

JUDICIAL CONSTITUTIONAL AMENDMENT, 1883

Proposed by joint resolution of the General Assembly, March 30, 1883. Submitted to the electors, October 9, 1883.

Total vote cast	721,310
For amendment	400,919
Against amendment	144,335

Adopted.

Be it resolved by the General Assembly of the State of Ohio (three-fifths of the members elected to each house agreeing thereto), that a proposition to amend the Constitution of the state of Ohio be and the same is hereby submitted to the electors of this state at the election to be held on the second Tuesday of October, A.D. 1883, as follows: That sections one, two, and six of article four, entitled "Judicial," be so amended as to read as follows:

ARTICLE IV — JUDICIAL

SECTION 1. The judicial power of the state is 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 supreme court as the General Assembly may, from time to time establish.

SEC. 2. The supreme court shall, until otherwise provide[d] by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, and such appellate juris-

diction 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, there 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, for such term, not less than five years, as the General Assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the General Assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the General Assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the General Assembly or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified.

SEC. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be pro-

vided by law, and shall be held in each county at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The General Assembly may change, from time to time, the number of boundaries of the circuits. The circuit courts shall be the successors of the district courts, and all cases, judgments, records, and proceedings pending in said district courts, in the several counties of any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished, and the district courts shall continue in existence until the election and qualification of the judges of the circuit court.

And be it further resolved, that at said election, the voters desiring to vote in favor of said amendment, shall have placed upon their ballots the words, "Judicial Constitutional Amendment – Yes;" and the voters who do not favor the adoption of said amendment, may have placed upon their ballots the words, "Judicial Constitutional Amendment – No;" and if a majority of all the votes cast at said election shall be in favor of said amendment, then said sections one, two and six herein set forth shall be and constitute the sections so amended and said judicial article (four) of the Constitution of the state of Ohio, and said original sections one, two and six, and also sections five and eleven of said article shall be repealed and annulled.⁴⁵

⁴⁵ *Laws of Ohio*, vol. lxxx, 382. – ED.