

day of July, and the third Tuesday of November; in the county of Putnam, on the third Tuesday of April, the third Tuesday of July, and the fourth Tuesday of November; in the county of Vanwert, on the fourth Tuesday of April, and the third Tuesday of October; in the county of Paulding, on the first Tuesday in May, and the fourth Tuesday in October; in the county of Henry, on the second Tuesday in May, and the first Tuesday in November.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOSEPH S. HAWKINS,

Speaker of the House of Representatives.

CHARLES B. GODDARD,

Speaker of the Senate.

February 22, 1848.

AN ACT

To establish the Commercial Court of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be established and held in and for the city of Cincinnati, and county of Hamilton, a court of record, which shall be styled "the Commercial Court of Cincinnati."

SEC. 2. That there shall be elected by joint ballot of the General Assembly, one judge to hold the said court, who, during his term of office, shall reside in the city of Cincinnati, and who shall take the same oath, hold his office for the same time, and be removable for the same causes, as president judges of the courts of common pleas; and in case of vacancy in the office of judge, the same shall be filled as in case of like vacancy in the office of a president judge of a court of common pleas; the judge of the said commercial court shall receive an annual salary of one thousand dollars, payable, quarterly, at the state treasury, on the warrant of the auditor of state, which shall not be diminished during his continuance in office.

SEC. 3. That the said court shall have a clerk, and such other officers for the exercise of its jurisdiction as the courts of common pleas have, who shall be appointed in the same manner, and for the same term, give like security, be held to the same accountability, and be removable for the same causes as the like officers appointed by the courts of common pleas; the said court shall have a seal, which shall be the same as the seal of the courts of common pleas, changing the style of the court, and shall be kept by the clerk.

SEC. 4. That the said commercial court shall be held at the court house, in the city of Cincinnati, or at such other convenient place in the said city, as the commissioners of Hamilton county shall provide.

SEC. 5. That the said commercial court shall have concurrent original jurisdiction with the court of common pleas of Hamilton county, of all civil cases at law, founded on matter of contract, whether written or parol, expressed or implied, and of all causes in chancery, and all laws now in force, or which may hereafter be enacted, conferring jurisdiction in such cases upon the courts of common pleas, giving them power to hear and determine such cases, and to preserve order and punish contempts, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders, or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to the said commercial court as fully as they extend to the said courts of common pleas, unless the same be inconsistent with this act, or plainly inapplicable; and the said commercial court, in respect to the form and manner of all pleadings and proceedings therein, and the force and effect of its judgments, orders, or decrees, shall be deemed and held a court of general jurisdiction.

SEC. 6. That four terms of the said commercial court shall be held in each year, commencing the first Mondays of January, April, July and October, of each year; if the judge shall not attend on the first day of any term of said court, the court shall stand adjourned from day to day until the judge shall appear and form a court, if that shall happen before four o'clock of the fourth day; and if, from any cause, the court shall not sit on any day in a term after it shall have been opened, there shall be no discontinuance, but so soon as the cause of not sitting is removed the court may proceed to business; the said court may continue in session so long as its business shall require, and may adjourn from time to time as may be necessary for the convenient despatch of business; and it shall and may be lawful for the said court to order and direct that any case or cases pending in said court, shall be especially set for trial or hearing, on any day or days during the term, so as to avoid the unnecessary attendance of parties or witnesses, or to facilitate the business of said court, and accommodate the same to that of other courts.

SEC. 7. The process of the said court shall have the seal affixed, and be tested, directed, served, and returned and be in form as is or may be provided for the process of the courts of common pleas, varying only in the style of the court, and to conform to its terms: Provided, that the said commercial court shall have the same power to make rules and regulations in relation to the return of process as is now vested by law in the superior court of Cincinnati.

Where held.

Jurisdiction & terms.

Terms.

Absence of judge.

May continue in session.

May set case for a special day.

Process form, &c.

Sec. 8. Juries shall be drawn and summoned for the said commercial court, in such manner, and at such time, as the said court shall determine and direct, and all laws regulating the compensation of juries, and the manner in which it is to be collected and paid, in reference to the court of common pleas of Hamilton county, shall extend and apply to the said commercial court; and the said commercial court shall have the same power to issue special venire, and to call in tales jurors, as the said court of common pleas.

Sec. 9. Sheriffs, coroners, and constables, shall be bound to attend said court, preserve order, and execute and return its process, as they are required to do in the courts of common pleas, and all laws now in force, or which may be enacted, prescribing the duties of officers, allowing fees, and providing for the collection thereof, in relation to the courts of common pleas, shall be held and deemed to extend to the said commercial court, unless the same are or shall be plainly inapplicable.

Sec. 10. The judge of the said commercial court, shall be a conservator of the peace in Hamilton county; and as such, and in the exercise of the jurisdiction hereby conferred, and in granting writs of habeas corpus, and all other remedial writs, shall in the recess or vacation of said court, have the same power and authority as president judges of the courts of common pleas.

Sec. 11. The supreme court shall have the same jurisdiction, to be exercised in the same manner in relation to the judgments, orders, and decrees of the said commercial court, or the judge thereof, as is or may be provided by law in relation to the judgments, orders, or decrees of the courts of common pleas, or the judges thereof; and bills of exceptions and appeals shall be granted and allowed, and writs of error, or supersedeas, or other process for the removal of causes, or the correction of errors, may be prosecuted under the same rules, regulations and restrictions, as is or may be provided by law in like cases in reference to the courts of common pleas, or their judgments, orders, or decrees.

Sec. 12. That when any suit shall be brought in the said commercial court, and the same shall be dismissed, or judgment shall be rendered against the plaintiff, either in the said commercial court, or in the supreme court, on the ground of a want of jurisdiction, the said commercial court, or the supreme court, shall, notwithstanding, have power and authority to render a judgment for the costs which have accrued in such suit.

Sec. 13. Whenever the judge of the superior court of Cincinnati, or the judge of the said commercial court, according to the law now in force, in relation to the judge of the superior court of Cincinnati, which shall equally apply to the judge of the said commercial court, shall be incapacitated, by interest or otherwise, to sit on the trial or hearing of any case or matter, pending in his court, notice thereof, and of the day on which

such case or matter shall be set for trial or hearing, shall be given in writing, to the judge of the other court, and it shall be his duty to attend and preside on the trial or hearing of such case or matter, and whenever either of the said judges shall be prevented by sickness, or other cause, from holding any term or part of a term of his court, it shall be lawful for the judge of the other court, on the request in writing of the judge so unable to sit, to attend and hold the same, and in either case, the judge so sitting in place of the other shall have and possess the same power and authority for that purpose, as if he were the proper judge of the court.

Sec. 14. All suits in chancery now pending, or which may be pending at the commencement of the first term of the said commercial court, in the court of common pleas of Hamilton county, or in the superior court of Cincinnati, may, by the consent of the parties or their solicitors, be entered on the journal of the court, in which such suit is or may be pending, be transferred to the said commercial court for further proceedings, in which case, the original papers, together with a transcript of all the entries in the cause, and a statement of the costs which have accrued in the cause, shall be certified to that court by the clerk of the court from which they came; and any costs contained in such statement, to which such clerk may be entitled, shall be accounted for to him when the same shall be collected, or paid, but his fees for making such transcript and statement, shall be paid by the party or parties demanding the same, and the amount thereof shall be taxed as part of the costs of the cause. And all suits in chancery, which shall be so transferred, shall be acted on and proceeded in, as if the same had been originally commenced in the said commercial court, and all orders therein made by the court from which they were transferred, shall have the same force and effect as if made in such commercial court.

Sec. 15. That the clerk of the said commercial court of Cincinnati, shall receive the same compensation, to be paid in the same manner, and be required to perform the same duties, be entitled to the same allowances, and be subject to the same accountabilities and liabilities as is or may be provided in relation to the clerk of the superior court of Cincinnati.

Sec. 16. This act shall take effect and be in force from and after its passage; and the judge of the said commercial court is hereby empowered to hold a special term, for the purpose of organizing the same, as soon after receiving the commission as he may deem expedient.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.
CHARLES B. GODDARD,
Speaker of the Senate.

February 4, 1848.

Its in chancery may be transferred from the court of com's pleas or superior court of Cin. commercial act.

lent compensation & duties.

pecial term.

Juries.

Sheriff, &c., to attend.

Judge's power and authority.

Supreme court, jurisdiction of.

Suit dismissed and court may render judgment for costs.

Judge of superior court or commercial court, incapacitated by interest or otherwise from sitting on any case, the judge of the other court may act in his stead.