, so that there shall be but one law upon any one subject, and, as far as practicable, prepare notes of the decisions of the supreme court upon each law. Their proceedings shall, from time to time, be reported to the General Assembly, and be subject to the action of that body. The compensation, tenure of office, and mode of filling vacancies, shall be prescribed by law.

SEC. 10. This Constitution shall be submitted to the electors of the State on Tuesday, the eighteenth day of August, one thousand eight hundred and seventy-four, and at the same time there shall be separately submitted to said electors the following propositions:

PROPOSITION NUMBER ONE - MINORITY REPRESENTATION

"In every election for judges of the supreme and circuit courts, where there are two or more to be chosen of the same court, and for the same term of service, no elector shall vote for a greater number of candidates than a majority of the judges of such court and term then to be chosen."

If this proposition be adopted, it shall take the place of section three of Article IV of this Constitution, and section twenty of said Article shall thereupon read as follows:

SEC. 20. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first election for governor, that occurs more than thirty days after the vacancy shall have happened.

PROPOSITION NUMBER TWO - RAILROAD AID

"But the General Assembly may, by general laws, authorize any township, city or incorporated village to aid any railroad company in the construction of its road, within this State, subject to the following restrictions, and such others as may be prescribed by law: no subscription, loan or contribution, for such purpose, shall be made, unless authorized at an election held in pursuance of law, by at least two-thirds of all the electors of such township, city or village, to be ascertained in such manner as may be prescribed by law, and subject to the further conditions of section four of Article eleven, when applicable. Nor shall such aid be granted until the township, city or village granting the same shall have adequate security that the road so aided will be completed. At such election, no person shall vote who shall not have resided in the township, city or village, for six months prior thereto. No election shall be held until the part of the road upon which the expenditure is to be made has been located and established, nor oftener than once a year, nor shall aid be voted to more than one railroad at any election. The order for election shall specify all the conditions of such loan, subscription or contribution, the consideration proposed to be given therefor, the estimated cost of the proposed work, the means secured for its completion, and the part of the work on which the proposed subscription, loan or contribution is to be expended. Provision may be made by law for the issue of stock or bonds for the amount of any such subscription or loan; but no township, city, or village, shall be liable for the debts of the company. The obligations of a township, city, or village, incurred for such purpose, shall not

bear a greater interest than seven per centum per annum, nor shall the aggregate thereof at any time exceed five per centum of the value of the property of such township, city, or village, as ascertained by the latest tax duplicate. The aggregate of taxes levied by a township, city, or village, to pay such obligations and interest, shall in no year exceed one per centum of such value."

If this proposition be adopted, it shall be added to and become a part of section six of Article VIII of this Constitution.

PROPOSITION NUMBER THREE - TRAFFIC IN
INTOXICATING LIQUORS

For License - "License for traffic in spirituous, vinous or malt liquors, under such regulations and limitations, as shall be prescribed by law, may be granted; but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries resulting therefrom."

Against License - "No license to traffic in intoxicating liquors shall be granted; but the General Assembly may, by law, restrain or prohibit such traffic, or provide against evils resulting therefrom."

If either of these alternative propositions, "for license," or "against license," be adopted, it shall become section eleven of Article XVI of this Constitution.

SEC. 11. At said election the ballots shall be in the following form:

New Constitution Ticket - Erase that part of each vote which you do not favor.

First Vote - For the New Constitution.

Against the New Constitution.

Second Vote - For Minority Representation.

Against Minority Representation.

Third Vote - For Railroad Aid.

Against Railroad Aid.

Fourth Vote - For License.

Against License.

If one clause be erased, the other shall be counted. If both clauses be erased, or neither clause be erased, the vote upon that subject shall not be counted.

SEC. 12. The Secretary of State shall, at least thirty days before said election, cause to be delivered to the clerk of the court of common pleas of each county, blank poll books, tally sheets, and forms of returns, sufficient for the use of his county, and, also, five times as many properly prepared printed ballots for said election as there are voters in such county, and, on or before the first day of July next, shall cause this Constitution to be printed in one English and one German weekly newspaper, of each political party, printed in each county, if such paper be printed therein, at a cost, for each paper, of not more than fifty dollars, the expense whereof shall be audited and paid as other public printing, ordered by the secretary of state, is by law required to be audited and paid; and said clerks of court, at least five days before said election, shall cause said blank poll books, and tally sheets, forms of returns and ballots, to be distributed to the judges of election in each election precinct in their respective counties.

SEC. 13. Said election shall be held and conducted at the places, by the officers, and in the manner now by law provided for the election of members of the house of representatives, as far as practicable; and the judges of election shall transmit forthwith the poll books and tally

sheets of said election, containing a certified statement of the number of votes cast for and against this Constitution and for and against each of said propositions, to the clerks of the courts of common pleas of their respective counties, and said clerks shall forthwith make an accurate abstract of the number of votes cast for and against this Constitution and for and against each of said propositions, and the whole number of votes cast at said election in their several counties, and transmit a copy thereof to the secretary of state, and within twenty days after said election, the secretary of state shall open the returns thereof, in the presence of the governor; and if it shall appear that a greater number of votes have been cast for the new Constitution than against it, then the same shall become and be the Constitution of Ohio. If the said Constitution be so adopted, then such of the separately submitted propositions as shall receive an affirmative vote greater than the negative vote thereon shall be declared adopted, and become a part of the Constitution, and such of said propositions as shall fail to receive such affirmative vote shall be declared lost; provided, that a vote against license shall also be deemed and counted as an affirmative vote in favor of the section prohibiting the grant of license; and the governor shall issue his proclamation stating the results of said election.

SEC. 14. Section three of Article XI shall not be operative as to cities and villages, the debt of which already amounts to as much as ten per centum of the tax duplicate, until the first valuation of real estate for taxation, after the adoption of the Constitution.

RUFUS KING, *President.*

Attest: DUDLEY W. RHODES, *Secretary.*