

## PROPOSED JUDICIAL CONSTITUTIONAL AMENDMENT, 1877

Proposed by joint resolution of the General Assembly, April 6, 1877. Submitted to the electors, October 9, 1877.

Total vote cast	.	.	.	.	.	557,503
For amendment	.	.	.	.	.	54,896
Against amendment	.	.	.	.	.	268,478

Not adopted.

*Be it resolved by the General Assembly of the State of Ohio* (three-fifths of the members elected to each house concurring therein), that a proposition to amend the Constitution of the state of Ohio, be submitted to the electors of the state, on the second Tuesday of October, A.D. 1877 as follows, to-wit:

That sections one, three, five, six, eight, twelve, fourteen, fifteen, sixteen and eighteen, of article four, be amended so as to read as follows, and section seven of article four, and sections twelve and thirteen of article eleven be repealed.

### ARTICLE IV

SECTION 1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common pleas, justices of the peace, and such other courts inferior to the supreme court in one or more counties as the general assembly may from time to time establish. The superior courts of Cincinnati and Montgomery County shall continue until otherwise provided by law.

SEC. 3. The court of common pleas shall be holden by one judge, who shall be elected by the voters of the district, and said court shall be open at all times for the transaction of business, Sundays and holidays excepted. Each county now existing, or hereafter formed, shall constitute a separate common pleas district, and each district shall be known by the name of the county composing the district.

SEC. 5. Each district court shall consist of one judge, who shall be elected by the voters of the district. There shall be elected one or more judges in each district, and there shall be held annually, not less than three sessions in each county in the state. The legislature shall divide the state into district court districts, not exceeding twenty in number, and shall assign to each common pleas and district court district, the number of judges required to dispose of the business therein. Each district shall be composed of compact territory, bounded by county lines, and as nearly equal in population as practicable. A concurrence of three-fifths only of all the members elected to both houses shall be required for the first apportionment, or to determine the number of judges required in each district court and common pleas district, under this amendment, but no change shall thereafter be made without the concurrence of two-thirds of all the members elected to both houses. Sections twelve and thirteen of article eleven, are hereby repealed; the repeal to take effect when the legislature makes the apportionment mentioned in this section.

SEC. 6. The district court shall have original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.

SEC. 8. The general assembly may provide by law for

a judge *pro tempore*, to hold any court when the judge thereof is disqualified by sickness or otherwise to hold said court.

SEC. 12. The judges of the district, and courts of common pleas, shall, while in office, reside in the district in which they are elected, and their term of office shall be five years; but the legislature may provide by law that any judge of the common pleas court shall hold that court in any other common pleas district; and that any judge of the district court shall hold that court in any other district for that court than the one in which he resides; and the judges of the common pleas may temporarily exchange districts with each other; and two or more common pleas courts may be held at the same time in the same district, and two or more district courts may be held at the same time in a district of that court.

SEC. 14. The judges of the supreme court, the district courts, and the courts of common pleas shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased or diminished during their term of office, but they shall receive no fees or perquisites, nor hold any other office of trust or profit under the authority of any state, or of the United States. All votes for either of them 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. 15. The general assembly may increase or diminish the number of judges of the supreme court, the number of districts of the district courts, the number of judges in any common pleas or district court district, change any district court district, establish other courts, abolish the probate court in any county, or any other

court established by law, whenever two-thirds of the members elected to each house shall concur therein; but no such change shall vacate the office of any judge. The court of common pleas provided for in this amendment, shall be the successor of the present probate court and courts of common pleas in each county. The district courts herein provided for, shall be the successors of the present district courts; and all books, records, papers and business, in or appertaining to said courts, shall be transferred to their successors under this amendment. The existing probate court is hereby abolished in each county, at the close of the term for which the judge thereof was elected, first occurring after the election of common pleas judges under this amendment, and the clerks in the courts of common pleas and district courts shall be the clerks in the courts herein provided until their successors shall be elected and qualified; but the supreme court shall appoint its own reporter.

SEC. 16. There shall be elected in each county by the electors thereof, one clerk of the court of common pleas, who shall hold the office for the term of three years, and until his successor shall be elected and qualified. He shall by virtue of his office, be clerk of all other courts of record held therein, but the general assembly may provide by law for the election of a clerk with a like term of office, for each or any other of the courts of record, or for the appointment by the supreme court of a clerk for that court.

SEC. 18. The several judges of the supreme court, of the district and common pleas, and such other courts as may be created, shall respectively have and exercise such power and jurisdiction at chambers or otherwise, as may be directed by law.

The term of office of all judges of common pleas and district courts provided for in this amendment, shall commence on the first Monday in January next after making of the apportionment provided for in section five of article four; and the term of office of all judges of the courts of common pleas, in office, who were not elected as judges under this amendment, shall then expire. No change shall be made by this amendment in the supreme court, or in the office or term of any judge thereof. The first election of judges of common pleas and district courts under this amendment shall be held at the general election of state officers next after making said apportionment for district court districts by the legislature, but nothing in this amendment shall be construed to change or alter the Constitution or laws until said apportionment is made. Section seven of article four is hereby repealed, and section twenty-two shall be numbered section seven.<sup>41</sup>

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<sup>41</sup> *Laws of Ohio*, vol. lxxiv, 533. — ED.

The term of office of all judges of common pleas and district courts provided for in this amendment, shall commence on the first Monday in January next after making of the apportionment provided for in section five of article four; and the term of office of all judges of the courts of common pleas, in office, who were not elected as judges under this amendment, shall then expire. No change shall be made by this amendment in the supreme court, or in the office or term of any judge thereof. The first election of judges of common pleas and district courts under this amendment shall be held at the general election of state officers next after making said apportionment for district court districts by the legislature, but nothing in this amendment shall be construed to change or alter the Constitution or laws until said apportionment is made. Section seven of article four is hereby repealed, and section twenty-two shall be numbered section seven.<sup>41</sup>

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