

MAY 27 1940

PROCEEDINGS AND DEBATES

OF THE

CONVENTION

OF THE COMMONWEALTH OF PENNSYLVANIA,

TO PROPOSE

AMENDMENTS TO THE CONSTITUTION,

COMMENCED AND HELD AT HARRISBURG,

ON THE SECOND DAY OF MAY, 1837.

*Call*

Reported by JOHN AGG;

STENOGRAPHER TO THE CONVENTION;

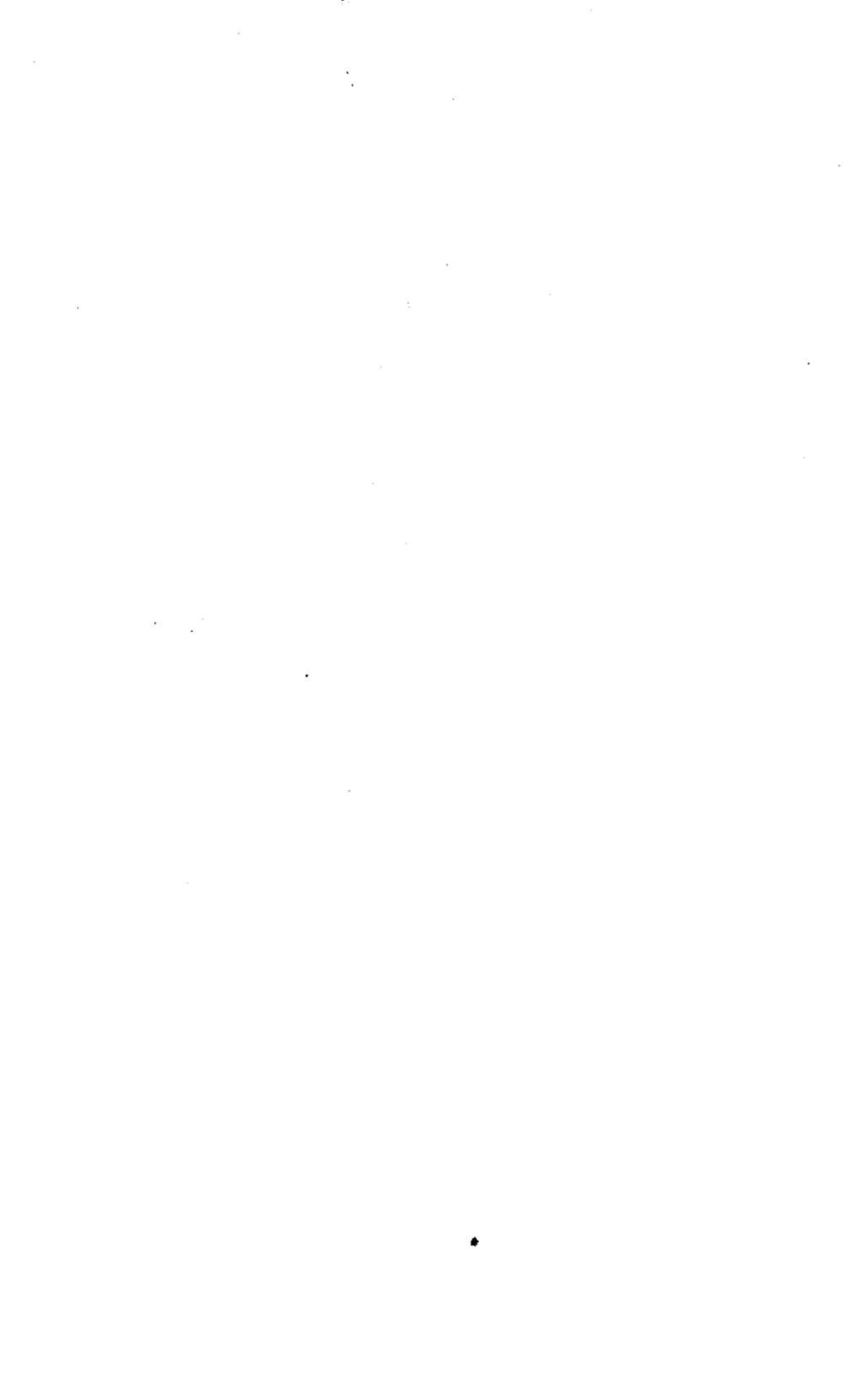
Assisted by Messrs. Kingman, Drake, and M'Kinley.

VOL. III.

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## PROCEEDINGS AND DEBATES

OF THE

## CONVENTION HELD AT HARRISBURG.

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THURSDAY, JUNE 22, 1837.

Mr. SMYTH, of Centre, presented a memorial from citizens of Centre county, on the subject of banks and banking, which was laid on the table.

Mr. COPE, of Philadelphia, presented a memorial from citizens of Pennsylvania, praying the abolition of lotteries, and,

The PRESIDENT presented a memorial from citizens of Pennsylvania, of similar import.

These memorials were laid on the table.

On motion of Mr. JENKS, of Bucks, it was

*Resolved*, That the use of the Hall of the Convention, for this evening, be granted to Mr. JOSIAH HOLBROOK, for the purpose of delivering a lecture on the subject of Education.

Mr. FLEMING, of Lycoming, moved that the Convention proceed to the consideration of the following resolution :

*Resolved*, That the thirty-second rule be so amended, that it be in order to call the ayes and noes on questions of daily adjournment, and that, for that purpose, the words "except on questions of daily adjournment", be stricken out.

The resolution being under consideration, and the question being on the second reading, it was decided in the negative.

The President laid before the Convention the following communication from the Secretary of the Commonwealth, accompanied by a report on the expenses of general education, and by two statements, one of the common school fund, and the other of the valuation and taxation of real and personal estate for 1835, by the Auditor General, furnished in compliance with a resolution adopted by the Convention on the subject, which was laid on the table, and ordered to be printed :

SECRETARY'S OFFICE, }  
HARRISBURG, JUNE 20, 1837. }

SIR—In compliance with a resolution adopted by the Convention on the subject, the undersigned have the honor to submit a report on the expenses of general education prepared by the Secretary of the Commonwealth: and two statements, one of the common school fund, and the other of the valuation and taxation of real and personal estate, for 1835, by the Auditor General.

We have the honor to be,  
Very respectfully, &c.

THO. H. BURROWES,  
NATH. P. HOBART.

Hon. JOHN SERGEANT,  
President of Convention, &c.

### REPORT

#### ON THE PUBLIC COST OF GENERAL EDUCATION IN PENNSYLVANIA.

"Resolved, That the Secretary of the Commonwealth, Auditor General, and the Treasurer of the State, be requested to furnish this Convention with statements showing the public cost, by taxation or otherwise, of schools, academies, colleges and education in this State, together with an estimate of a sum sufficient, and a plan of the best method of raising it, for educating all the children of the State".

The Secretary of the Commonwealth, as Superintendent of Common Schools, has had the foregoing resolution for some time under consideration, and is now compelled, in reporting, to state, that after obtaining all the information within his reach, his estimates, so far as sums and numbers are concerned, are, in many instances, based on loose data. For the conclusions and opinions submitted, he can speak with greater certainty. They are given, it is true, on his own individual responsibility, yet they are the offspring of much thought and a very close, though brief connexion, with the system of education. They are also presented somewhat at length, and may seem to embrace subjects not strictly connected with that of public instruction. But when the general terms of the resolution are referred to, and the paramount importance and pervading influence of general education are remembered, the latitude of remark indulged in will perhaps not appear wholly uncalled for.

#### I. PUBLIC COST OF EDUCATION.

##### IN SCHOOLS.

The public cost of education in primary schools, as near as can be estimated, during the present school year, will be:

From annual State appropriation, to the accepting common school districts, (being four fifths of the whole number,)	\$160,000
From taxation in the same districts, including the city and county of Philadelphia, for the support of the Lancasterian system therein,	400,000
Annual expense of teaching poor children in the non-accepting districts, (being one fifth of all the districts in the State,) under the old law for educating the poor gratis,	25,000
	<hr/>
Total amount of one year's public instruction, in primary schools,	<u>\$585,000</u>

In addition to this, there will be paid out of the State Treasury, during the year, four fifths of the school-house fund of five hundred thousand dollars, appropriated by the Legislature at its last session. This sum of four hundred thousand dollars, not being an annual expenditure, but a present outlay for the benefit of the future, should not be charged among the expenses of one year. Including, however, this sum, the whole amount to be expended during the present year, for the purposes of public education in primary schools, will be not less than a million of dollars, of which something more than one half will be paid by the State, and the remainder by taxation.

#### IN ACADEMIES.

Of the public cost of academies the department possesses little information. It is believed that no portion of their expenses are defrayed by annual taxation. Academies, in forty-five counties have, from time to time, received aid from the State, sometimes in money, generally in the proportion of two thousand dollars to each county, amounting to one hundred and six thousand nine hundred dollars; and sometimes in land, whose value it is difficult to estimate, but supposed to be worth at least one hundred and thirty-five thousand dollars, making a gross amount of aid to academies, of two hundred and forty-one thousand dollars.

It is believed that no grants have ever been made by the State, with less general good effect than those to academies. It seems to have been intended to endow one strong institution of this kind in each county, as a kind of radiating point in the county system of education; but the project has proved nearly a total failure. In obedience to a resolution of the Legislature, efforts were made, last summer, to ascertain the condition of the county academies; and the result was, that only seventeen were reported to be in operation, the total number of whose students was one thousand one hundred and eleven. Many of those that yet survive, are considerably in debt.

#### IN COLLEGES.

The public cost of colleges has also been in the form of occasional donations, either in money or land. The total aid in money amounts to two hundred and twenty-four thousand six hundred and sixty-six dollars, and in land to about nineteen thousand dollars, making a gross amount of grants to colleges, heretofore, of two hundred and sixty thousand dollars. The whole number of institutions of this kind, incorporated in Pennsylvania, is believed to be fourteen, of which eleven are in operation.

All the information on the subject of colleges and academies, possessed by this department, will be found in the annual report of the Superintendent, submitted to the last Legislature, particularly in tables E, F, and G, appended to that document.

## 2. ESTIMATE OF THE SUM SUFFICIENT FOR EDUCATING ALL THE CHILDREN IN THE STATE.

#### IN PRIMARY SCHOOLS.

The whole number of children in the State, between the ages of five and fifteen, is about three hundred and twenty thousand; of whom, together with those of a more advanced age, probably not more than two hundred and twenty thousand will attend school at one time in the year. The

cost of instructing each pupil in the common school, after the system shall be fully established and understood, will not exceed one dollar a quarter. Experience will show that the schools cannot be kept open, on an average, more than three fourths of each year, consistently with the convenience of the agricultural and laboring classes, who furnish five sixths of the pupils. The annual cost, therefore, of primary school education, for some years, will be about six hundred and sixty thousand dollars in the whole State, including the city and county of Philadelphia. This calculation is based on the supposition that the common school system will be accepted in all the districts of the Commonwealth, though only four out of five have yet received it.

After the lapse of four or five years, the cost of common school instruction, it is believed, will materially diminish. School houses and other preliminary arrangements will then be completed, and will cease to be a heavy item in the annual expenditure. This desirable result will be much hastened by the school house fund, appropriated at the last session of the Legislature. Cheaper, as well as better modes of instruction will be discovered and systematically pursued; and the influx of grown-up pupils who now crowd the school houses, with little benefit to themselves or to society, and much expense to the system, will wholly cease, as the system accomplishes its object. Hence, it may be safely calculated that proper attention and exertion during the next four years, will reduce the expenses of the common school system to five hundred thousand dollars annually, being a decrease equal to one fourth of the whole amount. In this estimate, the system is supposed to be accepted by all the districts.

#### IN ACADEMIES AND COLLEGES.

Though it is not presumed to be the intention of the Government to divert a large portion of the means now applicable to the purposes of education, from the common school system, for the purpose of applying it to the support of academies and colleges, yet justice and a due regard for the promotion of literature and science demand that their strong claims should not be wholly overlooked. The true way to promote any object is to aid it at the beginning, and to give it such an impulse there, as will carry it on to a successful termination. In accordance with this principle, one dollar judiciously applied to primary school learning, is worth more in its effects to society, than three given to colleges or academies. Still the regular and prudent appropriation of small sums in aid of the latter classes of institutions, is calculated to produce much good, which cannot be effected by other means.

The best mode of affording useful, permanent and invigorating assistance to our academical and collegiate system, it is believed, would be the establishment of a liberal literary fund, for their aid. If the proceeds of some considerable sum of money specially set apart for the purpose, or of some particular branch of public revenue—say the tax on writs, or the auction duties—were annually distributed among them, by a competent and impartial agency, and in proportion to their real merits, the effect would be instantaneously beneficial. Academies which now dwindle, or are entirely disused, would revive under such an arrangement: for there is no stronger spur to action, than the danger and disgrace of forfeiting a public benefit, depending on the performance of conditions in themselves praiseworthy.

It is a feeling which stirs into action every motive to honorable emulation. No academy in the State would remain quiescent a single year, under the influence of such an incentive. Thus, no matter what the motive, the public would reap a benefit beyond all proportion greater than the expense; and the State would render productive and useful the capital already invested in these, at present, nearly useless institutions.

The same would be the effect on the colleges. All would be stimulated to fresh and vigorous exertion; and in a short time, the number would be necessarily *reduced* to one better proportioned to the wants of the the State than the present. The contest would then be, not one of management to obtain governmental or contributed aid, but of merit to deserve it; and none but meritorious and really necessary institutions, could long maintain the struggle. The chief defect of the collegiate system of Pennsylvania, which is the too great number of her institutions, would soon disappear, and a few healthy, flourishing, and creditable to the Commonwealth, would remain to adorn and strengthen her system of education.

### 3. BEST METHOD OF RAISING THE NECESSARY FUNDS.

#### LITERARY FUND.

In describing the nature and necessity of a fund for the assistance of colleges and academies, the source from which it must come, if it ever be created, and the manner of distributing it, have been named. Nothing further need, therefore, be said on the subject.

#### COMMON SCHOOL FUND.

In determining the best means of raising the funds necessary to defray the expenses of the Common School System, the *sources* from which they are to be derived, the *proportions* to be derived from each source, and the *manner* of collection, are all to be considered.

With regard to the *sources*, necessity has already determined them. The condition of the State Treasury limits the amount derivable from that quarter at a sum far below the real wants of the system. The residue, therefore, is necessarily obtained from direct taxation. By existing laws the proportion raised by tax, cannot be less than equal to that given by the State, as annual appropriation, but is really on an average at least two and one half times that amount.

As to the *proportion* of school money which should be given by the State and that which should be obtained from taxation, so as best to comport with the views of theorists on this point, the undersigned hazards no opinion. In asserting that the amount of taxation ought not to be increased beyond its present sum, which he most unequivocally does, reference is had more to the known opposition of our citizens to a school tax, than to any abstract reasoning or minute calculation of the relative advantages of school funds as compared with direct taxation. In other States and countries where the system has been long in existence, and is placed on the solid foundation of public favor, it may be proper and safe to make the whole support of a common school system rest upon annual taxation, as a means of stimulating the exertions and exciting the interest of the people in its behalf. In Pennsylvania another and a previous object is to be accomplished. With us the first measure is to remove prejudice and to render the system acceptable to the citizens. When that feeling is once fully

aroused, which will yet take years of patient exertion, it will be time enough to ascertain what quantum of the so called taxation stimulus will be requisite to keep it alive. At present the best means of aiding the cause of common school education is to forbear coupling it, to any extent that can possibly be avoided, with the unpopularity of the tax collector, and to sustain it, as far as practicable, out of the State Treasury.

Every exertion should be made to raise the amount of State appropriation to the annual sum of three hundred thousand dollars, which would completely turn the balance of public opinion in favor of the system, and would still leave an amount of tax, so light as not to be burthensome, yet so considerable as to keep the eye of public attention beneficially fixed on its expenditures.

An account of the condition of the permanent Common School Fund, established by the act of 2d April, 1831, and formed of the proceeds of the sale of public lands and the late State tax on personal and real property, will be found in the accompanying statement furnished by the Auditor General. From that document it appears that the annual interest of the fund will amount to one hundred thousand dollars, on the 1st April, 1842; which, according to the act creating it, would have been the day when the proceeds of the fund would become actually applicable to the purposes of teaching. That desirable event was, however, anticipated by the nineteenth section of the school law of 1st April, 1834, and by the eleventh section of that of June 13, 1836. So that the State appropriation from the school fund and from the general State Treasury is now annually one hundred thousand dollars from the State Treasury, and one hundred thousand dollars, payable by the Bank of the United States under the sixth section of its charter act, making a present distributive annual sum of two hundred thousand dollars.

It may also be proper here to remark, that the permanent school fund will be increased by the operation of the act of 27th February, 1837, which regulates the temporary disposition of this State's portion of the surplus revenue, and adds the interest of it to the school fund. The interest payable the present year by the deposit banks, under that act, will amount to about seventy-five thousand dollars, which is to be added to the principal of the common school fund. Should the annual distribution of the national surplus means be continued, this source of increase to the fund will soon add materially to the strength of the system.

The amount of taxation, it is believed, should be limited to the bare wants of the system, and should not be made arbitrarily, and in all cases to equal any particular sum of State appropriation. Whenever an amount of tax less than the amount of State appropriation will, with that appropriation, be more than sufficient to keep the schools in operation the requisite time, which in most instances would be nine months in the year, the districts should be permitted to decrease their tax to that standard. No absolute minimum of taxation should be required, except for the purpose of causing a sufficient number of schools to be kept in operation, during a proper portion of the year, for the instruction of all the children of the district. When that desirable and main object of the system is achieved, the burthen of taxation should be lightened as much as possible. By such an arrangement taxation will come in to the aid of the permanent school fund, which seems to be its proper duty, and will be graduated to the actual wants of the system.

This plan would also produce a decrease in the school expenditure. If directors, who are themselves tax payers, and are accountable to the neighbors, who are also tax payers, have it in their power, by strict economy, to diminish the expenditure, and consequently, the taxation of the district, the result will obviously be most beneficial. Under existing laws, the dividend of State appropriation, which is, in all cases, determined by the number of taxables in each district, being the absolute measure of the *minimum* of taxation, there exists little motive for reducing the expenses below the sum which must thus necessarily come into the district treasury. The evil of this feature, in the law, is not at present felt to any great degree, because, the cost of procuring school houses, and making the other preliminary arrangements of the system, generally exceeds the minimum of annual school money; but, as those preliminary expenses cease, and the amount of State aid increases, it will become manifest, and must be remedied, or beget a carelessness and extravagance, which will be ruinous to the system.

It will, therefore, soon become manifestly necessary to make the real wants of the system, and not any arbitrary relative proportion of sums, the measure of school taxation.

The manner of collecting school money requires serious consideration. That portion of it, receivable from the State, is sufficiently well regulated by existing law, and needs no modification. It is not payable until evidence is produced of the assessment of the requisite amount of tax by the district, and its receipt and disbursement are so guarded as to create all proper accountability. But, in the manner of collecting school tax, is to be found a main obstacle to the spread of the system, and as the same defect runs through the whole system of taxation for public purposes, the following remarks will not be confined to the school tax.

The citizen is first called on for his county rate, and until recently, for his State tax; then the supervisor demands the road tax; a short time afterwards, probably a militia fine is to be paid; and finally, when all patience is worn out, the school tax collector comes with his duplicate.—The tax payer's opposition to the whole system of taxation is thus pent up and discharged against the school tax, which, because the last imposed, the least understood, and with many, the most unpopular, becomes the favorite theme of complaint, and often of political declamation. It has been known that collectors, opposed to the system, have delayed calling for the tax till the eve of an election, and have then loudly demanded payment, thereby increasing opposition. It has even occurred, that county and other tax has been collected under the name of school tax, with an effect upon the system that needs no comment.

Nor is the present system of taxation objectionable alone on account of its unnecessary and vexatious sub-divisions. The inequality of its effects on the different kinds of property begets opposition and discontent, which operate injuriously throughout, but especially upon the school system.

*State tax* was levied on both real and personal estate; *county expenses* are almost wholly paid by the owners of houses and land, while the possessors of money, and most kinds of personal property, contribute nothing; the same is the case with regard to *road* and *poor* taxes. For *school purposes* only, a small amount can be levied on personal property, the chief burthen being thrown on real estate, and on trades and occupations.

These unnecessary and unjust distinctions have created, and will create much discontent that might be avoided by a just equalization, and by a simultaneous collection of the whole. *All* public objects, whether they be the support of Government, or the payment of county expenses—the mending of a road, or the education of youth—the relief of the poor, or the defence of the State, have equal claims upon the citizen, and should be contributed to out of the same purse, and at the same time. The amounts required for each, will, of course, be different, but the distribution of the proper proportions among them should take place *after*, and not *b. fore* collection.

As an instance of the unequal effect of the present ill arranged system of taxation, it may be mentioned that when the late State tax was in operation, the county of Allegheny, with four representatives, and containing the rich city of Pittsburg, paid four hundred and seven dollars tax on personal property, while Adams, with only two representatives, paid four hundred and eighty-four dollars. Berks, having an equal valuation of real estate, and an equal representation with Chester, only paid one thousand seven hundred and forty-five dollars personal tax, though the latter paid three thousand and forty-five dollars. York, with three representatives, paid only one thousand two hundred and six dollars. Westmoreland, with as many representatives as York, and fully one half the amount of real estate, only paid one hundred and fifty-six dollars personal tax. Philadelphia city and county, with an immense real estate, and all their costly buildings, only paid double as much real estate tax as the county of Lancaster; while the county of Lancaster, with six representatives, paid as much personal property tax as the fourteen considerable counties of Allegheny, Adams, Bedford, Bradford, Centre, Franklin, Huntingdon, Luzerne, Northumberland, Somerset, Schuylkill, Union, Washington, and Westmoreland, put together, with five times as many representatives, and more than twice her amount of real estate.

This unjust and unequal effect of taxation is wholly attributable to the absence of an uniform mode of ascertaining the amount and value of the property to be taxed. One county, whose first rate land is worth \$100 an acre, may value it, for the purposes of county taxation, at that sum; an adjoining county containing land of the same description and value, may estimate it at \$50. The result, when a tax is to be collected, is obvious. This practice produces no injustice in the collection of county levies, so long as the rate of appraisement is uniform over the whole county. But when a difference of valuation prevails among the townships of the same county, which is not unusual, the same oppressive inequality is produced, as in the case of State tax.

The trifling amount of the late State tax on personal property proceeded from the ineffectual means provided by law to ascertain its actual amount, and the exemption of many descriptions of it from taxation altogether.

By reference to the accompanying statement of the Auditor General, on this subject, the amount of real and personal valuation and taxation in each county and in the whole State for 1835, will be seen, and the unequal operation of the present system at once perceived.

That statement will show that a tax of one mill on the dollar, even under the present defective system, produced for State use, near two hundred and

fifty thousand dollars from real estate, and about fifty thousand dollars from the kinds of personal property assessed annually.

It must be obvious to every one who will think for a moment on the subject, that a fair valuation of all the personal property and productiveness of the Commonwealth, other than real estate, would at least quadruple the amount of personal property tax at the above rate. This single and just operation, without counting any thing from the more equal assessment of real estate, which would undoubtedly produce much, would yield two hundred thousand dollars annually; a sum sufficient, with the proposed increase of State appropriation, to support the Common School system.

There is no reason why property in one part of the State or of a county, should be liable to contribute a greater portion of means to the public use than the same kind of property in another. Neither should one kind of property be exempt while another is taxed. The old feudal distinctions between personal and real estate have little force in this country. The one is, so far as ownership and liability are concerned, nearly as transitive and as tangible as the other. The amount of real is little greater than that of personal estate, if fully and fairly accounted, and certainly, at the present time, much less productive to the possessor. In former days, when the quantity of personal property was so trifling that it was abandoned to the church for pious uses on the death of the owner, or was subject to a contribution during his life, of a fifth, a seventh, a tenth for the support of Government, it was perhaps not so strange that the laws of the land should take little notice of it, either for its protection or transmission to the representatives of the deceased owner. But now, when it was vastly increased in amount, and forms a chief source of profit to the community—when courts are much occupied in its regulation, and Governments largely employed in its protection, it does seem strange that it should enjoy to any extent whatever, an exemption from the common burthens.

On examining the statute book it will be found that the chief tax, as such, for public use, paid by personal property, is that of one mill to the dollar for school purposes, assessed on the articles enumerated in the act of 25th March, 1831, and continued by act of 13th June, 1836. Tax on bank dividends is not properly a contribution for the support of Government, but a part of the price paid for the privilege of exercising one of the prerogatives of Government. In the same manner, the money paid for tavern licenses is not a tax, in the ordinary acceptation of the term, but a means to diminish dealing in strong drink; and the price imposed on the dealing in foreign merchandise, may be most fairly called an expedient to protect and promote domestic manufactures.

In this view of the unequal bearing of the present system of taxation, the proper remedy seems to be a Constitutional provision, *that all the property and productive industry and skill of the Commonwealth, of every kind, shall be fairly and uniformly appraised at its full value; and that all tax now or hereafter necessary for every department of the public operations, shall be fairly and uniformly assessed on the whole thereof; and shall be collected from each tax payer at one time and by one collector.*

The proposition to make the productive industry and skill of the Commonwealth bear a portion of the public burthens, is not new in Pennsylva-

nia. "Offices and posts of profit, professions, trades and occupations", have long been taxable. The object yet to be accomplished is merely to estimate them according to their just value and usefulness to those who exercise them and to society, and to assess upon them a full and fair portion of contribution to the use of that public from which alone they derive their profitable value. The effect would not be an increase of the tax now paid by the small mechanic, the house-holder, or the single freeman, but a more just assessment upon the lucrative professions and occupations.

These latter should be estimated at their full value, and assessed accordingly, both because the protection of the rights of the persons who exercise them costs as much to Government as that of the estates real and personal of the rest of society; and because the value of skill and industry is more increased by that protection, and by the operation of the social compact, than the land of the farmer, or the gold of the capitalist. No matter how the affairs of Government or the obligations of law may be deranged, the holder of money can generally supply himself with the necessaries of life, and the producer can dispose of them, for men must have food and be clad through all changes. But the destruction of law terminates the vocation of the lawyer, anarchy and confusion injure the profitable profession of every branch of science, and annihilates a demand for the services of the artist. With the protecting power of Government, cease the emoluments of all employed in administering its various duties and offices; and when the reign of order and mutual good faith ends, it is the inevitable destruction of that confidence on which the meretorious merchant, whose honest name enabled him to deal on the capital of others, rested for support and success.

The process by which this necessary and equitable equalization of taxation may be effected, is extremely simple and easy. Let the commissioners of each county, through the proper assessors, periodically make a valuation, at its *full* and *real* value, of all the property and productiveness of the county. Let this be the basis of *all* taxation. Let a certain per centage be levied upon it for county purposes, or for State use, if such tax or any other should hereafter become requisite. In the same way let the necessary per centage be levied upon it in each township, by the school directors and the road overseers, and when the whole amount required is thus determined, let it be collected at one time and by one officer; and finally, when thus collected, *then* let the proceeds be distributed in their proper proportions to the different objects.

The advantages of such an arrangement would be great.

1. Opposition to taxation would decrease. That spirit is not so much produced by the amount of money exacted, as by the harrassing and continual calls of tax collectors of different kinds.
2. Dissatisfaction at the unequal operation of the present system would be entirely obviated.
3. Expense, inconvenience, and risk of loss in collection would be greatly diminished.
4. The benefit to the school system, in the removal of opposition, would be invaluable. Being the youngest born of the unpopular family of taxes, the school tax is likely to suffer for all the sins of the elder branches. Any plan which will render them less unacceptable will diminish the weight of

odium which bears upon it, and will have a corresponding good effect on the system.

5. And finally, a most beneficial result would be the collection of the school tax without any increase of the burthens now borne by the farmer and mechanic. For, if fairly valued, and assessed to no greater extent than real estate for county and township uses, the personal property now in the Commonwealth would, beyond a doubt, yield an amount of tax equal to all the wants of the schools. Thus, the more just equalization of taxation would produce a result of no less magnitude and benefit, than that of the permanent and equitable support of the common school system.

If it be true that no subject possesses greater public interest than that of general and sound education; and if it be also true that one of the chief obstacles to the spread of the common school system, is to be found in the present defective plan of taxation, as has been attempted to be shown in the foregoing remarks; then the undersigned will perhaps not be without excuse for having intruded so long on the time of the Convention.

All which is respectfully submitted,

THO. H. BURROWES,  
*Secretary of the Commonwealth.*

SECRETARY'S OFFICE, JUNE 20, 1837.

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#### STATEMENT OF THE COMMON SCHOOL FUND.

Amount transfered to the fund, 1st April, 1832,	\$75,342	37	
Interest on the same, one year,	-	-	3,767 12
			<hr/>
Fund, 31st March, 1833,	-	-	\$79,109 49
Amount transfered to the fund, 1st April, 1833,	203,332	16	
Interest on the whole, one year,	-	-	14,122 08
			<hr/>
			217,454 24
			<hr/>
Fund, 31st March, 1834,	-	-	296,563 73
Amount transfered to the fund, 1st April, 1834,	287,346	89	
Interest on the whole, one year,	-	-	29,195 53
			<hr/>
			316,542 42
			<hr/>
Fund, 31st March, 1835,	-	-	613,106 15
Amount transfered to the fund, 1st April, 1835,	247,050	22	
Interest on the whole, one year,	-	-	43,027 82
			<hr/>
			290,078 04
			<hr/>
Fund, 31st March, 1836,	-	-	903,184 19
Amount transfered to the fund, 1st April, 1836,	287,926	94	
Interest on the whole, one year,	-	-	59,555 55
			<hr/>
			347,482 49
			<hr/>
Fund, 31st March, 1837,	-	-	1,250,666 68

## PROCEEDINGS AND DEBATES.

Amount transferred to the fund, 1st April, 1837,	206,139	35	
Interest on the whole, one year,	-	-	72,840 30
			<u>278,979 65</u>

Fund, 31st March, 1838,	-	-	1,529,646 33
Probable amount to be transferred, 1st April, 1838,	60,000	00	
Interest on the whole, one year,	-	-	79,482 32
			<u>139,482 32</u>

Fund, 31st March, 1839,	-	-	1,669,128 65
Probable amount to be transferred, 1st April, 1839,	50,000	00	
Interest on the whole one year,	-	-	85,956 43
			<u>135,956 43</u>

Fund, 31st March, 1840,	-	-	1,805,085 08
Probable amount to be transferred, 1st April, 1840,	50,000	00	
Interest on the whole, one year,	-	-	92,754 25
			<u>142,754 25</u>

Fund 31st March, 1841,	-	-	1,947,839 33
Probable amount to be transferred, 1st April, 1841,	52,160	67	
Interest on the whole, one year,	-	-	100,000 00
			<u>152,160 67</u>

Fund, 31st March, 1842,	-	-	<u><u>2,100,000 00</u></u>
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Respectfully submitted,

NATH. P. HOBART,  
*Auditor General*

AUDITOR GENERAL'S OFFICE, JUNE 20, 1837.

## STATEMENT

*Of the adjusted valuation of the real and personal property, persons, trades, and occupations, in the several counties of this Commonwealth; also, the valuation of the personal estate, bonds, notes, stocks, &c., together with the tax of one mill upon every dollar of the value thereof, for the use of the Commonwealth, as returned to the Auditor General, by the County Commissioners, for the year 1835.*

COUNTIES.	Valuation of Real Property, &c.	Tax of one mill on Real Property, &c.	Valuation of Personal Property, &c.	Tax of one mill on Personal Property, &c.
Allegheny, - - - - -	\$12,272,250 00	\$12,272 25	\$407,980 00	\$407 98
Adams, - - - - -	3,329,570 00	3,329 57	484,190 00	484 19
Armstrong, - - - - -	1,274,060 00	1,274 06	49,180 00	49 18
Beaver, - - - - -	3,046,240 00	3,046 24	160,800 00	160 80
Bedford, - - - - -	637,110 00	637 11	178,600 00	178 60
Bradford, - - - - -	1,815,500 00	1,815 50	67,880 00	67 88
Berks, - - - - -	14,478,870 00	14,478 87	1,745,050 00	1,745 05
Bucks, - - - - -	10,366,410 00	10,366 41	2,224,330 00	2,224 33
Butler, - - - - -	1,325,710 00	1,325 71		
Cambria, - - - - -	415,220 00	415 22	22,330 00	22 33
Centre, - - - - -	3,152,240 00	3,152 24	120,490 00	120 49
Chester, - - - - -	14,672,610 00	14,672 61	3,045,900 00	3,045 90
Clearfield, - - - - -	760,600 00	760 60		
Columbia, - - - - -	1,477,750 00	1,477 75	34,710 00	34 71
Crawford, - - - - -	1,829,020 00	1,829 02		
Cumberland, - - - - -	7,247,530 00	7,247 53	874,080 00	874 08
Dauphin, - - - - -	5,133,500 00	5,133 50	582,880 00	582 88
Delaware, - - - - -	4,205,610 00	4,205 61	1,041,650 00	1,041 65
Erie, - - - - -	1,514,980 00	1,514 98	153,340 00	153 34
Fayette, - - - - -	3,936,550 00	3,936 55	487,570 00	487 57

COUNTIES.	Valuation of Real Property, &c.	Tax of one mill on Real Property, &c.	Valuation of Personal Property, &c.	Tax of one mill on Personal Property, &c.
Franklin, - - - - -	5,069,820 00	5,069 82	676,700 00	676 70
Greene, - - - - -	1,689,170 00	1,689 17	106,660 00	106 66
Huntingdon, - - - - -	4,159,300 00	4,159 30	305,850 00	305 85
Indiana, - - - - -	1,184,020 00	1,184 02	79,650 00	79 65
Jefferson, - - - - -	582,530 00	582 53		
Juniata, - - - - -	1,394,800 00	1,394 80		
Lancaster, - - - - -	23,801,360 00	23,801 36	3,608,870 00	3,608 87
Lebanon, - - - - -	4,946,430 00	4,946 43	705,590 00	705 59
Lehigh, - - - - -	4,050,380 00	4,050 38	619,450 00	619 45
Lycoming, - - - - -	1,588,720 00	1,588 72	143,460 00	143 46
Luzerne, - - - - -	1,628,760 00	1,628 76	201,870 00	201 87
M'Kean, - - - - -	542,870 00	542 87	10,610 00	10 61
Mercer, - - - - -	1,905,070 00	1,905 07	523,920 00	523 92
Mifflin, - - - - -	1,765,890 00	1,765 89	81,430 00	81 43
Montgomery, - - - - -	7,338,980 00	7,338 98	2,207,330 00	2,207 33
Monroe, - - - - -				
Northampton, - - - - -	9,569,280 00	9,559 28	1,532,970 00	1,532 97
Northumberland, - - - - -	2,092,970 00	2,092 97	187,710 00	187 71
Perry, - - - - -	2,260,510 00	2,260 51	98,020 00	98 02
Philadelphia, - - - - -	47,706,830 00	47,706 83	23,674,170 00	23,674 17
Pike, - - - - -	602,032 00	602 03		
Potter, - - - - -	573,230 00	573 23	21,425 00	21 42
Somerset, - - - - -	1,115,680 00	1,115 68	70,040 00	70 04
Schuylkill, - - - - -	2,965,390 00	2,965 39	262,140 00	226 14
Susquehanna, - - - - -	731,050 00	731 05	112,660 00	112 66
Tioga, - - - - -	1,074,874 00	1,074 87	19,320 00	19 32
Union, - - - - -	2,679,840 00	2,679 84	123,330 00	123 33

Venango,	-	-	-	-	823,210 00	823 21		
Warren,	-	-	-	-	733,646 00	733 63	17,890 00	17 89
Washington,	-	-	-	-	5,902,630 00	5,902 63	420,980 00	420 98
Wayne,	-	-	-	-	876,310 00	876 31	16,100 00	16 10
Westmoreland,	-	-	-	-	3,802,770 00	3,802 77	156,020 00	156 02
York,	-	-	-	-	7,633,750 00	7,633 75	1,206,660 00	1,206 66
					<b>\$245,673,402 00</b>	<b>\$245,673 41</b>	<b>\$48,835,785 00</b>	<b>\$48,835 76</b>

Respectfully submitted,

NATH'L P. HOBART, *Auditor General.*

AUDITOR GENERAL'S OFFICE, }  
June 20, 1837. }

## THIRD ARTICLE.

The Convention again resolved itself into a committee of the whole, on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The CHAIR said there had occurred some difficulty yesterday as to the rule of order. On examination the CHAIR found that he had been mistaken. The next question ought to have been to agree to the amendment as amended. Then the other amendments would have been in order. The first question here is on agreeing to the amendment as amended.

Mr. READ, of Susquehanna, said of course that question could not be taken until all the amendments had been offered. He then moved to amend the amendment by striking out all after the word "months", and inserting in lieu thereof, the words following: "except idiots, habitual drunkards, and inmates of alms-houses, lunatic asylums, penitentiaries and prisons, shall be entitled to vote in the district in which he shall reside".

The CHAIR decided that the motion was not in order, because it proposed to strike out words which had been inserted by a vote of the committee.

Mr. READ appealed from that decision.

The CHAIR propounded the question. An amendment was offered by the gentleman from Chester on the right (Mr. BELL); and an amendment to that amendment was offered by the gentleman from Chester on the left (Mr. DARLINGTON). The amendment to the amendment covered the whole ground of the first amendment, and having been agreed to, the CHAIR decides that a motion to strike out what is just ordered to be inserted, cannot be in order.

Mr. READ said it might be thought that he was taking too much on himself to take this appeal, after the opinions which had been given yesterday to the contrary, by the gentlemen from Adams, Franklin, and Montgomery, as well as by other gentlemen of experience. After the opinions delivered by these gentlemen, he should not have offered his present proposition, knowing the CHAIR would reject it, had he not believed that the opinions of the gentlemen to whom he had alluded were given on the spur of the moment. This was a question of vital importance. He hoped all these gentlemen, together with the President of the Convention, would reflect on the consequences to which this decision would lead. Our amendment, and the amendment of our neighbours can never be heard. All of us will be cut out of our rights, if this decision should be sustained. Why? The authority read yesterday by the gentleman from Montgomery was good, but it had not the slightest relation to the question before the committee. As the gentleman from Philadelphia said, it was very good, but it was not to the point. It has no application to the question—and why? Because it does not apply to an amendment to an amendment. What is an amendment? It is a modification, or insertion of something into the original proposition, against the will of the mover. If the gentleman from Chester now asked to modify his proposition in any way, would it not be in order for him to strike out any part, or to prefix, or insert in the middle any other words? How else could he effect his purpose? The error of gentlemen consisted in regarding this as an original proposition which is, by the rule, to be made as perfect as

it can be before the vote is taken upon it, after which you are no longer at liberty to change it. But this is an amendment to an amendment and does not come within the operation of that rule. In this case, there was no opportunity of offering the amendment to the amendment before the vote was taken on the amendment to the amendment offered by the gentleman from Chester (Mr. DARLINGTON). The CHAIR did receive the amendment of the gentleman from Chester, and very properly.

The CHAIR : That proposition did not strike out any of the language, or change it.

Mr. READ said he did not care whether it struck out any of the language or not. He was arguing the principle. A motion to amend the amendment has been decided to be inadmissible; and if this decision be sustained, gentlemen cannot afterwards offer any amendment at all. By reference to JEFFERSON'S Manual, it would be seen that any member has a right to make the amendment as perfect as possible. Had I a right (asked Mr. R.) to offer this before? No. The matter is now before us precisely in the situation as to liability to amendment, as if the gentleman over the way (Mr. BELL) had originally offered it in the form in which it now is. He called the CHAIR to reflect if the gentleman from Chester had offered the proposition in the same words, would it be in order to strike out?

The CHAIR : Yes, before the vote was taken.

Mr. READ resumed : Could he have offered this amendment before? Nothing could be plainer, and there had never been before an attempt to gag members in the mode now proposed; by rejecting a motion to amend before the vote was taken, and then rejecting it afterwards. It was a perfect absurdity. There are thirty different propositions, perhaps, now to be offered, and these cannot be heard. We cannot go a step further than the amendment to the amendment. It is an attempt to gag numbers of gentlemen who had never had an opportunity to make any proposition concerning the amendment. The rule which has been read, and which regards striking out, does not apply to an amendment to an amendment. We cannot be curtailed of our rights, and all opportunity to be heard is cut off by this decision, if sustained. The presiding Chairman has not reflected that if this proposition had been offered before the vote was taken, it would have been rejected as out of order, because it is not allowed in parliamentary practice, to pile amendments, the effect of which would be to confuse the minds of members, and to throw out of sight the original proposition. It is only necessary to say that all amendments are cut off if this decision is sustained. I could not offer this yesterday because the vote was not taken : I cannot offer it to-day, because it is taken. The committee had not yet agreed as to this part of the Constitution, but had merely decided that there should be an amendment to the amendment of the gentleman from Chester. The CHAIR is correct as to the pending question : it is on the amendment of the gentleman from Chester, as amended. If there be no further amendment to be offered, why have we not done with it? It is not to be tolerated that all amendments should now be excluded, and the effect of this decision would be to cut off all. We are gagged if this decision is to be sustained.

Mr. MARTIN, of Philadelphia, thought the appeal must be seen to be correct. The difficulty into which we have got with the amendment of

the gentleman from Chester has completely blocked the game. The gentleman from Chester (Mr. DARLINGTON) takes the report of the committee, copies it, and offers it as an amendment to the amendment of his colleague in a modified form. After the question was taken on this report of the committee, copied and modified, I offered an amendment to the report in the first line, and was told it could not be received, as the report was the mere amendment of the gentleman from Chester. But it was not so, it was the report of the committee copied, and made his amendment. We are certainly gagged, when we cannot offer a proposition to amend before the question is taken, because there is an amendment to the amendment pending, nor afterwards, because that has been adopted. The gentleman from Chester has left nothing for us to do. We are at the mercy of the gentleman from Chester.

Mr. STERIGERE made a reference to SUTHERLAND's Manual to sustain the course taken by the CHAIR, and compared the course of the gentleman from Susquehanna to a case in which, after a trial before an ordinary court, an appeal was taken to the Supreme Court, and after its decision, another trial was asked for in the court below. As to gagging, when a proposition was made which was unsatisfactory to the majority, it was voted down; and, when agreeable it was adopted; and then there could be no change. The reasons are set forth both in JEFFERSON's and SUTHERLAND's Manuals—from which Mr. S. read extracts to sustain his views. If amendments are to be received, striking out what has been agreed to be inserted, there will be no end of the thing. Amendment after amendment may be proposed until it has been carried to an extent which would be absurd. He had no feeling on the subject, he would like to offer an amendment himself, but he did not believe that the rules would allow him to do so. He would be glad to offer his amendment, and many others would be glad to offer their's; but if this doctrine was admitted, it would allow the gentleman from Chester to begin again with new alterations and amendments.

Mr. BANKS, of Mifflin, said when the question was first brought forward he had believed the gentleman from Susquehanna to be wrong, and the CHAIR to be in the right. It would give him pleasure always to support the decision of the CHAIR, so long as he could do so, without violating the convictions of his understanding. He then read various extracts from JEFFERSON's Manual, to which he had referred since the question came up, and which had brought his mind to the conclusion that the views of the gentleman from Susquehanna were the correct ones, and should be sustained.

Mr. STERIGERE briefly explained, for the purpose of shewing that his reading of JEFFERSON had brought him to conclusions opposite to those adopted by the gentleman from Mifflin.

Mr. CUNNINGHAM, of Mercer, expressed his belief that a short history of the case would make it plain to every gentleman that this amendment was not in order. The gentleman from Chester on his left (Mr. BELL) offered an amendment. The gentleman from Chester on his right (Mr. DARLINGTON) offered an amendment to strike out the words of his colleague's amendment, and insert others, which superseded the first amendment. The committee adopted this amendment to the amendment. Can you now alter it? References had been made to JEFFERSON's Manual, but

the passages quoted had not received the proper construction. That which referred to an original proposition, had been taken, and made applicable to an amendment to an amendment. If this motion were to be received, it would lead to great confusion and waste of time. The amendment cannot now be altered, or there would be no end to alterations. There must be a time when propositions cease to be in order, or amendments would be eternal. There were two ways in which the gentleman from Susquehanna could have reached his object. He might have read his proposition, and given notice that he would offer it, if the amendment to the amendment was rejected. If, after that, the committee had thought proper to negative the amendment to the amendment, and to take the proposition of the gentleman from Susquehanna, in lieu of it, they would have done so. Another way is, to reconsider the vote by which the amendment to the amendment has been adopted. If a majority refuse to reconsider, the inference is plain that the committee will not take the proposition of the gentleman from Susquehanna. The gentleman might obtain a vote to reconsider and offer his amendment, in case he obtained the reconsideration; but it was in vain for him to attempt to offer it now, because it was against the rule of order. He may however reconsider.

Mr. READ again read the rule as laid down by JEFFERSON to correct the gentleman from Montgomery of error, and then cited whether, if he had offered his motion before the question had been taken, it would not have been instantly and properly rejected. He was astonished that the gentleman from Mercer (Mr. CUNNINGHAM) did not see that by sustaining the decision of the CHAIR, he would cut off all possibility of the amendment being offered. The gentleman from Montgomery had alluded to a trial. He (Mr. R) was not on a trial. No one could say he had not a right to have the question on his amendment, if he should himself be the only one to vote for it. The question was too plain. Is the amendment rejected because it is too late?

The CHAIR: It is rejected because it would strike out a part which has been inserted.

Mr. READ: Must there not have been some time at which he might have offered the amendment? He must have a day in court. It was now too late. If he had offered it before it would have been too early. It is decided that if offered before the question was taken, it would have been too soon; and now, after the question has been taken, it is too late, when would it be in order? He would like that some gentleman would inform him. It was not in order yesterday, because we must not pile amendments on each other.

The CHAIR: It would have been in order to move the amendment by way of a proviso, so as not to alter or strike out any of the words which have been inserted.

Mr. READ: The distinction was an unimportant one. He could not have the question on his amendment because the question has been decided. The reason of this rule is that you cannot strike out what has been ordered to be inserted, because it is amendable before the final question is put. But that is not this case. This is not amendable because it is an amendment to an amendment. He had the same right now to amend as if the gentleman over the way (Mr. BELL) had offered the amendment, originally in the very words in which it had been put by the modification

of the gentleman from Chester (Mr. DARLINGTON). If it had been before us now in that form, and no vote had been taken, would it not have been as much in order to strike out, as to add to it?

Mr. DENNY said there would be no end to the action of the committee, if we went on in this way. Each member would ask us to adopt his proposition, and when we had adopted one hundred and thirty-two propositions, we should be called upon to begin the work over again.—The gentleman from Susquehanna knew that if the proposition of the gentleman from Chester was adopted, his own would not be in order. Had not the majority rights here, and was not the object of offering amendments to make propositions more acceptable to the majority? In this case, the committee had distinctly expressed its opinion against the motion of the gentleman from Susquehanna, by adopting that of the gentleman from Chester. There would be no end to amendments, if the course proposed by the gentleman was adopted. He would not reach his object by striking out what had been adopted.

Mr. BIDDLE said the question was neither difficult nor complicated. All amendments consisted either of single propositions, or of several; and all agreed that the same matter could not be twice brought before the committee. Here the committee had decided upon a part of an amendment. The question, therefore, was not, whether amendments could be offered, but whether the committee could be compelled to pass again and again on what had been decided.

Mr. COX maintained that the decision of the CHAIR was correct. An amendment had been adopted on an entire new and distinct proposition, taking the place of the report of the committee; no portion of the original proposition had been retained, and there was nothing to be amended. Additions, not clashing with its provisions, could be made; but no part of what had been agreed to could be stricken out. He would cheerfully vote for the proposition of the gentleman from Susquehanna, whenever it could be offered.

Mr. DICKEY argued that the question was still open, because the amendment was offered to the report of the committee, and contended that the CHAIR had no right to decide that the amendment could not be received. He had heretofore supposed, he said, that there was no way to suppress discussion except by the previous question, but this mode would be quite as effectual.

Mr. AGNEW could not agree with his colleague on this question. A motion to strike out what had been decided upon could not be entertained, else the same question might be presented again and again for decision. The only way to reach it would be by a motion to reconsider.

Mr. SERGEANT hoped, he said, that when the question was taken, it would be taken by yeas and nays, for the reason that every decision made by the House or the committee, became binding upon us as a rule.

The rules of the House of Representatives direct that all the decisions shall be printed in the Journal, as a part of the laws of the House. These laws we cannot depart from without forming a rule, and, therefore, when we proceed contrary to them, in order to answer a present purpose, we create a source of disorder and confusion for the future. It was a matter of importance that the decisions should be made considerately, and in reference to the future proceedings of this body. In the minds of some

the question might appear to be very plain, but he was surprised to hear the gentleman from Susquehanna say, that in relation to any opinion expressed in opposition to his, that it was senseless.

Mr. READ spoke, he said, of the distinction that had been taken, and not of any gentleman's opinion.

Mr. SERGEANT continued: He would not say that of any one's opinion. He would not characterize the opinion of any gentleman in that way, because it might deter persons from uttering their opinion; at least, it might have that effect when it came from a gentleman of so much weight and experience as the gentleman from Susquehanna. He differed, entirely, from that gentleman, on this question, but we were here for free debate, and he should give his opinion with perfect respect. The decision of the CHAIR was this—that what a majority decided was decided, and could not be touched again. What then has the committee decided? Why, that the amendment of the gentleman from Chester, on his right, (Mr. DARLINGTON) should stand in the place of that of the other gentleman from Chester, (Mr. BELL,) and as a substitute for the report of the committee. What was proposed now? To alter the amendment of the gentleman, (Mr. DARLINGTON) and to say that what had been adopted should be varied. Such a proposition was not in order. All the authorities were uniform on the subject: none were contrary to it: no deliberative body could get along in any other way. It was argued that the decision would cut off amendments; but, did not the previous question cut off all amendments *in esse* and *in posse*?—And could any one complain, that after a question was decided, it could not be called up and determined, again and again.

Mr. READ did not expect, he said, in this matter, to encounter the formidable opposition of the President of the Convention, and he was sorry he did not explain himself, at first, in such a manner as not to be misunderstood. There was no rule against him, and, on the contrary, it was clearly in his favor. The question was on the amendment of the gentleman from Chester, (Mr. BELL) as modified by the committee, and that modified amendment was still an open question. The rule was this: "when it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments, before the question is put for inserting it". The rule applied in this case with all its force, for the question was on amending the report of the committee by inserting the proposition of the gentleman from Chester, (Mr. BELL). The friends of that proposition had a right to make it as perfect as possible, prior to its insertion in the report of the committee. The rule was distinctly and directly in his favor. We had nothing to do with the amendment of the other gentleman from Chester, (Mr. DARLINGTON). The question was on inserting the prior amendment as modified by the committee, and the rule gave him the privilege of making it as perfect by amendment as possible. Gentlemen say, that in this way, we may go on *ad infinitum*. Very well—there is but one way to cut off amendments, if offered in time—namely, by the previous question. Gentlemen may call the previous question now, and that would cut off his amendment and that of the gentleman from Chester (Mr. BELL). That was the only way to cut off amendments; but to be cut off from the opportunity to offer amendments by the decision of the CHAIR, was a thing

to which he could not submit, and, therefore, he had appealed from the decision.

Mr. CHAMBERS said the question was of some importance, as furnishing a rule for our direction in other cases; and, from the best reflection that he could give to it, he was disposed to sustain the decision of the CHAIR. We yesterday adopted an amendment to the report of the committee, and now the gentleman from Susquehanna proposes to strike out a great part of that amendment. Was not this, in effect, a reconsideration of the vote of the committee? and to reverse the decision of the committee, in its material parts? This would be subversive of the rules of order.

Mr. CLARKE, of Indiana, said his opinion was, that the motion of the gentleman from Susquehanna was in order, and that the CHAIR was in error in rejecting it. The error consisted in a misapprehension of the state of the question. Without pretending to argue the matter critically, by referring to JEFFERSON'S Manual, and drawing nice distinctions between the meaning of words and terms, he thought a common sense view of the matter must show its monstrosity. If this decision is to be sustained, two men get the floor and get their amendments before the committee, and one hundred and thirty-one are entirely cut off from all opportunity of getting their views before the committee. If this decision stands it will leave a noble field for tacticians. One gentleman very expert in getting upon his legs, offers some absurd proposition, and a second gentleman, who may have an understanding with the first about the matter, introduces a proposition which he desires to have passed in the precise form in which he offers it. Then the question is to be taken between these two amendments and the committee will adopt the last in preference to the first. The game is then blocked, and you can go no further. No gentleman can have the opportunity of amending this amendment because, forsooth, the vote has been taken upon it. The gentleman from Chester, on his left, (Mr. BELL) offered an amendment to the report of the committee: JEFFERSON'S Manual says the friends of that measure have the right to perfect it before it is agreed to. The gentleman from Chester on his right (Mr. DARLINGTON) moved to strike out that amendment and insert another amendment, and by all parliamentary rules, no amendment could be offered to this, and hence the body was brought to the necessity of deciding between these two amendments. This latter amendment then being adopted takes the place of the former, and who will say that it is not open to be perfected and amended until the vote is taken on agreeing to the amendment, as amended. Other gentlemen may have propositions to offer which will meet the views of the committee and suit the members better than the amendment which has been adopted. If so, they have never had the opportunity to offer them, and if the decision of the CHAIR is sustained they never will have the opportunity. The authority which gentlemen referred to, he imagined, was applied to the wrong question, and here is where the whole mistake lies. It is very good authority, but they apply it to the amendment to the amendment instead of to the main question. The vote has not yet been taken on the main question, therefore it is open to be made as perfect as we can. The whole mistake of those gentlemen who had argued on this subject, was, that they did not apply their rule to the right question. The argument was a good one, when applied to the main

question and that was, doubtless, the question to which Mr. JEFFERSON intended it to apply. Was it possible we were going to have a rule forced upon us which will give to two gentlemen the privilege of preventing all the other members of the body from offering their views, or their propositions? The argument of gentlemen was, that if the decision of the CHAIR was not sustained, we would be pestered with amendments forever. Well, if we are pestered with amendments gentlemen can listen to them until they get tired, and then move the previous question, which would close the door upon these amendments. But he had understood the President of the Convention as saying that the previous question would cut off this amendment. This was not the case in his view of the matter, because the vote had been taken on this and the previous question only cut off those amendments on which no vote had been taken. Gentlemen have said if we have any propositions which we desire to bring forward, we have the liberty to read them in our places. We can do this to be sure, but they must recollect after having read these propositions we are not at liberty to go into an explanation of them, much less can other gentlemen give their views upon them. A proposition may contain sound principles, yet at first sight they may not present themselves to the views of gentlemen. A little discussion might satisfy every one, that the proposition was the best that could be offered, but there would be no opportunity afforded to discuss it. This, then was no cure for the evil. There must be some time and some place where gentlemen can have the opportunity of offering amendments; and that time, in his opinion, was the present, because they could not be offered when the amendment to the amendment was pending, and they certainly cannot be offered after the final vote is taken. This he conceived to be the proper time for amendment because the question was precisely in the same situation as it was after the gentleman from Chester (Mr. BELL) first submitted his amendment, and it was now open for amendment in the same manner as that question was open for amendment. Gentlemen have told us, there is no way of reaching our object but by reconsidering the vote on the amendment. It is true those who voted for the amendment may move to reconsider it, but perhaps, they were of the same opinion now, as they were when they gave their votes; and, if so, it could not be reconsidered. Their being of that opinion now, however, was no evidence that they might not be better pleased with some other proposition which some gentleman might desire to present if he had the opportunity to do so, and express his views on the subject. If the decision of the CHAIR was sustained, and he had any proposition hereafter which he had very much at heart, he would get some gentleman to aid him, and they would first offer some unimportant amendment, and then move the one he desired to have passed as an amendment to it, and if the House preferred the latter to the former of the amendments, gentlemen would be cut off from amending it, and it would be safe. This was a mode of carrying a proposition which he had never dreamed of before. As he had before said, the whole error in this matter was in applying the rule from JEFFERSON'S Manual in the wrong place. After the vote was taken on the main question, then he admitted the rule applied with full force; then we cannot strike any thing out of the amendment, but at present the question was certainly open to amendment either by striking out or inserting.

Mr. EARLE said the gentleman from Franklin (Mr CHAMBERS) had stated

that an attempt was here made to reconsider the question which had been decided on yesterday, by those who voted against it. Now he would endeavor to show that there had been nothing like an attempt to reconsider the question decided on yesterday. What was the question decided on yesterday? It was simply that the committee preferred the amendment of the gentleman from Chester, on the other side of the House, to the amendment of the gentleman from Chester on this side of the House. What was the essential distinction between the two? It was as to the residence of six or twelve months; and the Convention decided that they preferred the twelve to the six months. Now, did the gentleman from Susquehanna propose to strike out this principle of twelve months which the committee had adopted? Not at all. He only proposed to carry out in the amendment a matter which the committee had not decided upon. Suppose the gentleman from Chester (Mr. DARLINGTON) had only desired to make a change in the amendment, from six to twelve months, but to do this he had moved to strike out the whole amendment and put it in different words, but to the same effect, excepting that part relating to the six months' residence: Would the adoption of such an amendment preclude all amendments thereafter? We have made but *one amendment*, yet the rule says we may make the proposition as perfect as we can by *amendments*. The proposition submitted is not the same as the report of the committee, and it is not the same as that of either of the gentlemen who have submitted their amendments, and before the question was taken on the report of the committee, he conceived we had the right to amend and make it as perfect as possible. It had been said by the President of the Convention that it was a fixed rule that what had been agreed upon by the body was to stand. This only applied, as he conceived, to the main question, because the rule said you might perfect a proposition, by amendments; and even says that the CHAIR shall not decide against an amendment which goes to change the proposition. He was of opinion, therefore, that the proposition of the gentleman from Susquehanna, was in order.

Mr. FLEMING said, if this question had been disposed of, as questions before flaxseed courts generally were, he should have had no difficulty in making up an opinion on the matter; because, in those courts you hear but one side of a question. If he had heard but one side of this question discussed, he should have had no difficulty in coming to a conclusion; but having heard the matter discussed on both sides, and turned round in so many different ways, it was a difficult matter for him, in the confusion of the question, to tell what to do. He had merely risen to say, without knowing any thing from the rules, as to who was right and who was wrong, that he should sustain the appeal of the gentleman from Susquehanna, because he looked upon it as presenting to us the most liberal and enlarged construction of the rules. It goes to open the door to amendments, which he thought might be proper to be introduced here, and for this reason he should support it. He believed it was the best plan for those gentlemen who were entirely unlearned in matters of rules, to pursue a course which would give every gentleman the opportunity of presenting his views at large, which might otherwise be cut off by some rule which he was not aware of. It did not appear to him to be so much matter what any particular rule was, so that it was properly understood. The understanding of it was the material point. Then, for the purpose

of understanding this rule, hereafter, and of giving it the most liberal construction, he would go with the gentleman from Susquehanna, and against the decision of the CHAIR.

Mr. HASTINGS enquired, whether, if the amendment to the amendment should be rejected, we should not be back exactly where we started two days ago.

The CHAIR answered in the affirmative.

Mr. HASTINGS then enquired, if the amendment was sustained, whether there would not then have to be another question taken upon it.

The CHAIR said this had, heretofore, been the course pursued.

Mr. HASTINGS said he should then vote to sustain the decision of the CHAIR.

Mr. READ: If this amendment which I have proposed, cannot be moved now, when will it be in order?

The CHAIR said he had no feeling on this question, and should content himself by merely stating the question to the committee. The motion was not decided out of order, because it was proposed as an amendment to the amendment as adopted, but because it went to destroy a part of the amendment adopted by the committee. The gentleman from Susquehanna had moved to strike out a part of the amendment adopted by the committee yesterday and insert the proposition which had been read by the Clerk. The CHAIR had decided this to be out of order, and from this decision an appeal had been taken. The question, then, would be, shall the decision of the CHAIR stand as the judgment of the House?

The question was then taken, and the decision of the Chair affirmed—yeas, 72; nays, 45—as follows:

YEAS—Messrs. Agnew, Ayres, Barndollar, Barnitz, Bayne, Biddle, Brown of Lancaster, Brown, of Northampton, Carey, Chambers, Chandler, of Chester, Chauncey, Clapp, Clarke, of Beaver, Clark, of Dauphin, Cline, Coates, Cochran, Cope, Cox, Craig, Crum, Cunningham, Darlington, Denny, Dickerson, Donagan, Fry, Gamble, Gearhart, Harris, Hastings, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Houpt, Jenks, Kennedy, Kerr, Konigmacher, Long, Lyons, Maclay, Mann, M'Call, M'Dowell, M'Sherry, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter, of Northampton, Porter, of Lancaster, Purviance, Reigart, Russell, Saeger, Scott, Sellers, Seltzer, Scheetz, Sill, Snively, Sterigere, Stevens, Thomas, Todd, White, Young, Sergeant, *President*—72.

NAYS—Messrs. Banks, Bedford, Bell, Bigelow, Bonham, Brown, of Philadelphia, Butler, Clarke, of Indiana, Crain, Crawford, Cummin, Darrah, Dickey, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Foulkrod, Fuller, Gilmore, Grenell, Hamlin, Hayhurst, Helffenstein, High, Hyde, Krebs, Magee, Martin, M'Caheh, Miller, Myers, Nevin, Read, Ritter, Rogers, Shellito, Smith, Smyth, Stuckel, Swetland, Taggart, Weaver—45.

Mr. STERIGERE then submitted the following, to come in at the end of the proposition before the Chair: "And provided, that neither paupers, nor persons who have been convicted of any infamous crime, nor persons who have been found by inquest, *non compos mentis*, or habitual drunkards, shall be permitted to vote at any election. The election laws shall be equal throughout the State, and no greater or other restrictions shall be imposed on the electors, in any city, county, or district, than are imposed on the electors of every other city, county, or district".

Mr. MARTIN moved to amend the amendment by inserting, after the word "paupers", the words "colored persons".

The CHAIR said, this amendment would not now be in order.

Mr. MARTIN said, he was then precisely in the same situation which he was in on yesterday. It was too soon to amend now, and it would be too late after the amendment to the amendment was adopted.

Mr. CUNNINGHAM said he was opposed to the amendment of the gentleman from Montgomery, for the simple reason that it prevented the Legislature from passing laws in relation to elections, which were to operate on but one or two districts. He considered that it was necessary that the regulations of elections in the city and county of Philadelphia, should be different from what they were in the less populous districts, and it was proper that the Legislature should have the power of making such regulations as might be desired by the citizens of those districts.

Mr. STERIGERE then called for a division of the question, to end with the word "election".

Mr. BROWN said his colleague (Mr. MARTIN) had on yesterday evening offered his amendment either to be inserted in the body of the amendment, or to come in at the end, and if the committee was disposed to entertain any amendment he thought that of his colleague should take precedence of all others.

The CHAIR said the motion of the gentleman's colleague was, to insert in the very first line, the word "white".

Mr. BROWN: There, or at the end of the amendment.

Mr. MARTIN said this was what he had said at the time he submitted his amendment.

The CHAIR said he had not so understood the gentleman, or he would have entertained the motion at the end of the amendment.

Mr. DARLINGTON thought the gentleman from Montgomery had introduced his amendment at the wrong place. The object could better be attained, he thought, by having a general Constitutional provision on the subject, and allow the Legislature to determine in relation to the persons to be excluded. He also objected to that part of it which provides that no law in relation to elections, shall be different in one place from another. He thought, that in the city and county of Philadelphia there had been frequently applications for the passage of laws, different from those which governed other election districts. It was known to every one from that city that there they have two inspectors, which is not the case in other districts, and the law allowing them to have these additional inspectors, were passed on their own application. It might also be necessary for the Legislature, hereafter to provide for them other and different laws from the other districts, on their own application, and if this amendment is adopted, it will prevent the passage of such laws. He thought, therefore, it ought not to be adopted.

Mr. McCABEN said, as at present advised, he should vote against the amendment of the gentleman from Montgomery. Perhaps on future deliberation he might change his mind, as he was not now prepared to say what course he should take in future with regard to this matter. At present a person who was suffering the penalties of a conviction for crime in your penitentiaries or jails cannot participate in the election; but was that man to be excluded from the exercise of this inestimable right after he has

expiated his crime and become a good citizen of the State, and of the United States? This was a question for the serious consideration of the committee. Sometimes, too, a conviction might be brought upon an honest and innocent man, and was it just that he, after having suffered the penalties of the law without having committed any crime, should undergo the additional hardship of being deprived of citizenship? He should, therefore, for the present, vote against this amendment.

Mr. STERIGERE said above all other matters he should raise his voice against giving to the Legislature the power to say what should be the qualifications of an elector. He would not authorize the Legislature to say who should and who should not vote. Whatever the qualifications of electors should be, they should be settled here and not left to any other body to determine.

Mr. AGNEW wished to know whether, if habitual drunkards became reformed, there was any provision which would entitle them to the privileges of an elector?

Mr. READ said by the provision, as he understood it, a man would be declared a habitual drunkard so long as he continued in that habit; and would, consequently, so long be deprived of his right to vote, but the moment he reformed he was no longer a habitual drunkard, and would no longer be excluded from the polls.

Mr. AGNEW understood the provision to apply to all persons who had once been found to be habitual drunkards.

Mr. BROWN said there were some persons who were in the *habit* of getting drunk on the fourth of July, and he should like to know if they would be declared *habitual* drunkards by this provision. It was certainly a habit with them to get drunk at that time.

The first branch of the amendment was then disagreed to, without a division.

The question then recurred on the second branch of the proposition.

Mr. EARLE said this part of the subject was one of very great importance, and he trusted they would have the yeas and nays upon it. It was no less a question than granting to the Legislature the authority to deprive citizens of the right of suffrage. The question was, whether the Constitution should regulate the right of suffrage, or whether the Legislature should have the authority to regulate it by law. The Legislature had undertaken to regulate it by law in the city and county of Philadelphia, and they have undertaken it in more than one instance. At one time they undertook to prescribe a qualification for voting for corporation officers different from those for voting for State officers; but that law was in a short time repealed. They have now undertaken to say that no one shall vote in that city and county, except those who are registered, which was a different system from that practised in any other county in the State, and he had no hesitation in saying that it was a violation of the Constitution of the State. Gentlemen were under a mistake when they said it was necessary that there should be a registry to prevent disturbance and give the old and the infirm an opportunity of getting to the polls. If they would only divide the city and county into small wards and provide that the election officers should be selected from both parties, they would be conducted as orderly as in any other part of the State, and there would be as few illegal votes.

The gentleman from Franklin (Mr. DUNLOP) had drawn a picture of the drunkenness and outrage committed at the polls in his district, and had said that it must be much worse in the city and county of Philadelphia because the people were not so pure there. He would tell the gentleman from Franklin that he had attended the polls in his district, in the county of Philadelphia, when there were upwards of a thousand votes polled in that one district, and he did not see a single man come on the ground intoxicated, or see a single disturbance. According, then, to the gentleman's own showing, the people of Franklin county are far more impure than those of the city and county of Philadelphia.

He concluded by calling for the yeas and nays, which were ordered.

Mr. MARTIN, did not think this was the most proper place to insert this amendment. He should vote for it in its proper place, but he would be compelled to vote against it here.

Mr. SMYTH, of Centre, thought if this registry law was so onerous upon the citizens of Philadelphia they should not adopt it in other parts of the State. It was now in force there and some gentlemen here have asserted that it must be continued there. Then, if this amendment is adopted, we shall be compelled to have it all over the country. If this was to be the case he thought he should go against the amendment.

Mr. BROWN, of Philadelphia, said the law was onerous upon the city and county of Philadelphia, and of such a character, as he believed, the people of the whole State, if they had felt the effects of it, would not impose upon Philadelphia. It was forced upon the city and county, in opposition to the will of a large majority of the voters. He knew this to be the case, that a large majority of the city and county are opposed to the law. What would any man think of having his name posted up on the sign posts, and blacksmith shop doors of the city and county, when the same thing was not required of his neighbor? What would the voters of any district think, if their names were to be posted up at every public place, while their neighbors, on the other side of an imaginary line, were not subject to this practice? Was this the way, that the names of any particular portion of the citizens of Pennsylvania were to be singled out, and posted up to the gaze of the world? No such distinctions as these should be made in relation to citizens of Pennsylvania. The citizens of the city and county of Philadelphia, he believed to be as peaceable, taken as a whole, as any other inhabitants of the State, and, he believed they conducted themselves as quietly and properly at the polls, as any other persons in the Union. To be sure, there were too many who had to vote at one place, and this should be provided for by the Legislature. The election districts should be divided; but, he had seen from five to eight thousand persons come on the election ground in one day, and during the whole of that day, had not seen one man come there intoxicated, and he had not seen the least disturbance. He should like gentlemen to show him the same number, collected together in any other part of the United States, to deposit their votes, who would conduct themselves in as peaceable a manner.

And because, forsooth, it had once happened that there was a little confusion in the township, the people were henceforth to be marked and branded—to have their names stuck up all over the place! He protested against the adoption of any such course, because it was making an un-

wholesome distinction between them, and the people of other sections of the State, which they did not like. This act of the Legislature had given more dissatisfaction to the people than any other which had been passed. It was an unjust restriction, for the reason, that it was not put in operation elsewhere. The Constitution required, that all laws should be equal throughout the State. This law, then, being unequal, ought to be immediately repealed. At the time it was passed, there was a portion of the people known to be obnoxious to the Legislature, and hence the political majority there passed the law in question, by way of punishment, he (Mr. B.) supposed, for their disobedience, and to throw obstacles in the way of the elective franchise. Political majorities do not *always* regard justice and right. He trusted that the provision would be inserted.

Mr. SMYTH, of Centre, said that it was far from his wish to impose any such law upon any portion of the people of Pennsylvania, unless they desired it. He did not know at the time the amendment was introduced, but what the people of the district desired it. He did not believe that his constituents wished for such a regulation.

Mr. PORTER, of Northampton, said that, although he approved of the object intended to be reached by the proposed amendment, he thought this was not the proper place to insert it, if the provision were necessary. The existing provision in the Bill of Rights, section 5, is, "that all elections shall be free and equal": and this provision is perhaps as broad as the language now proposed. But the proper place for any provision restraining legislation, was in the bill of rights; and if, when we reached that part of the Constitution, it would be found, that any thing beyond this fifth section of the bill of rights was necessary, it could be introduced in its proper place. Mr. P. said, I feel it necessary to say this much, because, approving of the principle, I shall be obliged to vote against the amendment in this article. I have no doubt, that attention has been turned to this subject in consequence of the passage of the obnoxious law generally denominated the registry act, by the Legislature of 1835-6, which prescribes a different rule for regulating the right of suffrage in the city of Philadelphia, and in some of the adjoining districts of the county of Philadelphia, from the general law which applies to the rest of that county and the State at large. This act, I believe, is unconstitutional. On this subject I have never had a doubt. I have reflected well, and I give this as the deliberate result of my judgment upon it. The existing Constitutional provision is, that "every freeman of the age of twenty-one years, having resided in the State for two years next before the election, and within that time paid a State or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector": And a provision follows that the sons of qualified voters, between the age of twenty-one and twenty-two years, shall be entitled to vote, without having paid taxes. A citizen residing in any other part of the State complying with these provisions, is entitled to vote at the election. But if one resides in the city or specified districts, he cannot vote, doing precisely the same act which the other did in the other part of the State. This was a violation of the spirit and letter of the Constitution; and it was part of the doings of that Legislature, which, having obtained by accidental circumstances the ascendancy, determined to exercise the little brief authority they possessed, to the utmost extent, well knowing that they would never have another chance.

I think this law unconstitutional, as it is partial and unequal, and I think it inexpedient and calculated to breed jealousy, and lead to alienation between the city and country, a result to be deprecated. I trust that an intimate union both of feeling and interest will ever subsist between the city and the country. I prize Philadelphia: It was there I set out on the great theatre of life. It was there the fostering hand of encouragement was held out to me, and I should be wanting indeed, could I cease to cherish for that city and its inhabitants the warmest feelings of gratitude and affection. There were found the friends of my youth and my manhood, from the bonds of friendship, with whom, I trust, I shall never be disengaged, however we may differ in opinion on any subject.

Is it then to be tolerated that a man who shall have performed all the Constitutional requisitions, and lived respected and beloved, shouldered his musket to meet the invaders of his country, and bled in her cause—shall in the city or county of Philadelphia be debarred of the right of suffrage—the dearest attribute of a freeman, when, if he lived in any other part of the State, he would be entitled to it? This inequality of the enjoyment of the right was objectionable as repugnant to the Constitution, and as inexpedient. And yet the person suffering under it was remediless, because if he sued the inspector for damages for refusing his vote, he could only recover on proving malice. And the officer pleading the act in his defence, would be acquitted of the malicious intent, although the act itself was unconstitutional.

Mr. DARLINGTON, of Chester, said that the argument of the gentleman from Northampton, (Mr. PORTER) would be more appropriate in the Legislature, on a bill for the repeal of some grievous and obnoxious law, affecting any particular portion of the State, than in a Convention to amend the Constitution. He would say, then, that he regarded the remarks of the gentleman as sadly out of place. He apprehended that an attentive daily observer of the proceedings of this body, could not have failed to perceive that if there was any one error into which we were more likely to run than another, it was that of introducing our own local grievances here, and asking a change of a fundamental law, in order to meet the particular case. Now, he would ask if that was not the fact? And was not this precisely the course which was pursued in the Legislature? Any one who had bestowed the slightest attention on their proceedings, must have seen that they were continually passing laws, having for their object the remedying of certain local grievances. Let not, then, this Convention fall into the same error, and insert in the Constitution of Pennsylvania a provision which would not be applicable to the whole State, when intended only to meet particular grievances in a certain portion of it. Now, if a law had been passed, applicable only to the city and county of Philadelphia, and which, in the course of time, was discovered to be unsalutary in its effects, what, he asked, was the proper course to pursue? Why, to go the Legislature, not to bring it here, for it was a subject of local legislation alone. The Legislature possessed the power to repeal it, at any time when it was the desire of the city and county, and not inconsistent with the general welfare. He would ask gentlemen, if they would be willing to insert a provision in the Constitution that would tie up the Legislature, and prevent it from complying with the wish of the county of Chester, if they should ask for a registry law to keep foreign

voters from controlling their elections? He thought they would not. He was of opinion that they ought to leave to the Legislature power to grant relief for grievances, as may hereafter be necessary. And, what was the argument of the gentleman from Northampton? Why, he had contended that the amendment ought to be inserted in the Bill of Rights, and that the registry act was unconstitutional and inconsistent, because it was set forth in the Bill of Rights, "that all elections shall be free and equal". The gentleman might be correct; but he (Mr. D.) would not admit, for a moment, inasmuch as he was not then prepared to decide the question, that either the registry law, or any law, was unconstitutional. By no means. He could not agree with the gentleman, that registering a man's name and residence as a qualified voter, was casting a blemish on his reputation. It was merely the evidence of his having been assessed, and of his right to vote. He (Mr. DARLINGTON) was not able to perceive that the registry law was more inconsistent, than any thing else which the Legislature might see fit to prescribe.

Mr. DICKEY, of Beaver, said that he agreed with the gentleman from Northampton, (Mr. PORTER) that the language of the Bill of Rights was, "that the elections shall be free and equal", and that the object of that declaration was to prevent the improper exercise of the elective franchise. It sometimes became necessary for the Legislature to pass laws to preserve the freedom and equality of the elections, to carry out the provisions of the Constitution, by guarding the rights guaranteed to the people. Now, the object of passing the registry law was to prevent the repetition of those frauds which had been committed by both political parties in the city and county of Philadelphia, and which rendered the elections of the whole State unequal. To guard the rights of the people, and to make the elections "free and equal", the Legislature passed the registry law—and it was not only a wholesome law, but perfectly Constitutional. The gentleman from Northampton had argued that the rule which would prescribe this registry law as applicable to the city and county of Philadelphia, would make it so to every other part of the State. Now, he (Mr. D.) would ask the gentleman, why, according to that rule, the polls should be kept open a longer time in Philadelphia, than in any other part of the State; The gentleman could not have forgotten that fact. However, it was merely a law to regulate the mode of election. Other laws regulating the manner of elections in the city and elsewhere, had frequently been passed. In the country, the elections commenced at ten o'clock. In the city, the polls opened at eight. Was this regulation unconstitutional? Were any laws unconstitutional, which prescribed different modes and different places and times of receiving votes, unconstitutional because they do not apply to the whole State? He should like to see the thing tested. Let them bring the question before the Supreme Court. They would then find their mistake.

Mr. REIGART, of Lancaster, said the delegate from Northampton has told us that the act of 1835-6, is a palpable violation of the Constitution, and this position he attempts to sustain by calling to his aid the fifth section of the Bill of Rights, which declares that "elections shall be free and equal". In taking this position, the delegate seems to be peculiarly unfortunate; there does not seem to be the slightest analogy. This section does not shed a single ray of light on the act in question. As well might the

delegate have told us that the Legislature have no right to create a new election district, or to enlarge or decrease the boundaries of an old one. Such legislation would not certainly be said to be unconstitutional. I apprehend that even the microscopic eye of that delegate could not point it out. What does this act provide for? Does it add any new qualification not provided for in the Constitution? Does the act in question superadd the payment of any taxes not enjoined by the Constitution? But what, sir, does the act in question provide for? Not that any elector Constitutionally qualified to vote shall be disfranchised; not that the elector must possess himself of other qualifications not provided for in the Constitution; but simply, sir, that the name of such elector shall appear in a certain register, which is to be made and kept of the voters of the wards, townships, and districts in the county of Philadelphia. Does this, sir, make the elections less free and equal than they were previous to the passage of that act? These registers, by the provisions of that act, are to be published for some time previous to the election, and put up for the inspection of electors in the most public places (in the midst of a dense population) in the several wards and districts, so that the act seems to be one of detail altogether, without conflicting with any Constitutional principle whatever. It keeps no elector from coming to the polls. On the contrary, every man has a much better opportunity of securing his vote than under the old system. By inspecting the registry which stares him in the face at every corner of the public streets in his ward or district, he may be certain that it contains his name; and if it does not, he may rectify the mistake with great convenience to himself.

Mr. EARLE, of Philadelphia, said, that the gentleman from Chester had talked about petitions that were sent to the Legislature from the city and county of Philadelphia, for the registry act. He (Mr. E.) denied that they had sent any petitions. The fact of the matter was, that the representatives from the counties of Chester and Lancaster, imposed upon the people of Philadelphia this law. The gentleman from Lancaster (Mr. REIGART) had admitted, that if the registry law imposed any qualifications, it was a violation of the Constitution. And, the gentleman from Chester had contended, that the Legislature had a right to require a different mode of proof, but not a different qualification, and that the registry was only proof that the citizen had a right to vote. The Constitutional time for proof was on the day of election. If proof was required at another time, it was a new qualification unknown to the Constitution. Take the case of a seaman, who might sail out of Philadelphia, following his occupation, before the time of the registry. That he should return home from his voyage to New Orleans, Charleston, or Boston, on or near the day of the election. The assessor, about three weeks before the election, puts up the notice, and in ten days thereafter all voters, not included in the notice, must appear before him, and prove their qualifications. And, if they did not do so, the inspectors were prohibited from receiving their votes on the day of the election. The seaman would go to the polls, and not be permitted to vote, although qualified according to the very letter of the statute, because he had not proved his qualifications so many days before the election. And, thus this man lost his vote, in consequence of the registry act. So a man, who should become qualified, by living in the State two years, between the time the assessors meet to receive the proof and the

election, such a man would lose his vote unconstitutionally. A man, too, who should neglect to pay his taxes, until within a week of the election, and no man is, in order to vote, by the Constitution, to pay them sooner, loses his vote. The operation of the law is unjust and unconstitutional.

Mr. BIDDLE, of Philadelphia, said it was not his intention to detain the committee, at this time, by any argument; but, as a citizen of Philadelphia, he felt himself bound to state that, from an extensive knowledge of the views and opinions of the inhabitants of that city, on the subject, he believed that the registry law was very popular with a large majority of them. His opinion was, that its practical operation had been, not to exclude voters from the polls, but to facilitate voting, and promote tranquility at elections. The two or three elections, preceding the passage of the registry law, were disgraced by tumult and violence, and by the exclusion of peaceful voters, and those since held, had been as much distinguished for quietness and order.

Mr. STEVENS, of Adams, said, that the adoption of the amendment would introduce no new principle into the Constitution. The same principle was contained now in the Bill of Rights, and in the case which had been mentioned, that principle had, in no respect, been violated. Some gentlemen here seemed to take great delight in attacking the Legislature for having passed certain acts, when they happened to be in a minority at the time, and thus travel out of the record to transcend the powers of this body. He would maintain, that there was no soundness in the doctrine contended for, that the registry act was unconstitutional. He denied that it, or any other which they had passed, was of that character. What, he enquired, was the registry act? It was an act, which simply pointed out the mode of ascertaining who were entitled to the elective franchise, within a particular district, and the manner in which the election should be held.—It added nothing to the qualification of voters—it took away no man's right. The gentleman from Beaver had well said, that several laws had, from time to time, been passed, regulating the elections in that city, and passed, too, in the hey-day of the power of the exclusive friends of freedom. Before this registry law was passed, although gentlemen now seemed to be ignorant of the fact, disturbances, outrages, turbulence, violence, and bloodshed, pervaded the city on the day of election. Men were shot, and murder was perpetrated in the streets. Every one knows the fact—the newspapers of all parties gave the sickening details at the time. For the purpose of preventing such disgraceful scenes, and to give the honest voters a chance to record their votes, and to prevent those who had no right to vote, the registry law was passed. It happened to be passed by a Legislature opposed to them in politics, and this was the only reason why they objected to it. That was enough to stamp it with infamy in their opinion. It was sufficient cause for their opposition that it was not passed by themselves.

There might be many reasons adduced why a registry law should be in operation in Philadelphia, which would not apply to the county of Adams. Now, he would ask, what was the practical operation of that law in the State of Massachusetts? Why, registry was passed for the city of Boston, while it was not used in the country. There was nothing wrong in it. The people in cities required different regulations from those in the counties.

And what, he would enquire, was done by the New York Convention? In the Convention which assembled in the State of New York, a few years since, to revise the Constitution, a proposition was submitted to insert a clause in the new Constitution, giving the Legislature power to pass a registry act.

Was it done by those who were not Democrats? Mr. VAN BUREN, who was a member of that Convention, as will be seen by the Register of Debates, said that "*there was no reason for inserting such a clause, because a registry of votes was NO PART OF THE QUALIFICATION OF A VOTER*". Now, what would these gentlemen say? Dared they? Would they impugn the sentiments of Mr. VAN BUREN? They dared not do it! They might as well be hanged. Mr. VAN BUREN had settled the question about the Constitutionality, and we should hear no more about it. "*No part of the qualification of an elector*", says Mr. VAN BUREN. This, then, was high authority, and settled this question. His supporters dare not call his opinion in question.

Mr. PORTER here gave way for a motion to adjourn, and

On motion of Mr. REIGART, of Lancaster,

The Convention adjourned till 4 o'clock.

#### THURSDAY AFTERNOON, 4 o'clock.

The committee again resolved itself into a committee of the whole on the third article of the Constitution. Mr. KERR, of Washington, in the Chair.

The question pending, being on the second division of the amendment of Mr. STERIGERE to the amendment.

Mr. PORTER resumed "There was, in one of the Latin authors which he read at school, a sentiment—"Nullius addictus jurare in verba magistri"—which he had adopted and practised on through life. The idea conveyed by this sentiment might be expressed in English in the familiar phrase—"I never pin my faith on any man's sleeve"; and this would be a sufficient reason why I should not adopt the sentiment ascribed by the gentleman from Adams to the distinguished citizen now at the head of our national affairs, unless it met my own approbation. But there really must be some hopes of reformation for that delegate, since he begins to quote from so good a source. It is to be hoped that all the acts of the gentleman quoted will equally meet the approbation of the delegate from Adams. I do not, however, understand that individual to have asserted, that even if the Legislature had the power to prescribe the registration of voters, they would have a right, under such a Constitutional provision as we have, to declare that such registry should be the only and conclusive evidence of the right or want of right of the citizens to vote. I have, however, in my professional advocations, been so much in the habit of consulting the opinions of the aged, the learned, and the experienced, that I seldom come to a conclusion on any subject without examination, consultation, and reflection; and this course I have pursued in relation to the matter now before the committee.

I understand the gentleman from Beaver, (Mr. DICKEY) as well as the gentleman from Lancaster, (Mr. REIGART,) to say that this registry act

prescribed no new qualification to the voters of the city and districts: that it merely regulated the evidence by which the right under the Constitution is to be established: and the former gentleman has asked whether the act which directs the elections in the city of Philadelphia to be opened at an earlier hour in the day, than is provided for the rest of the State, is also unconstitutional? I answer him that it is not; because it places no restriction in the way of the voter exercising his right; it merely gives him a little more time, that the right may be freely and fully exercised; and it conflicts with no provision of the Constitution: it is an analogous provision to those which create convenient election districts.

The latter gentleman (Mr. REIGART) says, that nothing in the way of argument has been adduced to show the unconstitutionality of the act in question—nothing but bare assertion. I have no desire to go into the details of this act: I had not intended to do so: but as the gentleman from Lancaster is an old friend of mine, and one who will, no doubt, feel much gratified in being convinced on this subject, I will, even unwillingly, go about the work for his edification. [Mr. PORTER here went into an examination of the several sections, from section eighteen to section thirty-five, of the act passed, June 16, 1836, showing the restrictions it imposed, and how different they were from the provisions of the general election law, and how much more onerous].

Mr. PORTER said this act was entitled "An act for the regulation of election districts, and for OTHER purposes". These cabalistic words, "for other purposes", like charity, covered a multitude of sins, and no where more than in this act. It was one of the log-rolling acts which of late years had grown into fashion in legislation, and which it was high time to put a stop to. This act commenced with establishing some election districts, and changing the houses at which certain elections were held. It then proceeded with the registering provisions, and provisions for paying for property destroyed by mobs—next treated of city and county loans, and the drawing of orders on the treasury—then it created commissioners of a certain sinking fund—directed the election of city and county treasurer—then erects another election district—then directs the commissioners of Indiana county to execute a certain deed—then treats of borough elections in the borough of Indiana, and the settlement of the borough accounts; and after a repealing clause of all conflicting laws, winds up with a provision, no doubt introduced by the gentleman from Somerset, (Mr. Cox) for changing the route of a State road in his county. In this *olla podrida* are found the unconstitutional provisions of which I complain. The effect of this law is to restrain and restrict the right of suffrage. It is not to be disguised, for the fact is unquestionable, that one of the leading characteristics of distinction between the two great and leading political parties of this country, when we had parties formed on principle, was the fact that the federal party was for restraining the right of suffrage—for restricting the rights of the people; while the democratic party was for giving the largest extent to the exercise of the right of suffrage, and the greatest latitude to the rights of the people. This act was, in my judgment, passed to carry out the sentiments of those who do not wish the right of suffrage extended to all. Such, I am satisfied, was the object of its author. It was got up for political purposes, to produce political results that could not otherwise be attained. Its effect is to give advantages

to the rich and the knowing, to the prejudice of the poor laborer, who, toiling for his daily bread, has not time to run after these registering officers and their lists, and may not have information enough to study out the complicated provisions of this law; and thus it tramples under foot the rights of the poor and the humble. This, sir, is an inequality in the rights of the people, contrary to the genius and spirit of the Constitution. In truth, the injustice and unconstitutionality of the registry act is exhibited at once in the position, I trust clearly established, that I, residing in Northampton, am entitled to vote under a given state of facts, whilst my brother, residing in one of the districts of the county of Philadelphia, is not entitled to vote under the same circumstances. Can this be other than a violation of that provision which declares, "that all elections shall be free and equal"? I put this to the common sense of every man in the community, and I defy sophistry or casuistry to becloud or mistify it.

I had not intended to go into the details, or into the merits of this same registry act, but I have been driven into it by the course pursued by the gentleman from Lancaster; and, whilst on this subject, I may be permitted to say, that there was much indecent haste in the abuse of the power which that Legislature unfortunately possessed. On referring to the pamphlet laws of that session, I find, that on the 1st of April, 1836, the first edition of this registry law was passed. The sections 40 to 51 of another election district law, found at page 442, will be found to be a system of registry—the first they tried. Shortly after this the Legislature adjourned, and at the adjourned session in June, we find the existing provisions were enacted, repealing the former even before they had been tried in practice. Perhaps the current of public opinion had pretty plainly indicated that their race was nearly run, and feeling that they had *might*, and caring little for *right*, perfected the system that they had sprung upon the people, without their knowledge or consent.

The bill acknowledged to be unjust, and requiring essential alterations to make it work even tolerably in practice, was brought up at the last session of the Legislature. The popular branch of the Legislature, coming fresh from the people, with great unanimity, repealed the obnoxious provision. "The Spartan band", in the Senate, prevented its repeal, and it continues to be imposed on the people yet.

I trust I have now satisfied my friend from Lancaster, by something in the shape of reason and argument, and that I may look for his conviction and conversion. In reply to an observation of the gentleman from Adams, as to attacking the Legislature, I can only say, that I began this argument by discussing the legal and Constitutional question. The gentlemen on the other side, have drawn the Legislature, and the propriety or impropriety of their acts and motives, into question; and if, in consequence, I have been incidentally driven to refer to them, I can only say, they have richly deserved all they got, and if gentlemen desired to push the matter further, I have no objection to meet them, and give them more of it to their hearts' content.

Mr. REIGART: I regret, Mr. Chairman, the necessity which obliges me to reply to the arguments of the delegate from Northampton. I did suppose that we should have concluded the debate this morning, before the hour of adjournment should have arrived; but the delegate, having then had the floor, has thought proper to resume the debate this afternoon. It

may, therefore, be necessary for me, having undertaken the task of replying to him in the morning, that I should rid myself of that burden as I best may this afternoon. As I now understand, the delegate has, for the present, abandoned the Constitutional ground which he assumed this morning, and placed the act, in question, on the ground of expediency.— This, sir, is the only and true ground on which to place this question. 'Tis true, it is not the legitimate question now before the committee; yet, all who have preceded me, have assumed great latitude, but, as my more immediate object is to assail the positions taken by the delegate from Northampton, I will content myself with endeavoring to effect that object. Sir, the delegate has told us, that, by the registry act, an elector may be absent for a few weeks from Philadelphia, and return on the eve of an election, and, his name not being in the registry, he is deprived of a vote. It is very possible that such a case may occur—nay, admit that it has occurred—concede to the delegate all he asks, and what is the result?— Has the absent elector not a greater chance still under the registry act, than he had before it, to secure his vote? Under this act, the list of voters are published for some time previous to the election. The crowded county of Philadelphia abounds, as we are all aware, with active and busy politicians, who know every voter, and their names in their respective blocks and wards. It is first the sworn duty of the assessors, to hunt up and ferret out every taxable inhabitant in their respective wards, and then, it is the *especial* business of the busy ward and block politicians, to look into the published registry, and search for the names of their political friends. No one will, I presume, deny that this is done? Then, in the case put by the delegate, of an absent elector, there is an additional safeguard for the security of the right of suffrage? The delegate does not even pretend to deny, that an elector not absent, can, by any possibility (short of total blindness) lose his vote. Such elector has no excuse, except his own remissness, and that of his friends, to urge, if he should forego his right, as he may first examine the registry himself, or should he fail to do so, his friends may do so for him. Cases of omission, whereby the elector loses his right to vote, are (as they necessarily must be) “few and far between”. The hostility to this law must arise from some other cause than those suggested here. Permit me now, sir, to examine how the law stood, formerly, in the county of Philadelphia, previous to this obnoxious law, and how it stands now. In all other parts of Pennsylvania, the assessor does not publish any printed list of the taxable inhabitants of his district; it is no where exposed to public view, but is deposited in the office of the County Commissioners, or in the pocket of the assessor.— Have the people of the interior, as the law now stands, the same facilities of ascertaining their right to vote as the people of that district? It cannot be pretended that they have. But, the delegate from Northampton, has charged one party of his fellow citizens with having always endeavored to restrain the right of suffrage, and has sung the praises of another for their repeated attempts to enlarge that right; but, as this charge is vague and very indefinite, it is scarcely possible to answer it. Does he mean the whigs or the tories of the Revolution? Does he mean the old constitutionalists or anti-constitutionalists? Or, does he mean the old federal or democratic parties? [Here Mr. PORTER explained, and said, that he charged the old federal party with having entertained these views]. Mr. R. then

said, I rejoice that the delegate has not dared to charge the great democratic anti-masonic party of Pennsylvania with entertaining these views. They contend for equal rights and equal privileges—the rights of freemen against a many headed monster, even in the opinion of the *delegate himself*, rise superior to such base charges. It is most grievous, indeed, that the delegate should have thought proper to have arraigned the motives of the old federal party in this way. They have no representation as such here: as a party they have long since gone to the tomb of the Capulets, and it was unkind in that delegate to have raked up the ashes of the dead. But it was particularly unkind. But it was more particularly unkind in that delegate to disturb the ashes of the poor old federal party, as the self styled great democratic family of Pennsylvania are led on by those once the most distinguished leaders of the poor old federal party. This small attack is, however, justifiable in one respect, as it may go to prove the sincerity of a new convert, and to obtain him a more immediate admission into the bosom of the great democratic family, without which it might have been difficult to have obtained that resting place.

But the delegate has told us that the registry act was passed to exclude the poor from the right of voting. This is a grave and serious charge, gravely made in a deliberative body, and the delegate should be called on to produce his proof, and if he cannot produce such proof, he should sink under the weight of it. I, however, see myself surrounded by men, older, abler, and, perhaps, better men than myself, who were members of the different branches of that Legislature who enacted that most odious law of all laws. To them I leave the task of defending themselves against this odious charge.

But, sir, this charge, I apprehend, was not made in sober earnestness; it is that kind of argument which is intended to tickle the fancy of the *sweet fellows, the dear, lovely, and beloved people*. It is intended to show them how much they are beloved here, and how far we will go to serve the *dear sovereign people*. The members of the Legislature need not tremble with apprehension at the denunciation of the delegate; he does not intend to follow the charge by proof. It is made—that is quite enough, and will answer the purpose equally well. Allow me, sir, to inform the committee (if they are not already aware) of some of the reasons which, I understand, induced that Legislature to pass this law. It will be recollected that, a few years ago, at the election polls in the county of Philadelphia, were enacted scenes disgraceful, not only to the citizens there, but discredit to the State. That fair portion of our State was desolated by murder, bloodshed, conflagration and ruin. Enfeebled and respectable men were openly prevented by hired bullies and emancipated convicts from depositing their votes. The infirm were held in dread by this villanous rabble from exercising their Constitutional rights. The Legislature of the State, sir, were importuned for indemnity by those who had lost their all by the conflagrations perpetrated by a blackguard, villanous crew of scoundrels and convicts, who delight in reducing the respectable portion of the community to beggary, as they cannot hope to reduce them as low as themselves in the scale of morality and virtue. The highest commentary, sir, on the utility of the present law, is, that during the time it has been in operation, we have heard of no murders at the polls, no conflagrations, no riots, or disorders of any kind: all have the opportunity of the peacea-

ble exercise of that right so inestimable to freemen. Would that the Legislature had extended the provisions of this law to every city and incorporated borough in this Commonwealth.

The delegate has told us, that this most odious of all odious laws was repealed last session by the popular branch of the Legislature, almost by acclamation; but the Spartan Senators had withstood its repeal. He has said so truly, most truly said. 'Tis also true, sir, that invincible body on more occasions than one, during the last session, arrested the mad, headlong career of the popular branch. Yes, sir, on more occasions than one have that Spartan band stood between the rights of the people and the mad infuriated zeal of the infatuated party zealots of the lower branch; and for which they deserve the thanks of every true friend of civil liberty, and of every friend of law and order. Yes, sir, and the delegate has told us, too, that the Legislature of 1835-6 made use of their short-lived power, and that it had departed, never to return. On that point, sir, let me say to that delegate, that the time has now arrived when the healthful intelligence of truth has diffused itself among the hills and the valleys of this glorious Commonwealth. When an intelligent people are aware of the great political results which have been obtained, and are still to be obtained, by an adherence to the pure principles of liberty and equality, and that the time is passed away when the diadems, sceptres, mitres, and all the insignia of speculative free masonry can dazzle an emancipated people.

Mr. DORAN, of Philadelphia, said he had listened to a great deal which had been said concerning the Constitutionality of the registry act, but in all the wide range which the debate had taken, he had heard no gentleman give an opinion as to its origin. One gentleman had regarded it as a Massachusetts invention; and one had stated that it originated with the President of the United States; while another insisted that it was the duty of all those gentlemen who were of the same party as Mr. VAN BUREN, to support it. He did not think the registry act was of American invention. It neither owed its origin to Massachusetts nor New York. If his memory did not deceive him, it was of English invention, got up by the DUKE of WELLINGTON, to put down the forty shilling freeholders, because it was the policy of the dominant party to break down the strength of the poor men. It was the invention of WELLINGTON and PEALE, intended to operate on the forty shilling freeholders of Ireland, who were too patriotic to be swayed into a subserviency to the Government. You know, sir, or may have heard, how matters have been carried on in Ireland, and what measures have been on the tapis to prevent the honest expression of public opinion. By an act passed some twenty or thirty years ago, it was in the power of any forty shilling freeholder to vote, and when DANIEL O'CONNELL was a candidate, there was not one of these forty shilling freeholders who did not vote for that gentleman, to carry out the principles which he has since so ably discussed. The minority then thought it politic to hack down these freeholders; and how did they go to work to effect their object? By concocting this very registry act, which was to take place, a limited period before the elections, that the landlords might have time to go round to endeavor to work by bribery or persuasion. That was the history of the registry act, as introduced by the tories in Great Britain, and that is the act which was introduced here. He was not afraid to stand up on this floor, in relation to his history of this act. If we take

up the registry act introduced by PEALE, the high tory champion England, we shall find ours, *verbatim et literatim*, a copy of that act, introduced here to abridge the elective franchise. No conservative, here or there, could have devised a more ingenious scheme to defeat the expression of the public voice. Such was the origin of the act.

It had been said that this law did not operate to exclude any resident and qualified citizen from the polls, and that it did not limit the right of suffrage. But he said that it did; and that it was framed for the purpose of restricting the power of the democracy in the city and county of Philadelphia. The law required all to be registered, the rich and the poor. But was it the duty of the assessor to see that all were registered? It was said that the law required the assessor to go round twice and register all the individuals in the city and county, and it thus afforded an opportunity for each man to go and see that his name was registered. How did this operate in fact? When the assessors went round, the laboring men were necessarily and of course absent from their homes, engaged in providing subsistence for themselves and their families; and not finding the men at home, they did not go again. When the election came on, these men appeared to vote, and were spurned from the ballot boxes. They were told their names were not on the register, and that, therefore, they had no right to vote. These poor men were thus compelled to return to their families in shame and contempt. But how was it with the rich man? The gold and silver door plate, with name, was enough, and there was no danger that the assessor would overlook that. This was the effect of the law in the county of Philadelphia. How it was in the city he would not undertake to say. He would not meddle with its concerns. In the county, if the poor and laboring man was not at home, when the assessor called, he lost his vote. Men who had been residents of the county, and paid a county tax for forty or fifty years, were thus deprived of the right of voting. He had known instances also in which soldiers of the revolution, and of the late war, men who had gallantly fought for their country, were rejected and refused the privilege of voting, because the assessors had wilfully neglected to register them. What was its effect in regard to its other professed objects? Did it prevent illegal votes from being received? Not at all. It excluded more legal than it did illegal votes. Many illegal votes were received under it. Persons who had neither resided six months in the county nor paid a tax, were registered, and voted. Again, he had heard gentlemen say that the law was made to prevent riots at the polls, and that it had produced this effect; that it had restored peace to the windows, and enabled the *aged and infirm* to vote; all this he denied. In Philadelphia county it was no such thing. If the elections were now conducted more peaceably there, it was because additional windows had been opened, and free access given to the polls. This was the cause of the quiet and peace which now attended the elections there. Formerly, there were two windows only, and as all the votes were to be polled within a certain time, the polls could not be reached without peril of life and limb. An act was passed with the concurrence of all parties, opening four windows, two on the eastern and two on the western side. No man had ever pretended, heretofore, to say, that the calm which now prevails at the polls was owing to the registry. That could have no effect upon the matter. Every one knows that it was entirely owing to the act which made the polls easier of access.

What he asked, was, the object of the act. He was not going to mince matters. He was here as the representative of the people, and he intended to express his opinion freely. He was not to be deceived with the idea that this gerrymandering act was intended to extend and guard the right of suffrage. There were men here who would say, in sincerity, that it was designed for the protection of the aged and infirm, and to allow them to vote in quiet. But the real object of the act was, to preserve the political power of the State in the hands of the minority, where accident had then placed it. It was a party measure. All the democrats, he was happy to say, voted against it. It was got up by the minority members of the lower House, with the assistance of the Senate, and for the purpose of preserving the power of that minority. All know this. The people know it. It was not intended to benefit the dear people, but it was concocted by wily and cunning politicians, for the purpose of maintaining themselves in power. He would like to see the man here who would say that he would support such a law, in reference to the whole State; or that the act was intended to have any effect generally, and any where else than in the city and county of Philadelphia. Would the gentleman from Lancaster, or the gentleman from Adams, say that they voted for the law in reference to their own counties, or that they would vote for such a law in regard to them? If they did, it would nullify them forever, as public men, at home. The farmers would say that it was a pretty thing that, before they could have the right of voting, they should be obliged to go and hunt up an assessor, and see that their names were registered.

He had not intended to say any thing on this subject, and, for some time, he had taken little part in the debates; but, when an attack, which had no foundation in truth, was made, through the registry act, upon the county of Philadelphia, he could no longer hold his peace: and, though the matter was a digression from the subject properly before the committee, he felt bound to rise and repel the charge, as he had done, but in a manner temperate and respectful to the committee.

Mr. DICKEY said he was a member of the Legislature when the registry act, which had been so much complained of, was passed. He was one of those members of the Legislature who twice voted for the act, and he thought he understood its object and effect. The gentleman from Northampton did great injustice to the Legislature, when he said that they passed this act to disfranchise any portion of the citizens of the State. That gentleman certainly did not remember the provisions of the law, or he would not so much misrepresent its character and objects. He recommended it to the gentleman again to read the act, for the purpose of refreshing his memory. So far from disfranchising any one was that law, that it extended, secured, and promoted the exercise of the right of suffrage. While it guarded the right from fraud, and closed the door to spurious votes, it extended the franchise to all who were entitled to exercise it, and even provided measures for bringing all resident citizens within the franchise. The act made it the duty of the assessors to go around, before the election, and see that all who were entitled to vote were placed upon the tax lists. Did not this measure tend to increase the number of voters, and to secure the right to all, even to those who, themselves, might be neglectful of it? It provides that the register shall be furnished with the tax lists of the assessors, and that afterwards, the register shall go around again and see that every man's name is placed

upon the registry. Was not this an extension of the right of suffrage? It provided against any omissions which might occur through the neglect of the assessors; and did not this tend to promote the exercise of the rights of suffrage? The act further provides that the assessors, with their double lists, shall go round again, and see that every man has been assessed, and that they shall give notice, in all places, of the assessment, so that every poor man may have the opportunity to be assessed, or that a friend may do it for him. Was not this a great advantage? and did it not tend to increase the number of voters? Was all this done, in any other county, to guard against the omission of any names on the tax lists? Public notice was given in the most public places that the inspectors and judges would meet to correct the lists so made out, and these lists are printed and pasted up in all public places, and then any names which have been omitted may still be received. Could any thing be more fully equal and impartial? Could any better system be devised for securing and promoting the exercise of the right of suffrage? What right, then, has the gentleman from Northampton to say that the registry law was intended to disfranchise persons entitled to vote? All these provisions of the act went to show that it had a very different object. Its object was to secure from corruption and fraud the elective franchise.

It was stated and not denied in the legislative halls, and it would not be denied here, that frauds innumerable had been committed on the franchise, both in the city and the county of Philadelphia. It was asserted that the ballots were carried off and withheld, and that the inspectors and judges of the elections, where numbers were deficient, either supplied what was wanting on one side, or abstracted the excess on the other side. It was stated on the floor of the Legislature that voters were imported from other districts, and even from other States, to carry the election. The registry act prevented this importation of voters, and that was the cause of the clamor against it. That was the secret of this opposition to the registry act, that it prevented the importation of voters, and the introduction of spurious and fraudulent votes. Why, sir, it was but the other day, that in conversing with a gentleman about the probable result of the election for Congress in the third district, which is soon to take place, I was told, that as the registry law was not applicable to the election in the third district and as it had been decided that it was inapplicable to a special election, the result was very doubtful, for it depended upon the number of voters that each party might import. The party that succeeded in importing the greatest number of voters would probably carry their candidate. Was it not the duty of the Legislature to correct this abuse? Was it not their duty to make the elections free and equal? Was it proper to use frauds at the polls, and through fraudulent elections of representatives, and of Governor, and President, to defeat the will of the majority of the qualified electors? The registry act was necessary not only to preserve the rights of honest men and legal voters in the city and county of Philadelphia, but the rights of every man in the Commonwealth, which, at every general election, were hazarded by the number of illegal votes taken in the city and county. The object of the registry act was to render the elections free, pure and equal. It gave every man in the districts an opportunity of registering himself, and it gave to every one a chance to see that he himself and every one else was duly qualified as an elector, by be-

ing placed either upon the registry or the tax lists. The assessors were sworn to perform their duty faithfully, and they could not, as had been alleged, deprive any one of a right to vote. It required double lists to be carefully made out and published, and it obliged the assessors to go around, and see that every one was duly registered and assessed. He did not believe that any person entitled to vote had been disfranchised through this act, but he did believe that some foreign imported voters lost their opportunity of voting in consequence of it.

The act had in view the prevention of fraud by the inspectors, and the exclusion of imported voters. The New Jerseymen, brought down in crowds, by the railroad, at every election, and the New Yorkers, and others, were prevented from voting, and from carrying an election, in opposition to the will of the freemen of Pennsylvania. This was the object of the law, and it had this effect. What honest man was there, in the whole Commonwealth, who did not wish to keep out voters from abroad? As a further means of securing the purity and peace of elections, this law provided penalties for fraud at the polls, and for opening an additional window for the accommodation of voters. At the last election, no old men, nor invalids, were prevented from giving their votes by a disorderly and riotous crowds. Much bloodshed had been prevented, and the elections were conducted with quiet and order, in consequence of the registry act. He voted for that law, and he was proud of it. He felt proud in having had the opportunity to give a vote, which had prevented so much corruption. The gentleman from Northampton said, that the repeal of this law, at the last session, was prevented by a Spartan band in the Senate. He would predict to the gentleman, and he called upon him to mark, that this Spartan band would prevent the repeal of that law for seven years to come. That Spartan band would retain the field in triumph, long after the great VAN BUREN democratic party, of which the gentleman was once the victim, and had now become the big gun, had dwindled away into utter insignificance. That Spartan band would be sustained by the people of this Commonwealth, and would be the rallying point of freemen, in the approaching struggles with the great, but now decaying party to which the gentleman had so recently become attached, and which it was not in the power even of his ability to sustain. That great democratic party, with the great Magician at his head, would, at another election, be in the minority. [Mr. PORTER. Doubtful].—Parties were changing. The popular will had prepared the way for a hero—not him of New Orleans, but for another hero, who would carry through the principles which he brought with him into the Presidential office. Even, at the last election, the boasted democratic party came off with the meagre majority of four thousand, and four years more would bring it, and those who follow its fortunes, into utter insignificance.

Mr. PORTER, of Northampton, rose to reply to the delegate from Beaver. He said it was fortunate, as the gentleman from Beaver operated on the high-pressure principle, that an opportunity had been afforded him to let off a little of his spare steam, or there might have been danger of an explosion. The democratic party ought to be very thankful, if the gentleman is correct in calling me the big gun, that they have succeeded in getting so large a gun in exchange for the gun, *big* or *little*, which they lost in the person of the delegate from Beaver; for it so happened, that

about the time my old friends, the democrats, and myself got together again, the delegate from Beaver and some of his friends who had been very solicitous to get me back into the ranks, deserted to the enemy. The delegate from Lancaster says, there is no representative of federalism here; that all is now pure democratic antimasonry. This may be so, as it regards some places; but I scarcely think it will suit some of my worthy and estimable friends who are not ashamed of the old fashioned name of federalism; and I am sorry that my friend from Lancaster should have abjured his ancient name, and the faith of his fathers, *in form*, whilst he has not, perhaps, departed from them in feeling. I have lived long enough to have seen many queer things, and among the queerest of them is, the chameleon-like facility with which party politicians can change their hues and name. My earliest recollections carry me back to the years 1799 and 1800, when we knew no other names than democrats and federalists. The leading characteristic of these parties I have already stated on this floor. A portion of the old federal party, thirteen in number, composed the majority of the Senate of Pennsylvania in November, 1800, when the Legislature was convened to enact a law for the choice of electors of President and Vice President. A bill passed the House of Representatives for the choice of those electors, by joint meeting of the two houses. When it came into Senate, they altered the bill, so that the House of Representatives should choose eight and the Senate seven electors, thus giving, in fact, but one vote for the State of Pennsylvania, in the election of President and Vice President of the United States, when the preceding gubernatorial and representative elections in 1799 and 1800, had given conclusive evidence that a majority of the people of the State were favorable to JEFFERSON and BURR, the democratic candidates. The Senate was then composed of twenty-four members, thirteen of whom, as I have said, were federalists, and eleven were democrats. The majority of the House of Representatives were democrats. The majority of the Senate were lauded by their partisans for thus standing between the voice of the people and their own wishes, and denominated "the Spartan Band". And it was for the similarity between their conduct and that of the majority of the late Senate of Pennsylvania, that I denominated the latter by the same appellation. That Spartan Band soon died a natural death, and were never heard of again in Pennsylvania; and, if I mistake not, the same fate awaits their recent imitators.

We knew no other names but triumphant democracy and prostrate federalism, from 1800 to 1805, when the mass of the democratic party cast off THOMAS M'KEAN, and nominated SIMON SNYDER for Governor of Pennsylvania. The office-holders and their friends who had acted with the democratic party, desirous of holding on to the loaves and fishes, organized themselves as the "Constitutional republicans", and federalism hitched on to them, and aided them in re-electing THOMAS M'KEAN, whose administration thenceforward might be esteemed essentially as federal.

In 1808, the democratic party rallied, and, by an overwhelming majority elected SIMON SNYDER, over JAMES ROSS, the federal, and JOHN SPAYD, the Constitutional republican; or, as the democrats then called the party, "the quid", candidate for Governor. A certain portion of the democratic party

were disappointed in their expectations of office and influence under Governor SNYDER, and seceded under the denomination of the old school party, many of whom, with the federal party, were opposed to the administration of the General Government during the war, and supported DEWIT CLINTON, the peace party candidate for President.

In 1817, these same gentlemen and the federal party, under the denomination of "independent republicans", unsuccessfully supported General HIESTER, in opposition to WILLIAM FINDLAY, Esq., for Governor. But, having received an augmentation of strength from the disappointed office-hunters, and the unpropitiousness of the times, they were, in 1820, successful in defeating the democratic candidate by a small majority, and elected General HIESTER, Governor. In 1823, the democratic party, having kissed and made friends, united their strength, and elected J. ANDREW SHULZE by a triumphant majority, over ANDREW GREGG, the candidate of the opposition. There was little party feeling in the election, and still less in the re-election of Mr. MONROE as President. In 1824, the old usages of party seemed broken up, and the party, being left without candidates selected in the usual manner, scattered their support among various individuals.

On that occasion, I was found among those who supported HENRY CLAY, and have never had cause to regret my having done so. It was not my fortune at any time to have supported the election of General JACKSON, a circumstance for which I have never reproached myself. In all the subsequent Presidential elections, until the last, I found myself separated from many of the democratic friends with whom I had previously acted. I had belonged during that time to a very respectable party called "the national republicans". But they having become lost, or merged in some new party, I found myself almost alone. I must either have stood still, until, in the revolution of years, my old friends were brought back to me, or I became persuaded again to action by the arguments and solicitudes of my old friends—among the most anxious and strenuous of whom, were my friend from Beaver, and some gentlemen then acting and afterwards deserting with him.

Now it seems, that good old honest federalism is to be shuffled off the stage, and its place supplied by some of the modern nomenclatured parties. Democracy, however, has gained a signal triumph. All must now muster, and all must fight under her broad banner—a just, but to some, a humiliating tribute to the right and capacity of the people for self-government. We have now nothing but democracy—in name I mean. The old party names are laid aside, and you find all the newspapers now headed "Democratic Reporters", "Democratic State Journals", "Democratic Gazettes", and, bless the mark, "Democratic Anti-Masonic" papers. We have Democratic Whigs, too: and, to cap the climax, we have had a Convention held here called "The Democratic Republican Anti-Masonic State Convention", whose proceedings have been laid before us, at the head of which we find my most worthy and estimable "democratic friend" from Adams, (Mr. M'SHERRY). Now, I know where to find, and I respect an old federalist, although we differ—because I know we differ honestly. I find him an honest, open hearted, gentlemanly and independent man, of proud, yet mostly pleasant bearing, who generally does not stoop to little matters, leaving that part of the work to be done by their less elevated allies and

the new converts. But these new-fangled shreds and patches, the factions and fragments of factions, I cannot commune with, nor understand; and I only regret to find my worthy and high-minded federal friends sometimes becoming hewers of wood and drawers of water to such factions. As to Anti-Masonry, I know little of it; and care less about it. This much I know, that, having no principle for its basis, it need not alarm us by any fears of its duration.

The delegate from Beaver having repudiated democracy, must, to prove the sincerity of his conversion, depreciate her, and prophecy her downfall. In this he will find his mistake, as he has in most other matters; and I would advise him to be a little cautious in what he says; for if, in a course of years, he comes begging his way back to democracy, he may find his present denunciations in the way of his re-admission. This thing of strict consistency, in all the details of politics in the present day, is rather a rare virtue, and one which not every one can boast; and if we go into a strict investigation of the subject, it will be found to be rather a sore business for more than one of the would-be great men of the present day. This observation is a general one, and it may fall where it hits; and whoever it fits can make the application to his particular case.

I had originally argued this question in a legitimate and regular manner, as a violation of the Constitution. To this, gentlemen have carefully abstained from replying, but have digressed and introduced extraneous matter, arguing about the expediency of the act in question, and endeavouring to justify the motives of those who passed it. My position remains untouched and unanswered, and I challenge all the talent and all the ingenuity of the other side to answer it if they can. It is this—"The Constitution declares that all elections shall be free and equal. It specifies certain things as qualifications of electors. A freeman in one part of the State is entitled to vote under these provisions. By the operation of this registry act, another freeman in a different part of the State, under precisely similar circumstances, is excluded from exercising the right of suffrage. Such a law is a violation of the Constitution, and an encroachment on the rights of the citizen".

But it seems that the observation I made, that this registry law is calculated to prejudice the poor and to trample their rights under foot, has met the special reprobation of the gentlemen on the other side, and allusion has been made sneeringly and contemptuously to the terms "the people", and they are called "the dear people". There is no man living who more heartily condemns the unworthy arts of demagogues, and the low and grovelling attempts to pander to diseased and depraved appetites, than I do. Sir, I scorn all such unworthy appeals, and I make none such. I dislike on the one side the slang about the poor, and the continual placing the rich and the poor—the poor and the rich—in the fore-ground of every harangue; and, on the other hand, I dislike this sneering at the rights of the people. Sir, in this country, the poor and the rich are mutually dependent on each other. They ought to be friends, and most generally, I trust, are so. The poor man of to-day, if industrious, is often found the rich man of to-morrow; and he who to-day is rolling in wealth, may shortly experience all the inconveniences and distress of poverty and want, with few qualifications to bear up under them. The rich have equal rights with the poor, and the poor with the rich. And it is this equality of rights—this common

enjoyment of privilege—which I wish to see continued. These are a part, and an essential part of the rights of the people—of the *dear people*, if gentlemen will so have it, which I, for one, will never consent to barter, or see taken from them. I repeat, therefore, that as time to the industrious poor man is money, he has obstacles placed in his way by the onerous and oppressive provisions of this registry law, which do prevent him from enjoying the right of suffrage in an equal degree with his more wealthy and intelligent neighbors. I repeat, that these people are entitled to at least equal protection with other classes. On whom, let me ask, in times of war, must the country mainly rely for the bone and sinew of your army—for the men to shoulder their muskets and march in the defence of their country? Is it on the rich and well-born? Ah, no. Generally too fond of their ease and comfort, to risk the fatigue and privations of the tented field, they pay their fines, or send substitutes. The poor man is not able to do so—he must march. I am aware there are exceptions—many honorable exceptions to this rule—but not enough to destroy it as a rule. I see across the House two of my gallant Philadelphia friends, (Mr. SCOTT and Mr. BIDDLE) who at their country's call, volunteered their services and bared their bosoms for her defence; and that, too, in carrying on a war, the declaration of which they may have disapproved; esteeming it one thing to oppose the measure of declaring the war, and another to go for their country, right or wrong, in all conflicts with a foreign or domestic foe: And, in doing so, they did but live out their lives and their patriotic principles. There were others of my political opponents who honorably did the same thing—and it gives me pleasure, after the lapse of twenty odd years, when the asperities of party spirit, I trust, are in some measure worn off, to acknowledge the just merits of those who then, as now, I politically opposed.

I am charged, too, with having done injustice to the Legislature of 1835-'6—and the expression used by me, that we never had such a Legislature before, and never will have such an one again, is found fault with. Sir, I repeat it—that Legislature was elected under circumstances which, I trust, never will, and I believe never can, occur again. The dissensions and divisions of the democratic party permitted a minority to elect a majority of the Legislature, and put the State at the mercy of that minority. It is true, that they legislated with indecent haste—it is true, that they acted as men who knew they were disappointing the wishes and expectations of the people. To screen themselves, and to maintain their ill gotten power, they gerrymandered the State for representative and senatorial districts, without regard to number of taxables, or situations of counties, but simply *with a view of so arranging the districts, that the majority of the people should not rule*. For instance, they thought my own dear native Montgomery was too democratic, and they attached her to the good old federal counties of Chester and Delaware, in order to keep her in order. See the result—an insulted people rose in their might: Montgomery has elected a senator for the Delaware part of the district, and sent three democratic senatorial delegates to this Convention, two more than could otherwise have been obtained. A district, too, was formed, reaching from the Susquehanna river to the Allegheny mountain, so arranged, that it was thought impossible for a democrat to be elected in it. When the next election came, you find the people rising in all the majesty of their strength, and electing a Democratic Senator in that district by from

1200 to 1600 majority. In fact, at the last general election, there were eight Senators elected in these *cut and carved* districts; and, to the astonishment of all, and the dismay of the principal actors in the scene, but one opponent of the democratic party succeeded, and that but by a few votes.— Although I may not be imbued with the spirit of prophecy, I see most clearly that the official term and the official influence of this modern Spartan band will expire together; and before the seven years alluded to by the gentleman from Beaver, during which he thinks they are so safe, shall have gone round, they will be sunk back to their original insignificance, and be forgotten, except as their deeds may be referred to as warnings to others.

Mr. McCahen said, he wished to make a few brief remarks. He said brief because as SHAKESPEARE says, "we must be brief when traitors take the field". Gentlemen all round the House have taken occasion to speak of the city and county of Philadelphia, and the application of the registry law there. If those gentlemen had resided in the county of Philadelphia, and had been acquainted with the difficulties under which we labored in consequence of that act, they would have been better able to judge of the facts, and not made so many mis statements as they have. He was familiar with the application of the registry law there, and he knew there were many persons entitled to vote under the provisions of the Constitution, who were deprived of the right to vote in consequence of this law; those even who had paid a tax to the support of the Government, were deprived of the right of suffrage merely because their names were not on the register. It was known to every gentleman who had ever been there, that the county of Philadelphia was made up of a dense population; there were many lanes and alleys which were thickly inhabited, and many families resided in the same house. By the registry law, the person who made the registry was judge of the elections and the qualifications of the citizens, and they could deprive such citizens as they chose of the right to vote. The law was unjust and partial, it cutting off many poor men from the enjoyment of the right of suffrage, while the rich were always secure, because property must be assessed.

The district of Kensington contained a large number of fishermen, and the registry was made at a season of the year when they were away from home, engaged in the fisheries, and the officers never registered any one on the recommendation of another. They were, therefore, deprived of their rights merely because they were not at home at the season when the registry was made. But gentlemen have said that there was a great deal of fighting and disturbance at the elections in the city and county of Philadelphia. He admitted there was some fighting there at the elections of 1834; but if the newspapers told the truth, there were equal disturbances in other parts of the State. At the elections of 1835, all was peaceable and he did not believe the registry law had the slightest tendency to preserve quiet at elections; and so far from extending the right of suffrage as had been asserted by some of the friends of that measure, it threw great difficulty in its way. In addition to the case cited by his colleague (Mr. DORAN) he could give numerous instances, if it was necessary, where individuals entitled to vote under the Constitution were deprived in consequence of this registry law, and all that had been said about the city and county only showed that those who made the charge, knew nothing

about it. The gentleman from Beaver (Mr. DICKEY) had admitted that he only had been informed of what he had stated, and he would tell that gentleman that it was like all hearsay testimony, entitled to very little credit. Another high-handed act of the Legislature, was, that they passed a law declaring that the inspectors and judges of the election for 1835, should also be judges and inspectors for the year 1836, contrary to the will of a large majority of the people of those districts, because by an unfortunate division in the ranks of the democratic party the election officers of that year were elected by a minority of the voters. All this went to show that instead of enlarging the right of franchise in the city and county of Philadelphia, it restricted it to a very considerable extent; and as to what had been said by gentlemen in relation to his district he would only say if gentleman had resided among us they would find the people there as honest, upright, high-minded and patriotic as in any other county in the State. The county of Philadelphia had a large population, and had a large representation in your hall of legislation, but he trusted this was not to have any influence here which would cause the rights of her citizens to be the less respected. He thought the Constitution should express in clear terms that which should constitute the qualifications of electors, and leave nothing to the action of the Legislature on this subject; and believing that the amendment would effect this object he would vote for it.

Mr. SCOTT confessed he did not see the relevancy of much of the argument which we have had, to the real question before the Chair, that is upon the propriety of agreeing to the amendment of the gentleman from Montgomery, (Mr. STERIGERE); nevertheless, the discussion having taken a wide range, it seems impossible to confine it within what might originally have been considered proper bounds. In the course of this discussion, a particular act of the Assembly had been almost the sole object of attack; and, the few remarks he should trouble the committee with, would refer to it, because it was his fortune to have been a member of the Legislature which passed that law, occupying, for a short time, a place occupied, during the preceding part of the session, by a better man, who died while a member of the House of Representatives. Great pains have been taken to show, that the registry act was an unconstitutional law.— Well, if that be true, there is no occasion to amend the Constitution, for the purpose of getting rid of it. If it be true, that the law violates the existing Constitution, he would beg to remind gentlemen that that instrument provides a means of getting rid of that unconstitutional law. If the law be unconstitutional, and otherwise objectionable, the best thing gentlemen can do, is to adhere to the present Constitution, and bring the matter before the judicial tribunals of the country, who will, beyond all question, if gentlemen can make it appear to be unconstitutional, declare it null and void, and there will be an end of it. If we attempt to change the Constitution in this feature, to which, it is said this law is opposed, we may so change it as to support and uphold the law; he would, therefore, suggest to those gentlemen who held the opinion, that the law was opposed to our fundamental law, to hold on to the present Constitution, and take the matter before the Supreme Court, who will pass upon the subject to their entire satisfaction, if they can make it appear to the court, as it appears to themselves, and this will put an end to the operation of the act. It had been

said that the law was unconstitutional, by the gentleman from Northampton (Mr. PORTER). This was the opinion of an able lawyer, but he hoped he might be allowed to say, that if this was the gentleman's opinion, it was an opinion which ought to be asserted with some degree of modesty, as it might safely be regarded as not very certain, when we look round this Hall, and see how many gentlemen there are, who were members of that Legislature, and voted for that very act of Assembly, who have been returned by their respective constituents, not to legislate, but to pass upon the Constitution of the land.

It had been indignantly urged by a gentleman from the county, that the law had been forced upon the county without their assent—that it was a matter with which the State at large had no concern, and all action upon which should have been postponed until asked for—that it was reprobated by the city and county—passed hastily and without just cause, and merited the severest reprobation. He denied, peremptorily, that it was a matter in which the State had no concern: she had the deepest interest—every county in the State had the deepest interest—in the freedom and purity of the elections in every part of the State. The representatives from the city and county of Philadelphia, did not legislate upon subjects belonging to their own district only: their voice was heard, and, when the numbers of the delegation were considered, was potential too, in promoting the general welfare of the Commonwealth: their votes might rule her legislation for weal or for woe. Even over the local interests of the remotest county, their influence was felt, and their votes told. Suppose, in the general prostration of the resources of the nation, it should once more become necessary to look around for objects of taxation to supply a diminished revenue; and, the eye of the legislator should light upon the broad acres of the farmer, and the rich personalities of the east, and pause between the two—would not the farmer feel that these representatives had a voice, the just exercise of which was important to them? Had not the whole Commonwealth an interest in the just, and pure, and free election of their Governor? of every representative in the Senate of the State? and in the Congress of the United States? Away, then, with this idea, that the rest of the Commonwealth had nothing to do with the exercise of the elective franchise in the city and county of Philadelphia. If they perceive that franchise to be abused there, or corrupted there, or its free and fair exercise impaired there, it is due to themselves to interfere, though the whole county should raise its voice in hostility. It would be due, not only to themselves, but to the cause of freedom throughout the world; endangered, and disgraced as the cause must be, by any corruption of this, the corner stone of the republican structure of Government.

Was there not, he asked, sufficient cause, at that time, to put that Legislature upon inquiry? Of the election frauds in the county of Philadelphia, he knew nothing. But in his own fair, and beautiful, and beloved city, he had seen, before the passage of that registry act, her citizens in hostile array, contending with violence and riot, for the possession of the place of their primary elections—and bloodshed had followed in the train of that contest. Conflagration, too, in an adjoining district, has done its work. And at the polls he had beheld men, pressed by incumbent crowds against the wall, through the window in which their ballots were to be received, till their human shape itself seemed to be endangered; and then, having thus,

at the peril of limb, if not of life, exercised their right, projected bodily over the heads of masses of men, in order to effect their escape. Was not this, he again asked, fit cause for inquiry? And if, under the knowledge of these things, a law was passed, wise or unwise, to restore the freedom of elections, cannot common charity find some other motive of that law, than one which imputes dishonor to the law-maker? It had been asserted, too, that at these elections, New Jersey, and even New York furnished their respective quotas of voters, usurping the places of the sons of the soil, and influencing the results of the polls. Of the truth of the assertion he could not judge. Nor did he suppose that disorder, and riot, and fraud, if fraud existed, were to be imputed to any one political party exclusive of others. It was one of the bitter fruits of the bitter spirit of party which cursed the land, that wrong or injury perpetrated by any one, was more fiercely retaliated and exaggerated by the other. And thus all the precious gifts of freedom were brought into danger, and her institutions into disgrace. Was it not right, then, he asked once more, that the guardians of the Commonwealth should enquire into these things? And are they to be branded with impurity of motive for so doing, because they did not agree in politics with those who preceded them in the halls of legislation? They passed a law! What then? If unwise or imperfect, was it not capable of amendment or repeal? And if at a subsequent session, one chamber was in favor of that repeal, and the other and graver branch against it, is it necessary or proper, in a body like this, to suppose that difference of opinion might not be honest? After that law had gone into operation, order and quiet were restored—the aged, the infirm, could and did vote—the numbers, when the ballots were deposited in the boxes, were not diminished. Riot and conflagration did cease—freemen once more felt that their dearest franchise might be exercised without peril of life—and it was exercised in peace and harmony by all men—of all parties. Whether this was owing to that abused law or not, he could not say; it was at least a fair supposition, and he would leave it to the committee to judge. He did, however, say that, among *his* constituents, it was an act extremely popular. Those who had aided in its passage were returned to the Legislature, in the cases in which they presented themselves to the suffrages of the people. And on the floor of this Convention, elected to reconsider the structure of our Government, and to revise the organic law of the State, are found not a few of its advocates, from all parts of the Commonwealth. And when upon this floor Senators are reproached with their votes, those Senators might point to the fact of their being here as a proud refutation of the injustice. It was, indeed, a hardy act, and he was a bold individual who would undertake with his single arm to hold the scales, and weigh the Senate of Pennsylvania against the House of Representatives of Pennsylvania, and pass his judgment between them. The spirit which was equal to this, was better fitted for the chair of a dictator than that of a representative.

The registry act, he added, was not hastily passed, nor without reflection. It was passed in one shape at the ordinary session of the Legislature, was then examined by the public, commented upon, and at the extra session revised and remodelled. Its origin is supposed by one gentleman to be found in the act of parliament levelled by SIR ROBERT PEELE, against the forty shilling freeholders of Ireland. He (Mr. S.) was inclined to believe, that the friends of the law were not thinking of Mr. PEELE, or the freehold-

ers of any other land, nor even of the great agitator, Mr. O'CONNELL himself—an individual, however distinguished for greatness in his own hemisphere, not remarkable for his admiration or his praise of *our* institutions. He was inclined to believe they found their model in another of the *free* States of our own Union, where a similar enactment had been for years in existence, and had been tested by experience, and approved in practice. It was more probable, looking to dates, that Mr. PEEL might have known the Massachusetts rules, and have borrowed a hint from this side of the Atlantic—our *good mother* England having, in modern times, discovered that she might borrow improvements, both in science and in law, from her *once* despised offspring. It would not, however, be a fatal objection, if one more suggestion had been taken from a land from which are derived all our institutions, and to whose common law, at least, we must daily recur for our conduct in all the ordinary transactions of life.

He had heard it said, and he believed it to be the fact, that this act existed in one of the Eastern States, and that it was introduced because they were subject to the interpolation of a people who have no right on our soil. He would say again, if it be a crime, it is the crime of no particular party—the one side having commenced the wrong, and the other having carried out the wrong. He never accused any party of the act. It commenced beyond that stream which divides us from New Jersey. And how long does it take New York to put her shoals on our strand. In five hours she can transfer them from her own wharves to those of Philadelphia; and this time may yet be reduced to two hours. In twenty years, what will be the population of your cities east and west—of Philadelphia and of Pittsburg—and others in the heart of your State? What will be the situation of your northern counties along the line of New York, and the southern bounded by Maryland and Virginia? How long will it then require the power of steam to transport its thousands from New York to our eastern borders? Who can tell what may not be required to protect our own rights at the polls? It is obvious that these portions of the State may, and will, require guards and checks not essential to, or proper in, the central positions. If so, another Constitution will be required to protect the rights of the citizen, and remedy his wrongs. Most of us will be in our graves before the curse will be felt in all its bitterness. It should be recollected that we are not now legislating for a year—not for the purpose of aiding the ambition of a VAN BUREN, a CLAY, or a WEBSTER; but that we are arranging an organic law for human beings not yet born. Let us carry our vision thirty or forty years beyond the present period, and see what will then be the state of our population. You will be surrounded by a stranger population, not of the soil, who will influence your elections. And shall we say to the Legislature, you must be debarred from making laws to prevent the evils which such a state of things may produce?—Shall we fetter them so that they shall not be able to provide against the future changes? Shall we pass an amendment to the Constitution, forbidding the Legislature, twenty years hence to pass laws for the purpose of securing the elective franchise in its purity? We are talking of matters far beyond our own period of time; matters which belong to another age, which must be regulated by our children and our grand children. Let the Legislature of that day then be left untrammelled and free to act according to the condition of things, the state of public intelligence, and the demands

of the public exigencies. There will, doubtless, be virtue and intelligence enough in the Commonwealth at that time, to discover what is wrong—and to get rid of that wrong. Do not let us evince any little jealousy of posterity. Let us trust the Commonwealth to our gallant sons. They will be as able to protect her, in the days of their strength and manhood, as we have been in ours. If we do right now, they will, doubtless, be as virtuous and as wise in their generation, as we may have been in ours.

The committee then rose and reported progress and obtained leave to sit again, and

The Convention adjourned.

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### FRIDAY, JUNE 23, 1837.

Mr. CHAUNCEY, of Philadelphia, presented the memorial of certain citizens of the Commonwealth of Pennsylvania, for the abolition of lotteries.

Mr. SCOTT, of Philadelphia, presented a memorial from certain citizens of the Commonwealth of Pennsylvania, similar in its import.

These memorials were laid on the table.

#### THIRD ARTICLE.

The Convention again resolved itself into a committee of the whole, on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending, being on the second division of the amendment to the amendment proposed by Mr. STERIGERE, as follows:

“The election laws shall be equal throughout the State, and no greater or other restrictions shall be imposed on the electors in any city, county, or district, than are imposed on the electors of every other city, county, or district”.

Mr. FULLER, of Fayette, said, as the question stood now, although he might be in favor of the principle, he should object to its adoption in the present section, he believed the proper place for it would be in the Bill of Rights. Without going into any of the debate on the question of the registry act, he would content himself with voting against the amendment in its present form.

Mr. BROWN, of Philadelphia, expressed his hope that the gentleman from Montgomery (Mr. STERIGERE) would withdraw his amendment, with a view to obtain a fair expression of the opinions of the committee on this question. There were many gentlemen who would not vote for it, because they considered it as out of place in this section. He would say a few words to explain the vote which he would give in favor of the amendment, which ought to be adopted here, and transferred to its proper situation afterwards. It would seem, from the remarks of the gentleman from the city, (Mr. SCOTT) that this special legislation was beneficial. He, on the contrary, thought it was not good. The gentleman from the city said, it had worked well in the city; that, before its adoption, there

was great confusion and difficulty at the polls in Philadelphia, and that, since, the elections had been conducted calmly. We have been told, on this floor, that voters had been imported into the city and county, from an adjoining State, and that, by this means, the numbers have been enormously swelled: yet the gentleman from Philadelphia tells us, the number of votes taken is greater since the registry law was introduced, than before, so that this law has not kept the fraudulent voters away. This act gives a greater opportunity to fraudulent voters to come in, than they had before. Where there is an upright judge and inspector, there is no fraud; it is only where the judges and inspectors are corrupt that there is danger of fraudulent votes. He would state a fact which occurred within his own knowledge. An inspector handed out at the window the names of six voters who had a right to vote, but had not polled; and the person to whom the list was handed, having read the names, brought up six persons to vote. This gave an opportunity for fraud. It afforded the means to the judge to procure six persons to represent the six voters who were absent. This particular case he was acquainted with. As the party to which the gentleman belongs has the possession of fourteen wards, and can do as it pleases, it has the means of knowing through its officers at the polls who have voted, and who have not, and to whom to give the names. It enables the city of Philadelphia to poll every vote. The parties can send out their spies early in the day, and if the voters are sick, others can be brought up to supply their place. Still it was insisted that there was nothing fraudulent under the registry law. But the law was not a good one. He had himself seen, in his own district, a person born on the spot, an honest voter, who was either ignorant of the law or had neglected to comply with its provisions, but supposed that he might come to the polls as an American citizen: he saw this man come, and offer his vote, which was refused, because his name was not on the register. A gentleman had asked, who would dare to deny a voter the exercise of his right? The judges and inspectors did, on this occasion, and appealed to the law for their justification, alleging that the register was the only evidence to which they could look. It was his opinion that no man's vote should be made to depend on the registry. The gentleman from Beaver said, the friends of an individual might apply to have his name on the register: but the law said that the individual must apply in person. The inspectors came into a particular district, and added forty names to the list, and not a man came forward under the law to comply. This, and the change of the six votes named before, shew the disgusting practices which prevailed under the law. These are some of the secret frauds: and he called on gentlemen to change a system which makes votes dependent on the acts of assessors. The judges of elections are judges of competency. The registry laws are inapplicable, and have failed, and the system by which voters were told they must bring their evidence, is no longer in force. They must now take up their tax receipts—a system wrong in itself, and not applicable. There is no security for the rights of any citizen. Every man knows, at the time he gives his vote, that it influences others beside himself: and every one feels that a violation of his right is a stab on the interest of all. For these reasons it was his purpose to go against special laws, which operate unequally and unjustly. All laws should operate equally, and every

member should look well to action. Special acts are always injurious, and operate on one to the injury of another. We are told this law is necessary, and we are also told of scenes of blood which have taken place at Philadelphia. These outrages have no relation to the right of suffrage, but have grown out of the political excitements of the period, excitements which have passed away. Every one knows that these excitements existed, and that they did pass away, and that the quiet of the elections had been restored before the registry act was passed. There had been no confusion, not a quarrel, quietness and peace had been restored. It was not, therefore, to remedy this evil that the law was enacted, for the evil had passed away. Why has there not been any confusion at the polls? It has been because there were too many crowded together at one place, in consequence of the insufficient number of polls. The people have applied to the Legislature to divide the county into smaller districts. Too many have been obliged to assemble at one place. Six or seven hundred persons going to one window must create confusion. The registry act did not remedy this evil, and the people asked that the districts should be divided. Did the Legislature do it? No. They were not so eager to prevent confusion, as they were to pass the registry act. One member, it appears, rose and asked leave to bring in a bill; after that, he could find no trace of it, until the gentleman from Northampton found it attached to a bill concerning turnpike roads, with a hundred other subjects. The member himself, who brought it in, did not know it had passed. He would relate a circumstance which took place when he (Mr. B.) was here. He saw a bill concerning election districts brought from the Senate, four or five feet long. His colleague asked him if there was any thing in it of interest. He replied that he saw nothing, but that Mr. PELTZ knew all about it. There was great confusion, six months afterwards, and the Moyamensing officers all found themselves legislated out of office, by this bill, to answer some political purpose, and a new set of officers appointed in their room. He would state what further was done. Not only was a new qualification required, judges of elections were appointed. The people were deprived of their rights, and judges were legislated in for two years, instead of one year. Thus this system leaves it in the power of the Legislature to legislate a particular party into office. Such is the privilege it grants; and if this is calculated for one portion, it is calculated for every part of the State. He would not, by his vote, give a sanction to the idea that the people of the city and county of Philadelphia were worse than any of the people of other parts of the State. It had been said that the city was teeming with vagrants. He had resided in the city; and he believed there was as much private and public virtue in the county and city of Philadelphia, as in any other quarter of the Globe. Go to a distance, and say any where that you came from Philadelphia, and the reply is—"ah, you have a beautiful city, peaceable and orderly, the city of brotherly love: there is no danger there of going abroad, you can pass through the lanes and alleys with perfect safety". Thus is Philadelphia spoken of every where in terms of high and just eulogy. And, after hearing this testimony to her merits among strangers, you must come back to Pennsylvania, to her Halls of legislation, to hear her vilified, to find, on the records of her history, epithets calculated to degrade her in the eyes of posterity. He would not lend his vote to add to the effect of such a course of

disparagement. If the gentleman from Philadelphia says, our native city deserves to be thus characterized—

Mr. SCOTT: I did not say so. In the first place, Philadelphia is not my native city: and, in the next place, I did not say she deserved to be thus characterized. I said there had been scenes there of disorder and blood, and I left it to the committee to decide on the truth of my statements.

Mr. BROWN resumed: The gentleman said, that there were 600 or 700 at a window, giving in their votes. It is a fact, that there have been 800 at a window. He did not mean to say, that the gentleman had so characterized the city of Philadelphia, but it was a fair inference from his statement, that the registry act had prevented these disorders. He was told by his colleague, at his side, (Mr. M'CAHEN) that the violence and bloodshed which took place, was after the polls had closed. Unless, by some legislation, you allow the people to enjoy their rights, the people will be jealous and restless, and excitements, which lead to violence, must be feared. Against bad laws the people rose, and would rise. There was a single fact, within his own knowledge, which speaks loudly for the purity of the ballot system. A gentleman told him he wished to vote in the city and county, and could not get his vote received; and, that he went to Doylestown, where he was permitted to vote. He had mixed familiarly with the people, and been anxious to get voters, but he would spurn any mode which was calculated to impair the value, or sully the purity of the elective franchise. He had been at ward and committee meetings, and had never heard there any proposition of the kind, nor had he ever known any. Charges of the kind have been gotten up for political effect, but where one asserts them, there are always found others to refute them.— In the township where he resided, there were a hundred votes more polled last election, than at any election before, in consequence of the natural increase of voters. The charge of importing votes rests altogether on newspaper authority. He would be as eager to check such a practice, if it existed, as any one. The gentleman from Northampton (Mr. PORTER) said, that the Bill of Rights guarantees equality in the election laws, but it has not done so in practice. Certainly, there ought to be no greater restrictions on the electors in one place than another. He hoped the amendment would be properly arranged, so as to have a place in the article to which it was most appropriate.

Mr. BIDDLE, of Philadelphia, said, he had listened with no common pain to the remarks, which his friend from the county, had addressed to the committee. He was proud to say, that there was not one of the delegates from the city of Philadelphia, who had not spoken of the county on terms of respect. He had the highest respect for the county. It is easy (said Mr. B.) to make charges.

Mr. BROWN: I made no charges. I thought I had praised the city.— I only remarked on a single case of fraud. I thought my language was that of eulogy.

Mr. BIDDLE: God protect the city from such eulogy! It was easy to make charges, and, in proportion as gentlemen felt themselves able to throw off the restraints of propriety, will it be the more easy. If the gentleman knew of such frauds, why did he keep the knowledge a secret in his own heart? Why did he take no step to vindicate the majesty of the law? Was this the course due to justice from a high minded and hono-

rable man, and he knew the gentleman from the county to be high minded and honorable? He knew it had been said that the polls were converted, on some occasions, into scenes of violence.

If the gentleman had listened to the eloquent remarks of my colleague he would have known that the remark which fell from him was that there was a contest for the possession of the polls, which commenced with violence, went on to outrage, and was consummated in blood. The gentleman had not only charged certain officers with grave offences, but had added that they belonged to the party to which his colleague and himself belonged. He had hoped that the bitterness of party strife would not have been invoked here. If any danger to our institutions can be apprehended, it is from these invocations of party strife. Instead of interchanging rebukes, each going one step beyond the other, he had hoped to have heard no more of the language of imputation. He would not hurl back these imputations on the party of the gentleman. The gentleman had said, that we were told the number of votes had increased since the passage of the registry act, and then came to the conclusion, that there must be fraudulent votes. The language of his colleague was, that they had not diminished. Could not the gentleman from the county find any other cause for this, than a fraudulent one? Might it not rather be ascribed to the fact, that quiet and order were restored, so that the aged and infirm, who had previously been prevented from appearing at the polls, were able to vote, and that thus the aggregate number of votes was increased? The gentleman had further said, that the registry law did not answer the purposes for which it had been passed, that it was inapplicable, and had totally failed; and, look at the reasoning by which the gentleman sustains this allegation. What is that reasoning? Because, in the first line, the Legislature had omitted the word "general", and made the law applicable only to "special elections". So that a mere *casus omissus*—the result of accident, or oversight—was to be addressed, as a grave argument, to a body assembled here to deliberate on the fundamental law of the land, in favor of prohibiting future Legislatures from providing guards against the evils incidental to the exercise of the right of suffrage in large cities. To say the least, the argument of the gentleman from the county was not very conclusive. The gentleman had asserted, that the county of Philadelphia was not worse than other counties. No, neither the city nor the county were any worse than others. The case of the facility with which shoals could be transferred from New York and New Jersey, to our shores, was put with much force by his colleague (Mr. SCOTT). And while the eulogy on Philadelphia on her citizens was true, it was not less true that they were peculiarly liable to have their quiet and good order and harmony broken up, and converted into discord, and tumult, and violence, by these inundations of lawless and dangerous hosts from other States. The cases cited by the gentleman from the county were not very applicable. His illustration of the gentleman, who had not been permitted to vote in Philadelphia, and who had gone to Berks and voted, proved nothing more than that Philadelphia was right, and Bucks was wrong.— He would say, in conclusion, and every gentleman who had had an opportunity of witnessing, would bear testimony to the fact, that peace, order, and harmony, had prevailed since the operation of the registry law, while, before its adoption, the elections were the scenes of violence, tumult and outraged law,

Mr. HOPKINSON, of Philadelphia, did not rise to take any part in the debate which had for some time past occupied the time of the committee. The discussion had wandered immeasurably from the question. The question before the committee was not whether the registry law was good or evil; whether it ought, or ought not to be repealed: or whether it should be extended or not. He did not rise to say any thing about that. His object was to draw the attention of the committee to an objection to the amendment which had occurred to him, and on which, if he had heard any other gentleman make a remark, he would not have said a single word. It must strike every one with admiration, as a proof of the sagacity of the Convention that framed the present Constitution, that after a discussion of six or seven weeks, we have not been able to detect a single error in their work. It is of the highest importance that the language used should be as precise and as accurate as language will admit of. We are not engaged in legislation on which the error of to-day may be corrected to-morrow. He trusted that, as some gentleman had said, we were making a Constitution to endure for a hundred years; and we ought to be cautious that into such an instrument, we admit nothing which is vague or uncertain. His objection to the amendment was its vagueness and uncertainty. (Here Mr. H. read the amendment.) Every gentleman can see that the effective, the all important word in this amendment is "restriction". What is meant? Restriction on the right of voting—or locality? What, will the people, who are to live under this Constitution, understand by the word? For forty-seven years there has been no difficulty.

He would again ask what was the meaning of the word "restriction"? Was it meant to be applied to suffrage—to the mode and manner of taking a vote, or to locality? He had no desire to create difficulties, or to allude to what had taken place on this floor. Various opinions had been given in reference to this word, and one gentleman had said that so far from the amendment making a restriction, it was creating an extension. Here, then, are given two meanings to a word which we are about to insert in the Constitution. No two members who had spoken on the subject understood the amendment alike, and that, he thought, was a sufficient objection to it, and a reason why it should be rejected.

Mr. MERRILL, of Union, remarked, that he had been much amused and instructed by the observations of gentlemen on various subjects, but which, however, had no connexion with the question immediately under consideration. He really could not perceive the necessity of considering whether certain laws, which had been passed by our Legislature, were Constitutional, or not. No object could be obtained by it, and the Convention possessed no power to decide that question. It was, then, a mere waste of time. He supposed that the next question would be—who are the best democrats in the State? Now, for his part, he cared so little about the matter, that he was willing to admit that the county of Philadelphia, or the county of Northampton, or any other were county, the best democrats. He had no desire to enter into a controversy on that question, for it was immaterial to him which way it might be decided. We never should get through with our labors, in any reasonable time, if the Convention went into an investigation of the character of the numerous laws which had been passed by our Legislature. We ought now to decide the pending question without further delay. He would not say a word

as to the propriety of adopting the amendment of the gentleman from Montgomery, as he considered the objections which had been urged against it by the gentleman on his left. (Mr. HOPKINSON) perfectly conclusive. If, when the proposition came up fairly for consideration, and it should be found that the language, in which it was expressed was objectionable, let another provision be inserted instead of it, couched in such terms as could not be mistaken.

Mr. STERIGERE, of Montgomery, said, that he did not mean to speak on the proposition which he had had the honor to submit yesterday. It seemed to him to have already been sufficiently discussed on both sides of the Convention, to enable every one to vote on it. He was at a loss to perceive the relevancy of a great portion of what had been said. It consisted, for the most part of crimination and recrimination, and of an investigation into the causes of, and objections to, the registry law. A few objections had been raised this morning in relation to his amendment, but of which he would take but little notice. One of the objections was—that it was out of place. Now, if that was any reason why it should not receive the attention of the committee, then it ought to be voted down. But, he apprehended it was no objection. On a plea of that sort any proposition, however good it might be, could be got rid of. Some gentlemen had contended that the amendment ought to be put in the Bill of Rights. In his opinion, that was exactly the place in which it ought not to be found—for that document had reference to public rights, while his amendment related to personal rights. He must say, that after a proposition had been discussed, and the principle of it settled, it looked like an excuse for getting rid of it, to set up the objection that it was in the wrong place. The gentleman from Philadelphia (Mr. HOPKINSON) had remarked upon the correctness and clearness of the language of the Constitution of 1790, and he had offered a criticism on the amendment, and asked the meaning of that word “restriction”. He (Mr. STERIGERE) would refer that gentleman to the language of section eighth of the Constitution in relation to the press. “The printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch of Government. And no law shall ever be made to restrain the right thereof”, &c. The gentleman might just as well ask what was the meaning of the word “restrain”, in that section. It was one of similar import. Many such criticisms as the gentleman had made, might be offered in regard to the language of other parts of the Constitution, and with as much propriety. In the fifth section of the same article, for instance—“elections shall be free and equal”. Now, he would ask what was the meaning of that sentence? Why, it was a truism, like many other propositions which were to be found in public documents. It was like the assertion—that “all men are born free and equal”—which did not admit of being literally construed, or carried out, for in all cases, it was not applicable. He maintained that the word “restriction” was as plain in its meaning as any other word in the Constitution, and about which no doubt or cavil had been raised. He had seen all parties, who had obtained the ascendancy, exercise their authority in a manner that he utterly condemned. And the object he had in view was to prevent whatever party might be in power, from imposing restrictions on any particular election district, in order to subserve their political interests. He desired to make the right of suffrage equal all

over the State. The gentleman from Fayette (Mr. FULLER) had objected to the amendment as being out of place. That, however, was a mere matter of opinion, and gentlemen might make that excuse to avoid voting for it. Those who were opposed to its principle would vote against it; but those who were in favor of it would not consider the place as material.

Mr. FULLER, of Fayette, said the gentleman was mistaken if he supposed that he was opposed to the principle of the proposition. He desired that some such principle as was contained in the proposition of the gentleman from Montgomery, might be inserted in the Constitution. His only objection to it was, that, as it proposed a restriction on the Legislature, it belonged to the Bill of Rights; and he hoped, therefore, that the gentleman would withdraw the motion.

Mr. STERIGERE explained, that he had not supposed that the gentleman from Fayette was opposed to the proposition, and that he had urged it was out of place as an excuse for not voting for it. He had not intended to impute any wrong motives to him. The remark which he made was general.

The CHAIR said that the discussion was taking a very wide range, and subjects had been introduced into it wholly unconnected with the question immediately under consideration. He must say that he considered these personal and political remarks out of order. He hoped, then, that for the future, gentlemen would see the propriety of abstaining from remarks of that character.

Mr. BANKS, of Mifflin, hoped that the gentleman from Montgomery would withdraw his amendment, at least, for the present. He thought, that from the intimations which had been thrown out all around, that the gentlemen must be assured that it would be negatived, if he pressed it now. He (Mr. B.) regarded the objection raised by different gentlemen with regard to the place where it should be inserted, as insufficient. He was reminded by it of the story of a young lady, who, wishing to offer to her dancing master some little present, as a token of gratitude, approached him rapidly and informally, in the fullness of her heart. *Bah!* cried he, that is not the way. Upon a second trial, she succeeded better, and he said that will do, but the elbow is not sufficiently turned. Now, if the gift was of an acceptable kind, he was not for asking whether the elbow was turned out or turned in. He hoped the amendment would be adopted without regard to the form and order in which it was offered.

Mr. PORTER, of Northampton, said he should be very happy, at all times, to turn his elbow in such a way as to suit the gentleman from Mifflin; but he could not agree with him that it was of no consequence whether the place was proper or not. The gentleman from Montgomery said he did not care where the provision was, so it was adopted. But he thought order was Heaven's first law, and that, in this as well as other matters, it was very essential.

Mr. SMYTH, of Centre, rose and said, that he believed the gentleman from Northampton was out of order.

The CHAIR said he was not aware that there existed any rule of order.

Mr. PORTER observed that he should like to hear the rule read.

The CHAIR: There may be a rule, but the Chair is not aware of it.

Mr. PORTER then proceeded: He recollected that the rule stated that a member could not speak more than twice, and that the gentleman from

Fayette and himself were the only two delegates who took an exception to it. With regard to the amendment, he would remark, that he approved of the principle of it, but thought it was not in the right place. But, when the gentleman from Montgomery asserted (as he had before observed) that he did not care where the provision was, so long as it was inserted, he must say to that gentleman, that he had always found it better to do every thing according to order. He did not approve of gentlemen running one way and pulling another. Now, that was not his (Mr. PORTER's) practice. He generally went straight forward. He repelled the insinuation that this objection was an excuse for opposing the provision. Those who impeached the motives of others without just cause were generally impeachable themselves.

Mr. DICKEY, of Beaver, hoped the gentleman from Northampton would recollect that hereafter, and that he would not impute improper motives to members of the Legislature of 1835-6.

Mr. BELL said that it was a matter of much regret, that, on every subject which had the most remote connection with the politics of the county of Philadelphia, or where the topics which agitate that community could in any manner be introduced into a pending discussion, gentlemen suffered themselves to be drawn away from the clear and dispassionate discussion of the question at issue, and were too apt to degenerate into unpleasant personalities. This was to be deeply lamented, as it unfitted gentlemen for the serious consideration and enlightened decision of important propositions. That those now under consideration was of this character, and he entreated members to bend their attention to it, freed from exciting feelings so well calculated to unsettle and disturb the judgment.

One or two gentlemen approve the principle involved in the amendment offered by the gentleman from Montgomery, but object that here is not the place proper for its introduction; but he called upon those gentlemen to reflect, that if they permitted their objections, founded merely in form, to overrule their approbation of the proposed provision, they might find our difficulties so far increased as to be unconquerable, when they reached what was considered, by them, as the proper place, the Bill of Rights. Sir, (said Mr. B.) if the principle be correct in itself, it is of little consequence whether, for the present, it be engrafted on the article now under revision, or introduced elsewhere. Let us, sir, unite to recognize the principle as one which ought to be introduced among our Constitutional provisions; and if, hereafter, when we come to fit together the several parts of the amended instrument, we should find that more naturally it ought to find a place in the Bill of Rights, it can be transferred thence without difficulty.

Another objection had been made by the gentleman from Philadelphia, (Mr. HOPKINSON) against the phraseology of the proposed amendment, which he could not but regard as hypercritical. The objection is, that the word "restriction", as here applied, is vague and indefinite: that much difficulty would be experienced in putting upon it a construction. But, sir, (said Mr. B.) it appears to me that this phrase is sufficiently determinate, especially when taken in connexion with the preceding part of the sentence. The object is to preserve the election laws *equal* throughout the State; and *for this purpose*, no greater or other "restriction" is imposed, &c. This, however, was a minor objection. If the

language of the proposition needed amendment, it might be put in such a shape as would be satisfactory, and he knew of none on this floor more competent to the task than the learned gentleman whose critical acumen had suggested the doubt. He could not agree with the gentleman from Northampton (Mr. PORTER) that the provision in the Bill of Rights, providing for the freedom and equality of elections, met and supplied the defect which it was the object of the proposed amendment to remedy. It was not his intention, (Mr. B. said) to enter into an elaborate investigation of this Constitutional provision, though it might be easy to show that, although somewhat ambiguous, the framers of the Constitution, by this provision, only intended to guarantee the general free exercise of the elective franchise, and not to prohibit legislative interference in the regulation of that franchise; so that it is still left open to the Legislature to impose burdens on one section of the Commonwealth, from which all other sections are free. The case of a distinction in the mode of the exercise of this right was not anticipated, and, therefore, not provided for—for it was not until recently, that a Legislature of Pennsylvania ventured the introduction of such a distinction. But, it is sufficient for the argument in favor of the amendment proposed, that doubts exist in the minds of Constitutional lawyers, whether the provision of the Bill of Rights prohibits the Legislature from the enactment of such laws as may amount, almost, to a prohibition of one of the most exalted rights a freeman can exercise—the right of voting—in one portion of the State, while elsewhere it is left untrammelled. If the doubt exists, the propriety of providing for a removal of that doubt is obvious. It was not necessary—perhaps, it would be improper, (said Mr. B.) that he should enter upon an investigation of the merits or demerits of what has been called the “registry law”. The members from the city and county of Philadelphia were fully competent to spread before the committee its operation, for good or evil, upon the community they represent. Certain it is, that, with a large portion of that community, the law was exceedingly unpopular, and regarded as one of the most odious enactments that ever disgraced the face of our statute book. We must all recollect the loud and bitter complaints which the people of Philadelphia sent forth on this subject. Meeting after meeting denounced the law, while the press held it up to public indignation as a most iniquitous piece of legislation. The fact is, sir, it was a surprise upon the people: it was intended to affect, many—nay, a vast majority of whom had never dreamt of such a regulation, until they were astounded by the intelligence of the passage of the law. Nor is this all. The enactment of this statute was a surprise upon the Legislature itself. As I am informed by an intelligent gentleman on this floor, who then occupied a seat in the House of Representatives, this law was introduced towards the close of the session, engrafted upon another act regulating certain election districts, and, upon a representation, that its object was entirely local and satisfactory to the city and county, suffered to pass without examination. Sir, (said Mr. B.) so strong was public feeling and opinion against this law, that at the very next session of the Legislature, the popular branch, coming directly from the people, passed a repealing act with great unanimity. And how was the repeal of this obnoxious law prevented? Sir, to employ a phrase, boastingly used by the gentleman from Beaver, (Mr. DICKEY) himself a member of the Senate, it was presented by the “SPAR-

"TAN BAND", who then, by accident, formed the majority in the other branch of the General Assembly. Yes, sir, it was the "Spartan band", some of whom had, for reasons good or bad, deserted their party—who, opposing the undoubted wishes of the people, and setting at naught their will, prevented for a time the removal of the burden. The delegate from Beaver, (Mr. D.) has told you, sir, that the same majority in the Senate will continue to defeat all attempts to repeal this law for years to come, and he seems to exult in the opportunity which has been afforded him to thwart the popular desire. But, sir, I thank heaven, that, gifted as that gentleman is, he is not endowed with the gift of pre-science; and, maugre his boast, if he live but a short time, he will live to see that Senate re-deemed, and democratic Pennsylvania enjoying a democratic representation in both branches.

But, sir, to return to the proposed amendment of the gentleman from Montgomery: its object is to forbid to the Legislature a course of partial legislation, by which the dearest rights of a portion of the people might be invaded, and subjected to intolerable restrictions: It proposes to preserve uniformity of regulation in regard to a subject, where uniformity is of the utmost consequence. Under the Constitution as it stands, the General Assembly, as it is argued, and probably truly so, have the power to impose on any particular district it may select, arbitrary and unjust restraints upon the right of suffrage. Will any gentleman here say that a power so liable to abuse should be continued? Why, sir, it is easy to imagine the existence of a factious Legislature, actuated by partisan feelings, which, listening only to the suggestions of party spirit, might, under the pretence of regulating it, be led to impose on the right of voting in a district of adverse political views, such burdens as would almost amount to disfranchisement. This, it is said, has already been done. Whether so or not, it is not now necessary to determine; it is sufficient that it might be done. A measure of this character might be hazarded against a comparatively small portion of the State, when a Legislature would not dare an imposition of the kind upon the whole people. The simple question then is, whether such authority should be less within the scope of legislative power? If gentlemen reflect, they must answer in the negative; and as the principal uses of written Constitutions is to restrain improper and vicious legislation, Mr. B. trusted that members would perceive the propriety of adopting the amendment.

Mr. McCahen, of Philadelphia, said he would read a part of the registry law of Pennsylvania, in order to show gentlemen that this proposition was really necessary to prevent partial legislation. He then read as follows:

"And they shall add to the said list or lists, the name or names of such person or persons, as they shall find to be duly qualified to vote, as aforesaid, and whose name or names may have been omitted from said lists, and they shall certify that they have duly examined and corrected said lists; and shall return the same, so certified, to the Sheriff, who shall safely keep the same until the day of general election, and shall deliver them to the said judges and inspectors, on the morning of the general election, before the opening of the polls thereof, which said list, duly attested by the said Sheriff, shall be deemed and taken to be the only and conclusive evidence of the qualifications of the electors thereof", &c.

Thus, (continued Mr. McC.) it will be seen by the committee that the law, prevents those from voting who are Constitutionally entitled, although their names may be registered. I, therefore, hope the provision will be agreed to. And, if it is not in the proper place now, it can afterwards be transferred to be the Bill of Rights.

Mr. Cox, of Somerset, remarked that the gentleman from Chester (Mr. BELL) had said that he was informed that the registry law was passed without examination, without consideration, without being amended, or even read; and that it was represented, at the time, to be entirely of a local character. Now, he (Mr. C.) would tell the gentlemen that whoever had given him this information, was either ignorant of the facts or had grossly erred. The fact was that the bill was reported by a Mr. THOMPSON, a member from the county of Philadelphia, and it was read, considered, and discussed. It was first brought forward, on due notice, in March. Subsequently, that bill, or something very much in the same shape, was opened by a member either from the city or county of Philadelphia, to a bill regulating the election districts. It was then fully discussed, and after there had been some action upon it, it was offered as an amendment to another bill, reported by Mr. DAVIS, of Lancaster. He knew that the bill was fully considered, and that highly respectable members of the House stated that frauds had been committed in the city and county of Philadelphia. They spoke of it as if cognizant of it themselves. The evidence was true and undisputed, and fully confirmed by subsequent facts, and the law was talked of as being absolutely necessary to prevent those frauds from being committed at the elections, and which were so much complained of. He would tell his friend from Beaver (Mr. DICKEY) that he never should regret the passage of that bill, unless he were convinced that the information which was adduced on that occasion in regard to the necessity of such a measure, was erroneous. But, that it was not, he felt satisfied from what had recently taken place in the county of Philadelphia. It was but the other day that he heard a highly respectable gentleman, and with whom he did not agree in politics, say that both parties in the third Congressional district were busily employed in importing voters to carry the election. Now, if that statement were true (and he did not doubt it) it went far to prove what had formerly been said relative to frauds having been committed.

Mr. C. repeated the information which the gentleman from Chester had received in regard to the passage of the registry act, was erroneous. The bill was read, considered and discussed. It was first brought forward on due notice, in March; it was then offered as an amendment to a bill relative to courts, and finally to another bill.

It was fully discussed, and there was evidence before the House that frauds of such a nature and extent had been practised at the polls in Philadelphia, as to render the law necessary. That evidence was true and undisputed, and had been fully confirmed by subsequent facts. It was now asserted that both parties in the third Congressional district, were engaged in importing voters as a preparation for the contest.

If this allegation was true, it showed the necessity of the law. Though a large number of the citizens of the county might not be engaged in those fraudulent transactions; yet, if a small number would engage in such practices with success, our duty was to prevent them. If we had a right

to pass a restrictive law of a general character, then we had a right also to pass a special law, when circumstances required it. He could not vote for the amendment of the gentleman from Montgomery. However, we could not undertake to judge for all time to come, whether any special legislation would be necessary. It was improper thus to tie up the hands of the Legislature, and prevent them from taking measures, when needful, to prevent frauds at elections. He left it to the committee to judge, whether it was fair to judge of the effect and propriety of a law from the source in which it originated. Some gentlemen had characterized that Legislature by which the registry act was passed, as factious; and the gentleman from Northampton (Mr. PORTER) said it was a body of peculiar character, such as never existed before, and never will again. But I say, sir, that the Legislature of 1835-6, did more to sustain and promote the great interests of the Commonwealth, than any which preceded or followed it. The House of Representatives was then composed of men of independent character, who acted for the public good, without reference to popular effect. The Senate was of the same character, and still remained so. The gentleman's predictions as to the future, he did not think would be realized. Though he had much respect for his judgment and ingenuity, he did not think him a prophet. The gentleman had given us a history of the revolutions of parties, and had, with much candor, acknowledged that he had been blown about by the shifting winds, first one way, and then another.

Mr. PORTER. The gentleman makes his own facts.

Mr. COX. His words were, then, that he stood still, while others were carried off from him in every direction by the changing current. The gentleman had brought to our notice some strange revolutions, and for aught the gentleman could tell, stranger things would yet happen, than any that he had hitherto witnessed.

The CHAIR here interposed and called the gentleman to order.

Mr. C. might (he said,) have travelled a little out of the road, and he did not complain that the strict rule of order was imposed on him, though on no other person before. An effort had been made to impeach the motives of the party to whom was attributed the registry act, and he had stepped aside for the purpose of showing who they were. We were told that the act was passed for the purpose of trampling on the rights and privileges of the poor. He would like to hear some evidence to sustain this fact.

The law was made to apply to all classes, both rich and poor; and it did not affect the rights of the poor more than it did those of the rich. On the contrary, it seemed well calculated to give the poor great advantages and privileges. There could be no difficulty thrown in their way in approaching the polls. It removed obstacles to their voting. All they had to do, was to go to the polls, tell their name, and vote. They were called upon two or three times for their names; and then they had, besides, the privilege of going and recording their names on the lists of their own accord. What then was complained of? The rich had the same, and no greater privileges than the poor man had. Gentlemen said that the result of the last election proved the act to be unpopular and odious. What was the fact? Had not the people given to the party which originated this act a majority in this body? The majority here were composed of the same political materials as the majority of the Legislature of 1835-6.

But it was, so far as we were concerned, a matter of no consequence, whether the act was popular or not. He should not press this topic any further. He should vote against the amendment offered by the gentleman from Montgomery, because it interposed between the legislative authority and the public interests, and prohibited the Legislature from passing any law to regulate the district elections, however necessary such legislation might become in any particular district.

Mr. BROWN, of Philadelphia. Did the gentleman say, that a committee had reported the registration bill. He could not find it on the record.

Mr. Cox replied, that in March, Mr. THOMPSON, a member he believed from the county of Philadelphia, asked leave to bring in the bill, and subsequently introduced it. It was reported, but not in the same shape.

Mr. DICKEY would say a word or two in reply to the gentleman from Chester, who said he did not know the source of the registry law, nor how it became a law. On the 21st of February, Mr. THOMPSON asked leave to bring in the bill: on the 8th of March Mr. DAVIS reported the registry bill: and on the 8th of April, it became a law.

That was the course of the registration law which was so odious to some gentlemen. It was canvassed in the newspapers from the time of its passage till the extra session; then it was revised and again passed, after meeting every objection that gentlemen urged against it here. I did say, sir, continued Mr. D., that I pride myself on having voted for that law, both in the first instance, and again when it was taken up for revision. He prided himself on being one of those who thought it their duty to provide for the protection of the persons and lives of their fellow-citizens, when they went to deposit their ballots at an election. It was not the object or intention of that law to limit or restrain the right of suffrage. Its object was to afford protection to every one who exercised the right of suffrage. It enabled every one to vote in quiet and peace, without molestation or apprehension. To whom is the law odious? To those only who wish to exclude voters from the polls by making it perilous for them to approach them: To those who wish to see men compressed out of shape in the crowd around the window, and then passed out of the crowd over their heads. The object was now to repeal that law, without examination, and, on party grounds, to annul it. The gentleman from Chester, the leader of the true democratic party, has denounced the act, and again summoned his party to the rally.

Mr. D. said he was bred and born a democrat, and he had believed that the principles which governed him were common to all democrats, until experience taught him the contrary. He had supposed that a cardinal principle of democracy was rotation in office. He was, heretofore, in favor of limiting to two terms the eligibility of any person for the office of Governor, and also of limiting, in like manner, the eligibility of those officers who hold their offices at his pleasure. In that, however, he had the pleasure to act with the gentleman from Chester, and he was proud to say that, with a minority, they had triumphed against a majority. For his attempts, however, to carry out this principle, which the democratic party had contended for, he was denounced as a disorganizer of the party by the democrats here.

Mr. BAYNE interposed. He insisted that the CHAIR was bound to say,

whether all this was in order. He had listened to those irrelevant discussions till he was tired of them.

The CHAIR said the gentleman was undoubtedly out of order, but not more so than others were before him. The CHAIR had informed members, that they were out of order in pursuing topics foreign to the question, and if they would persist in that course the CHAIR had no remedy for it.

Mr. DICKEY. One word more. He was here by a large majority of the people of Beaver: and every one of those, who, like himself, belonged to that Spartan Band, which the gentleman from Northampton had spoken of, would, he believed, be triumphantly sustained by their respective constituents.

Mr. EARLE regreted, he said, that so much time had been spent in a debate so foreign to the purposes for which we came here; but, he would not attempt to retaliate upon those who had taken part in it, by moving an adjournment till to-morrow, or Monday. He would never take a course which would sacrifice the interests of the community, for the purpose of gratifying private pique. This remark he made in reference to the statement which he had read, that the Convention adjourned the other day out of personal pique against him; but, he made no such accusation against the members. He did not believe that there was any gentleman here, so lost to honor and principle, as to act from such a motive; but, he had seen a letter in the Philadelphia Inquirer, written, probably, by a person permitted, by the PRESIDENT, to come within the bar of the Convention, as an annotator of its proceedings, in which this slanderous accusation was made. The letter writer states, that the Convention did adjourn, last Friday, until Monday, because he called the yeas and nays on a motion. This was a vile libel on the Convention; for, men who would be guilty of such an act, from such a motive, would rob a hen roost, or commit treason.

In regard to the registration law, he said that, from and after the passage of that act, no person in the city and county of Philadelphia was permitted to vote for any officer, until he had paid a tax. Now, he would ask the learned gentleman from Philadelphia (Mr. HOPKINSON) whether the Legislature, if they say that no one shall vote until he has paid a tax, for one year, cannot also say that he shall not vote till he has paid a tax for twenty years. He would also submit to the gentleman whether the Legislature could not require that the amount of the tax should be one hundred dollars. The gentleman says the Constitution is clear and distinct, but this is ambiguous. One eminent lawyer, the gentleman from Northampton, says the registration law is unconstitutional: and another that it is distinctly Constitutional. Then either one gentleman or the other is wrong. He should be pleased to have the Constitution made clear in this respect. He would be glad if the gentleman from Montgomery would modify his proposition, but, as it was, he would take it. He was not going to squabble about the place. Suppose gentlemen refuse to vote for the proposition when it is offered in the Bill of Rights, on the ground that it will be out of place there. Then we shall never get it in at all. If we followed this course, we should love every thing. There was always a dispute about the proper place, and he knew no way to get along but to take a proposition when it was offered; but he thought this was in its proper place. If, however, it was to be voted down because it was not offered in the right place, was it becoming in gen-

lemen to make so long a discussion about it? It was not proper, certainly, to speak three or four hours upon a proposition and then vote against it because it is out of place. They could not, with propriety, say any more than that it was out of place here, and that here they would not vote for it. If this proposition was out of place, the discussion was still more so. It was argued in support of the registry law that it had been useful in preserving order and peace at the elections, but order could better be preserved without it. He had resided ten years in one ward in the county, and he had never known any disorderly conduct at the polls. There never was any disturbance in the small districts, and all that was necessary to be done was the division of the large districts into small ones. The disturbances which had been spoken of occurred in the large districts. Locust ward, and the first ward in Spring Garden, where eight hundred votes were polled. To poll eight hundred votes, it would require eight hours and a half, to give every voter sufficient time, and, therefore, the time was too short, and the consequence was, a crowd at the polls and disorder.

But the gentleman says that both parties are now importing votes to carry the coming election. The registry will not hinder this; for a certificate of registry can be obtained for the imported voter. The remedy is the election of honest inspectors. The elections ought to be so regulated that the minority should have one of the inspectors. He hoped that the amendment would prevail, and secure to the poor man his right. The man who owns a house will always be registered; for his house is taxed, and the owner, whether at home when the assessor goes round or not, will be registered; but the poor man changes his place of residence, is unknown, and may be overlooked by the assessor.

MR. DENNY could not concur in the amendment for several reasons.—The first objection was, that it was an interference with what appropriately belonged to the Legislature, and descended to the details of legislation. This was not the business of this Convention. Are gentlemen ready to investigate, legislate, and repeal laws? The gentleman from Northampton (Mr. PORTER) says that this proposition contains no more than is contained in the ninth article. Why then introduce it here? Why discuss the repeal of laws? Laws, too, declared by those gentlemen to be unconstitutional. Gentlemen have often declared that they would oppose all alterations in the Constitution not called for by the people. Has this been called for? His constituents had not called for it, and he doubted whether the delegates even from the county of Philadelphia had been instructed in favor of this amendment. The conversion of the Convention into a Legislature of one branch to pass or repeal laws, he considered very improper.

With regard to the registry act, it might be a wholesome regulation for the city, where large masses of the people were brought together, while it might be inconvenient for the country. Disorders, riots, and tumults, more often occurred in a crowded population. No longer ago than last evening, he was told by a gentleman residing in the city, that such was the crowd at the elections there, that men were taken up and pitched over the heads of the crowd to the polls. The registry act might then be necessary to preserve propriety and order at the ballot boxes. He believed, that it was no more unconstitutional than the division of election districts.

But the gentleman from Northampton says, that the law is unconstitutional, and that it was enacted by a Legislature, which was not sustained

by the people. It is true, that popular prejudice was excited against the Legislature, and he was sorry that it was so. It is true, that there have been very few such Legislatures, and he regreted the fact. But while the Legislature of last winter, that succeeded it, would sink into oblivion, or be remembered only for the imbecility of its acts, or the recklessness of its course, the Legislature of 1835-6 would stand on the annals of time as a bright model of virtue, independence and patriotism, and whose illustrious acts will form a proud era in the legislation of the Commonwealth. That Legislature retrieved the fallen credit of the State, invigorated the system of internal improvement, repealed the State tax, and while all the efforts of the General Government were directed to depress, it sustained and put on a sure basis the credit and the finances of the Commonwealth.

[Here Mr. PORTER held up a ten cent note].

If, continued Mr. DENNY, the policy of that Legislature had been carried out, we should never have seen a shin plaster currency. If their policy had prevailed, and their influence had extended to our councils at Washington, the currency would never have been thrown into such confusion. That Legislature resuscitated the credit of the Commonwealth which was then rapidly falling to the lowest scale of depreciation; and this was done in opposition to the influence and efforts which were exerted both here, and by the General Government, to impair the credit of the State. If the effects of that Legislature had been suffered to prevail, we should never have witnessed such evidences as the gentleman has shown us, of the present degradation of the currency. What, he asked, would have been the situation of this Commonwealth now, but for the wise foresight of the Legislature? Where would have been your public works in these times of general embarrassment? Owing to the prudence and sagacity of those men, we are now enabled to go on with our public works. This was that Legislature which was so much censured for passing the registry act.—Gentlemen say that the law was hastily concocted, and rapidly hurried through its forms. Some gentlemen even go so far as to intimate that it was clandestinely passed.

If the gentleman had turned to the journals he would have found that the bill was reported in March, which was a very early period for it to have been reported. Notice was given in February and the bill reported in March and printed as all other bills are. He held in his hand the bill as it had been amended in May and reported with those amendments, so that there was nothing done in the dark; that was not the Legislature that did its acts in secret; but it was the Legislature that advocated open conduct. Here is the bill as read in May, with sundry amendments attached and reprinted at that time; and why do gentlemen make these charges unless they can sustain them by the facts. It is easy to make broad assertions; but gentlemen ought not to make such assertions without something to sustain and support them. He had taken some pains to examine the journals and records of the House because he never liked to deal in these broad charges without having examined and ascertained the facts. Why did not the gentlemen from the county of Philadelphia who had noticed this matter very frequently, examine into and see what the true state of the case was. They seemed to be very much interested, and one of the main reasons for passing this amendment seemed to be to repeal this act which was declared to have been passed in this hasty manner. The amendments attached to

the bill were, in the first place, to another bill, but were detached and placed ed to this bill because it was considered to be the most appropriate place. Gentlemen have said, however, that this was not the appropriate place; but he would ask them where a more appropriate place could be for amendments in relation to elections in the city and county of Philadelphia, than to a bill, the title of which was "an act regulating election districts, and for other purposes". There was nothing obscure in the title, it was as plain and explicit as titles to acts generally are. Well, this bill which was said to be hurried through in such a hasty manner that no one knew any thing about it, was taken up and discussed freely and not finally passed until the 13th of June, which was the last day, he believed, on which it could have been passed; the Legislature having adjourned on the 16th of June. Then this bill was reported and printed in March, was before the Legislature until May, when sundry amendments were attached to it, and it was again reprinted and not eventually passed until the 13th of June. What hasty Legislation was there in all this? Were bills generally so long before the Legislature? or had the people of the country, generally, so great an opportunity of knowing any thing of the character of bills which passed as they had in this case. But gentlemen had said that the rule was dispensed with, and it received two readings in one day. Now he believed this generally to be the practice where bills have received ample discussion in committee of the whole, and have been before the body for some time; besides, it being but three days before the adjournment, it was necessary that this should be done or the bill could not have passed at all. He had merely risen to bring these facts before the committee to set the minds of gentlemen right in relation to the passage of this law.

Mr. SHELLITO said, it might seem rather miraculous that he should rise to say any thing on this subject, after it had been so fully discussed by other gentlemen. It appeared to him, that the question now was, were we, or were we not going to prevent the Legislature from hereafter passing laws to operate onerously on one town or county, while they permitted other counties to continue without such laws? Was one county to have a burthen imposed upon it, which another has not? Has the Legislature done such a thing as this? If they have done so, it ought to be sufficient for us to know it, and then prevent them from ever again making such distinctions. Have the Legislature imposed upon any district in this Commonwealth, a law which was not asked for by that district, and which was contrary to the will of the majority of its citizens. If they have done such a thing as this, their names, instead of being handed down to posterity, should be sunk in oblivion, to be remembered no more. If such a thing had been done by any Legislature, whether federal, democratic, or anti-masonic, it was enough for him. He would prevent them from the exercise of such powers again. Now, it cannot be denied, but this thing has been done; and, if they can go that far, may they not take away the rights of the freemen, and say who shall have the privilege of voting, and who shall not? Who would trust the sacred right of franchise in the hands of a Legislature, which would take upon itself to pass laws for the government of a district, which was contrary to the express will of the people of that district? He trusted the good sense of this Convention would put a check upon any such legislation; and he hoped, if this amendment was so drawn up, as to prevent a recurrence of such acts, that every friend of freedom would vote for it.

Mr. READ said that the first objection of the gentleman from Allegheny was a very strange one. It was, that by the adoption of this amendment, we would interfere with duties appropriately belonging to the Legislature; and he endeavors to assimilate propositions, to carry out his views, which were as different and distinct as any two matters of Legislation could be. He endeavored to assimilate legislation on the subject of the right of suffrage, with the mere local legislation of dividing and regulating an election district, and contends that these two subjects are fit and appropriate matters to be embraced in one bill. Now, he thought, any gentleman who would endeavor to show an analogy between two cases so entirely distinct, must be hard pushed for arguments to sustain his course. Was it possible that any gentleman would attempt to show that there was any analogy between the mere matter of putting a vote in at one window in a district, or at another, and the grave matter of what constitutes the right of suffrage? But the gentleman has spoken of the illustrious Legislature which passed this registry law. Now, let us see what this illustrious body has done. Why, sir, they passed a district bill under the last enumeration of taxable inhabitants, at which every friend of the bill now blushes. There is no man at this day who voted for that bill, who can stand up and say it was right. There is no man who will venture an opinion that it was not palpably and plainly an unconstitutional act. It was so notorious a violation of the Constitution, that it is only necessary to call the attention of the Convention to it to show the illustrious character of that Legislature. It was merely necessary to read the title to that act to render the character of that Legislature illustrious in all time to come. What else did they do? Why, sir, they passed a law to which they were ashamed to give its true name. They introduced a bill to incorporate the Bank of the United States of Pennsylvania, without daring to put the name in the title.

Mr. BANKS hoped his friend from Susquehanna would not pursue this matter further, as it must lead to an unprofitable discussion.

Mr. READ said he took the hint of the gentleman, but there were a few of the acts of that illustrious Legislature which he desired to notice. It increased the paper currency of the State from eighteen to seventy odd millions of dollars, and might, with all appropriateness, be called the shin plaster Legislature, or at least that party which re-chartered the United States Bank, might be termed the shin plaster party.

Mr. BROWN, of Philadelphia, hoped the gentleman from Susquehanna would not bring this question upon us now. Come it will, in some other place, but let us wait until it is taken up in its proper place.

Mr. READ was very much obliged to the gentleman for the suggestion. That illustrious Legislature, from any share of whose glory he wished to be exempted, by interfering with subjects properly belonging to the National Government, has placed us, to be sure, in a most notable position, and this, sir, is the fruits of their labor, [holding up a yellow ten cent SUCKER note]. Allow me to read it.

The CHAIR said the gentleman was out order.

Mr. READ: Does the CHAIR decide I am out of order.

The CHAIR said he so decided.

Mr. READ: Then I must appeal from this decision, as I am desirous the Convention should hear the contents of this note.

Mr. DARLINGTON: I presume, from the appearance of it, it is a part of the gold currency.

The question was taken on the appeal, and the decision of the CHAIR affirmed.

Mr. READ: I will not then read the bill, but I will state my recollections of its contents. In one corner stands the figure 10; and then, in large GOTHIC capitals—SUCKER Institution, No. 1000. Next, it goes on to say, the SUCKER Institution promises to pay to SOLOMON CODFISH, or order, ten cents, IN SUCKERS, at the end of one year. [Loud laughter throughout the Hall.]

Mr. BAYNE: I insist upon it, that we have some order; otherwise, I think, we had better adjourn and go home.

Mr. DICKEY: I hope the gentleman will be allowed to proceed, as I wish an opportunity to bring to the test his democracy at that particular time.

Mr. READ said, he had merely wished to bring to the notice of the Convention the fruits of the shin plaster party, in that illustrious Legislature.—He had nothing more to say.

Mr. SERGEANT, (President) was sorry that the gentleman from Susquehanna (Mr. READ) had been interrupted in his remarks. That gentleman was an experienced legislator; knew well what the rules of order were; and knew well what was due from one member to another. We have been engaged in a very grave and serious discussion for some time, and he supposed the delegate from Susquehanna thought we were fatigued with this long continued gravity. He only wished, therefore, to relieve us with a little fun about the Suckers, and why should he have been stopped in his good natured remarks? He thought the Convention had entirely misunderstood the delegate. He did not wish to provoke debate, impugn motives, apply the tactics of party warfare, or wound the feelings of any body, but merely to do the amiable and make himself agreeable by giving us a little sport.

Mr. S. would now come to the amendment about which he had but a word to say. He had an objection to the amendment, and would endeavor to state what it was. He agreed with the gentleman from Northampton (Mr. PORTER) that this was not the place for this amendment, if it were to be introduced at all. It belonged to another part of the Constitution. Gentlemen might think it a sufficient answer to this objection that the question of place and order was not material.

He thought, however, that order was a good thing. He thought that justice was a good thing, and he thought it especially requisite before proceeding to condemn a law that we should be sure about our facts. He thought there was nothing more dangerous, nothing more hostile to sound legislation, and nothing more to be deprecated for its destroying effects, than the attempt, in a deliberative assemblage, to pass summary sentence upon bodies and classes of men upon no evidence at all—upon loose rumors and hearsay, in a manner, made up as we go along. What will be thought of us when it comes to be our turn to be treated in the same way in which we have been treating the Legislature of Pennsylvania; when the members of that Legislature may rise in their places and talk of us, as we have been talking of them here, and charge us with not knowing what we were about; and show us up, as being guilty of the folly of spending

two days in discussing whether or not, there was a drunken man on the election ground in the county of Philadelphia. There was nothing more unjust than these general charges. Here had been a very honest gentleman, who he knew would not state any thing he did not believe; yet he had made a statement derogatory in the highest degree, to the Legislature, which the journals of the Legislature showed to be entirely unfounded, and this arose from introducing assertions of fact here without any examination, upon mere hearsay.

Now there was nothing more dangerous than the adoption of such a course of proceeding. To be sure, if the gentleman from Northampton should be a true prophet, and such a Legislature should never assemble again, it might be that there would never be a word in reply. But his objection to this amendment was entirely different from, and independent of, all such questions and statements. He laid them aside, as of no possible consequence. In the outset he would remark, the words of this amendment are not different from the language of the Constitution as it now stands. Not in the least. Look at the Constitution, read it over, and you will find that it consists of two parts. In the first place it declares that the elective franchise shall be enjoyed by all persons possessing certain qualifications. What is the consequence of that declaration?—Why, that every man possessing these qualifications shall be entitled to vote. He did not now speak of the Bill of Rights, but of the Constitution, usually so called, as distinct from the Bill of Rights, which, nevertheless, was part of the Constitution. Does not the Constitution say that if a man is qualified he shall have the right to vote. Can the Legislature pass any law contrary to that? Where is the act of the Legislature of Pennsylvania which has attempted to deprive a qualified voter of his right to vote. If it had passed such a law, it would have been a violation of the existing Constitution, and would not require the aid of this amendment. If it had not, the question is altogether different—it is a question of discretion or expediency, which belongs to the Legislature, and not to us. Again, the bill of rights says that elections shall be free and equal. Now what does the amendment say? It says the elections shall be free and equal throughout the Commonwealth. If this meant that every man should have the opportunity of voting, and that the qualifications of voters shall be equal throughout the Commonwealth, he gave it his full assent. He concurred with those who so interpreted the Constitution that the Legislature could not alter the qualifications of voters. This however, did not take from them the power to make a registry law. Such a law did not affect the qualification, it only prescribed the evidence. That, as he understood it, was the opinion of Mr. VAN BUREN in the New York Convention, as read by the delegate from Northampton. He (Mr. SERGEANT) did not value it particularly on account of the quarter it came from. He had no particular respect for Mr. VAN BUREN's opinions before he was President, and he could not say he entertained more, since he had become President. But, on the other hand, if an opinion was right, he would not reject it merely because Mr. VAN BUREN had adopted or expressed it. He was fully satisfied that the opinion expressed in this case was a sound one, and he (Mr. S.) adopted it not because it was the opinion of the President, but because it was a sound opinion:—wherein then, he repeated does this amendment alter the present Constitution?

The argument of the gentleman from Northampton is plain enough. He says the registry law of 1835-'6 is a violation of the present Constitution. If it be a violation of the present Constitution, then it would be contrary to this amendment. If it be not a violation of the present Constitution, then neither would it be a violation of a law made in the very words of this amendment. This is perfectly clear, for the operative words of the amendment are exactly the same as the words of the Constitution. It is useless, therefore. But he objected to this amendment as accumulating, in the Constitution, redundant and unmeaning phraseology. You have already, in the first place, the definition of the qualifications of voters; then you have in the Bill of Rights a provision for preserving the rights, that is, the qualification as defined. Together, they make a complete and adequate provision. Yet, you would now put in a third provision, and that provision is substantially, if not literally, the same as the one in the Bill of Rights. A mere repetition of what is already clear. What is the use of all this? The true plan was this—and here he agreed with the gentleman from Northampton;—if the clause in the Bill of Rights be equivocal, amend the article in its proper place in the Bill of Rights, and make it efficacious, but if you introduce a third clause you only make confusion in the instrument, and furnish a pretext for disputes and controversies. But, now suppose this to be otherwise. He meant to take it in either view; that it is equivocal, or that it is clear. If it is equivocal and uncertain, it is objectionable on that account. He thought it was so. Suppose it to be otherwise, the virtue in the amendment will not be in declaring that the elections shall be equal, for *that* is already in the Constitution—but it will consist in its being an attempt to define what is meant by equality. He would request the Secretary to read that part of the amendment.

Now he thought the language was equivocal. The present Constitution declares that *elections* shall be free and equal. This amendment declares that the *election laws* shall be equal. There is not, perhaps, perfect certainty with regard to the exact force of language in the present Constitution, that elections shall be equal; equality cannot with perfect exactness be predicated of elections. Still its construction is sufficiently understood. But when you say the *election laws* shall be equal, what is meant? Does it mean that elections shall be conducted in the same manner precisely all over the State? If that be the meaning, *equal* is not the word, because you cannot, with propriety, speak of *election laws* being equal. The word ought to be *uniform*, that is, the same. If so, then that word may be introduced. Suppose it to be introduced, the effect of it is to oblige the Legislature to provide that elections shall be conducted in every part of the Commonwealth exactly in the same way. Now, is it expedient that this duty should be imposed on the Legislature? Sir, the Constitution says, as it now stands, that elections shall be free and equal. But are they uniform throughout the Commonwealth? Do not the election laws provide that in some districts the polls shall be opened two hours earlier than in others? Do they not close in some districts sooner than in others? Is there uniformity there? No, sir, there is not. It may be said this is not material. Be it so, but in the Constitution is it expedient so to tie up the Legislature that they shall be obliged to inflict an injury and inconvenience on one part of the State, because they cannot grant relief without inflicting a greater injury and inconvenience on another part of the State? Is it expedient to

restrict the Legislature so that it shall not have power to pass a registry law for some parts of the State? Sir, let us remember that the Constitution provides that the elections shall be *free* as well as equal; and he held uniformity to be subordinate to freedom. He held that system or law which, by any construction, would destroy the freedom of elections, to be destructive of liberty. You are to have both freedom and equality. But suppose, in your efforts to obtain both, you sacrifice freedom in some large districts, because your Legislature are compelled to provide for elections, that is to say, election laws, being equal. Then for equality are you to sacrifice freedom? What do gentlemen mean by freedom? He was not satisfied to understand by freedom an ideal thing; an abstraction; a thing to be argued about most vehemently and learnedly, and in the conclusion to be found about as rational, as to say that all men should wear coats of one size and shape.

He meant by freedom a practical thing; defined as far as definable, and extended to us to as great an extent as we are capable of enjoying. He did not mean freedom from the oppression of laws merely, nor from the oppression of the majority which might be tyrannical; but from oppression and wrong of every sort. Then he would ask whether the man enjoyed freedom of election who was elbowed away from the window where his vote was to be received? Those who are there before him are in the enjoyment of freedom, and will not give way for him, and he is turned off without having the opportunity of depositing his ballot. He has the right to vote, but he cannot vote. Then what becomes of your freedom of election? Will you not leave a power in the Constitution to guard the weak, the aged, the timid, who come to the polls, and, after repeated and fruitless efforts to get to the windows, go off in despair. Is that freedom? No, sir, it is sacrificing the freedom of one man, or may be ten men, in order that another may have a greater quantity of freedom than belongs to him. If you take the power from the Legislature to correct this evil, then you leave it no where. He was never present at an election in the county of Philadelphia in his life, therefore, he could say nothing about what occurred at their elections. One delegate had said he never saw a drunken man there. Well, he did not question the truth of this assertion to the very letter. That delegate only says he never saw such a man there, but it is but a day or two since he said a man had a right to get drunk on the fourth of July. He believed election day was held to be a day of equal license.

Mr. BROWN, of Philadelphia, explained. He had spoken of a particular election day when there were several thousand on the ground and he had not seen one drunk. He had not pretended to say there were not drunken men there on some other days.

Mr. SERGEANT said, in relation to that, he was not going to enter into an argument about it, unless it become actually necessary, and all he had to say with regard to the election day was, that it was a holiday; labor was suspended; the shops were shut up, and a great many went there for a frolic and fun, which no doubt added much to the inconvenience of elections. But we have certainly heard it asserted, by some, that there has been intoxication and riot and disturbance and hindrance of voters at the elections in the city and county of Philadelphia, and we have heard it denied by others. It is quite clear that some regard should be paid to those who make the affirmative assertion, rather than to those who make the negative, because

it may be that those latter gentlemen have not seen it, when, nevertheless it had occurred. The fact was, it was known in the city that a good deal of rioting and disorder had occurred at the elections at different times. He himself had seen leading men of opposite parties make a formal treaty, on the morning of election, so that every man might have a chance to vote, and the arrangement was that they should come up in ranks and each one wait for his turn, and by this means disorder was prevented. This sometimes could be done, and sometimes it could not. It was a mere voluntary arrangement. Well, sir, do you mean to tie up the Legislature so strictly that they shall have no power to secure the freedom of election? If so, where would be your much boasted freedom?

Suppose frauds are practised in elections, and persons are allowed to vote who are not qualified to vote. He was not going to speak about the facts, the rumor was, that the importation of votes was now going in the county of Philadelphia. This he knew nothing about, but he did know that such a thing is likely to have happened, and it was likely it might happen again; and, have you not a right to guard against this? Put the case, that five hundred illegal voters vote there. Does not every one of these votes diminish the value of the vote of the legal voter? May it not be, that they would turn the minority to be the majority, and put persons to rule over that majority in opposition to their clear and express will? Then again: every man who was thus brought in to the polls, was a bribed man. He was bribed to come there to vote, when he knew he had no right to vote, and had no concern in the election. He sold his vote to those who paid him, and provided him with food and drink. Here then was fraud and corruption introduced at your elections, to overpower and destroy the elective franchise; and, are you willing to bind up the Legislature, so that they shall not, if by an appropriate remedy, they can, protect the real citizen from being bullied, or cheated out of his rights by strangers, hired for the occasion—mere mercenaries? Are you to consider equality with regard to elections, to consist in every election being conducted exactly in the same way? Do not, or may not, circumstances, in different parts of the Commonwealth, require that they should be conducted differently? Are there not in the city and county of Philadelphia, large masses of voters, who have to vote at one window, or in one immediate vicinity, in a small space. Do not, and may not, the bustle, confusion and disorder, of an election in that part of the Commonwealth, present a scene entirely different from the election in a small election district; and, what he said with regard to Philadelphia, might be so in Pittsburg. Now, if the Legislature should be satisfied, that the mode of proceeding, proper to be adopted to secure the freedom of elections in these cities, were not necessary in other parts of the State, will you forbid them to legislate, to secure that freedom of elections, because, it is not necessary in other parts of the State? Or must every other part of the State be subjected to inconvenience for their sakes—to preserve an absurd uniformity? Then you sacrifice the end for the means, the substance for the shadow, and give up the sense, for the purpose of keeping the word; you destroy the very objects you have in view, and endanger elective government itself. You are not guarding the freedom of elections, unless you leave it in the power of the Legislature to employ every means they can devise to make them peaceable, safe and easy, and give to every man the opportunity of voting,

who desires it, without risk of life or limb, or an unreasonable effort of courage or patience. As to perfect equality, it cannot be brought about. He knew of no means of giving every man the opportunity of voting at elections but one, and that was too objectionable to be thought of—he meant the giving to every man, who was absent, the right to vote by proxy; and then, every man qualified, might equally vote on the day of election. If this is not done, it cannot be arranged so that every man can vote on the day of election. Some will be absent, or sick, or unable to attend—some will neglect to pay their taxes, or to be registered. All you can undertake to do is, to give every man the opportunity of voting, who desires to come to the polls and vote. With regard to the registry law, he would only say, it does not affect the substance of the qualification in the least. It had been so considered in Massachusetts, and New York, and it must be so considered here. So far as it applies to the city of Philadelphia, he had never heard a complaint with regard to the operation of it.—He had always heard it spoken of as being conducive to peace and order, and he thought it desirable that it should be continued. It was a law of freedom—the freedom of elections.

Mr. DICKEY said he believed the gentleman from Susquehanna had said, if he was not mistaken, that the Legislature of 1835-6 had introduced and passed a bill to which they gave a false title; or that they were afraid to give it its true title. If the gentleman would refer to that act he would find that the title corresponded exactly with the law itself. He would find that it was a law to repeal the State tax, extend the internal improvement system, and recharter the United States Bank. He was never ashamed of the title of that bill; nor were the party he acted with ashamed of it; and the highest compliment paid the body which passed that act was paid by the gentleman from Susquehanna himself. When that bill was introduced in the Senate the gentleman was in a doubtful situation; and if he mistook not, that gentleman asked for time on account of the depth of the snow and the state of the roads until he could ascertain how his constituents stood effected in relation to it. Other gentlemen felt prepared to act without consulting their constituents, and the bill was passed. That gentleman voted against it, and he had no doubt he voted in accordance with the will of his constituents. On a recent occasion, however, this same gentleman voted seven different times for an individual for Speaker of the Senate, who was one of those who had been denounced as bribed traitors in consequence of the votes he had given on the passage of the United State Bank bill. Notwithstanding this, the democratic member from Susquehanna with six other anti-bank members, voted for this individual who had been denounced as a bribed traitor.

The CHAIR said the remarks of the gentleman were irrelevant to the question before the committee.

The question was then taken on the second branch of Mr. STERIGERE'S amendment, and it was disagreed to—yeas 49 nays 67, as follows:

YEAS—Messrs. Banks, Bedford, Bell, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Indiana, Cummin, Curil, Darrah, Dillinger, Donagan, Donnell, Doran, Earle, Fleming Foulkrod, Gamble, Gearhart, Gilmore, Granel, Hastings, Hayhurst, Helfenstein, Kennedy, Lyons, Magee, Mann, Martin, M'Cahan, M'Dowell, Miller, Overfield, Read, Ritter, Rogers, Sellers, Scheetz, Shellito, Smith, Smyth, Sterigere, Taggart, Weaver, White, Woodward—49.

NAYS—Messrs. Agnew, Ayres, Bardollar, Barnitz, Bayne, Biddle, Brown, of Lancaster, Chambers, Chandler, of Chester, Chauncy, Clapp, Clarke, of Beaver, Clark, of Dauphin, Cleavinger, Clin, Coates, Cochran, Cope, Cox, Craig, Crain, Crum, Cunningham, Darlingon, Denny, Dickey, Dickerson, Farrelly, Forward, Fry, Fuller, Harris, Henderson, of A legh ny, Hende son, of Dauphin, Hiester, Hopkinson, Hout, Hyde, Jenks, Kerr, Koehnher, Long, Ma Jay, M'Call, M'Sherry, Merrill, Merkel, Montgomery, Moore, Pennycoker, P. Beck, Parer, of Lancaster, Porter, of Northampton, Purviance, R. Hart, R. yer, Russell, Saeger, Scott, Seitzer, Sill, Snively, Swetland, Thomas, Todd, Woodman, Sergeant. *President*—67.

So the question was determined in the negative.

Mr. MARTIN moved the following amendment: "Provided, that the rights of an elector shall in no case extend to others than free white male citizens".

The committee then rose, reported progress, and obtained leave to sit again in the afternoon, when

The Convention adjourned.

## FRIDAY AFTERNOON—4 o'clock.

### THIRD ARTICLE.

The Convention again resolved itself into committee of the whole on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending being on the motion of Mr. MARTIN, of Philadelphia, to amend the amendment, by adding to the end thereof the following proviso: "*Provided also*, That the rights of an elector shall in no case extend to others than free white male citizens".

Mr. MARTIN said, he would now proceed to state his reasons for offering this additional provision. In doing so, he would be as brief as possible, being informed that there was no disposition among members to enter into the discussion of this topic, and would only say a few words on the merits of his proposition. By reference to the journals of the House of Representatives of 1831, 1832, page 838, he found that the number of black males, in the city and county of Philadelphia, was 6757. That being the number five years ago, it must now have become more than 8000. The increase of colored inhabitants in this State, from the year 7790, is larger, in proportion to the members, than in the white population. The great increase of the colored population, the fact that it is still increasing rapidly, and the certainty that, after the adoption of the Constitution we are now making, the increase will be still more rapid, constitute the reasons which induced me to offer this amendment. I find, in addition, that in all the States west and south of us, commencing with Ohio, the giant of the west—a State to which we feel proud to be near; whose progress, in all the arts and sciences, in civilization and moral worth, we are proud to acknowledge; our immediate sister, lying on our own borders—precisely the same provision is introduced into their Constitutions. Following out all the great western States, to the State of Delaware, only a few miles from our own doors, we find the same policy prevails, except in the State of Kentucky, where the Indians also are inclu,

ded. My fears have been excited by the existing state of things, and lest the door of the right of franchise should be opened wider than before, as the amendment of the gentleman from Chester, evidences a decided disposition to favor the class of individuals to which my proposition refers. In Philadelphia, we have hitherto escaped being associated with these persons at the polls, owing to a construction put on the Constitution, that the right to vote could not be exercised without a previous assessment. But, although this is the case in the county of Philadelphia, it is not so in other counties, for, I understand, that these persons are in the habit of voting in several of them. The situation of the country, the fate and destiny of elections will, in future, depend pretty much on the fate of this amendment.— There are some of the wards of the city, in which I find, if the Constitution give them the right, that they will be able, not only to carry the wards, but to distribute all the offices, independent of the wards. It is not necessary for me to say any thing as to the result of such a condition of things. It is always wrong to hold out to these people, that they can rank on an equality with the white citizen. There always must be an inequality. If it is a folly for me to strive to reach the standard of the loftiest intellect, I may be permitted to say, that these persons are as far below me. Yet, if they cannot advance to that rank, which is out of their reach, it does not follow that they must retrograde. Is there any thing to justify the opinion, that these individuals can bring into the ranks of our citizens that weight of intelligence which should induce us to admit them to take part in our contests, shoulder by shoulder, and side by side. In making this remark, he had no intention to depress any man, or any set of men. But, why should we attempt to delude men with promises which can never be realized, and by holding out to them something which can never be carried out. Our fathers commenced the labor of attempting to elevate the Indian character, and did every thing in their power to raise the aboriginal standard to an equality with our own, to fit them, by education, to mingle in our social circle, our temples of religion, and our legislative halls. It turned out a total failure. And, this is one of the evidences, that it is altogether futile and useless to pursue the experiment of making the African and Indian equal to the white citizen. I recollect seeing, when a boy, some of these Indians going to college, and have since discovered, that they made no other use of their education than to beg from door to door, and ask for whiskey, in Hebrew, Greek, and Latin. The novelty of the circumstance enabled them to succeed. If the attempt to elevate the Indians turned out a failure, any effect to raise the colored population would also result in failure. What is the state of things in Pennsylvania? Much has been done for these people—schools have been kept up—they have been instructed in all the sciences, and in the rudiments of religion, and I have known but one solitary instance of a good result, although I have lived forty years on the same spot, and have been well acquainted with all that has been done. There is a black gentleman in Philadelphia county, JAMES FORTUNE, a sail maker, who is an exception. What is his situation? He has accumulated property, obtained a respectable standing, and, in consequence of his color, is noticed more than a white man would be in the same situation. I will say, therefore, that all these attempts are fallacious, and that nothing can be done to place the colored race by the side of the whites. But, if we are to open our doors,

and spread it far and wide, that this State is a depot for free negroes, slaves and runaways, what will be the consequence? Let gentlemen walk through Philadelphia, and see for themselves, and be convinced. They came together there from all the southern States, and have so corrupted each other, that they are now in a situation far worse than the bondage from which they have escaped. It is impossible to walk through Cedar ward, in a clear warm evening, for the black population. If it were just and reasonable to suppose that they could be elevated to the level of the white population, they might have received some portion of our care and attention. The subject, which has become such a fashionable theme, was first taken up in England. A great man who had nothing to do, but to hunt out something to build a name upon, set it on foot. A species of fanaticism sometimes takes possession of good men, and they are carried away by a belief, that a great deal more is yet to be done than ever has been done.— This, however, is not a correct view. Look at the country where this false humanity had its origin, and you will find these philanthropists overlooking the squalid poverty, the necessities, and privations of the white population around them, which ought to have commanded all their sympathy, and taxed their utmost ability to relieve, and devoting their feelings and their funds to the population of Africa. Again, does any one believe that the condition of the African race here, is worse than in their own country? Who is there that believes this? No sensible man believes that the black man is worse off here than in Africa. If there is any who does believe it, let him read the history of Africa, and compare the situation of their people there, with their condition here, and he will be satisfied, that they have a far better portion of the comforts of life here than where they come from. Again, we ought to consider that we are undermining a population we are much more bound to than to them, when we talk of admitting these blacks to equal rights and standing with ourselves. None of us owe any debt to the black population. They are clearly off our hands. No one imagines that we have had any thing to do with bringing them here; and, therefore, we are clear of the sin. The state of the white population is growing worse. We are fast treading on the heels of Europe. No one can take up the history of Europe, without seeing what is the miserable condition of that country, where the white population are compelled to endure hardships far worse than any which are endured by the blacks in this country.

I do not intend to travel further into this subject, as I understand there is no disposition to debate it. The reasons I have offered will be nearly all that can be required of me. I shall reserve the right, if any discussion should arise, to go more fully into the subject. I will mention one or two subjects more, and then leave the result in the hands of the committee.— Has the Convention come to the conclusion, that numbers only ought to determine every thing at the polls, and that mind and intelligence are to have no influence? Why did the experiment of building up a republic in France fall through. They endeavored to follow our example, and if they did not succeed, it was not for want of numbers; in that respect, they far exceeded us. My opinion is, that the republican experiment there fell through, in consequence of the voters not having mind, or not permitting that mind to control them. Gentlemen would remember, that when the votes were being taken for a First Consul of France, the officer who com-

manded a regiment used this language : "Comrades, you are entirely free to vote as you please, but if you do not vote for the **FIRST CONSUL**, you will be shot at the head of the regiment". This was the cause of the failure of the experiment. And, if we admit the 7000 blacks to the polls at Philadelphia, they will be ready to go as they may be directed, influenced, and worked upon by some master of intrigue. It is in vain to tell me, that these individuals are on the same scale in society, and gifted with the same intelligence, as ourselves. Who are we, and where do we come from! And, I will here say, that these remarks are not made from any ill will or hatred for this people. If I know myself, I am free from the littleness of malice, or any malevolent or rancorous feeling against them. But when I look at them, and then at myself, and at what the world is composed of, I cannot but see a vast difference. We are the descendants of Europe—some of us of English origin, others of Irish, Scotch, German, and Spanish. Our sires were the masters of the civilized world, an immeasurable distance in advance of all the other population of the earth. And, this has been the case for some hundreds of years. Go into the sandy climes of the east, and select the inhabitants, and tell me if they stand on an equal eminence. We have been in advance, and have given a tone to civilization throughout the world, and why are we now to think of retrograding and going down? Although our residence is not in Europe, we are of European descent, not the "degenerate sons of noble sires", but possessed of all those admirable qualifications which belong to those from whom we have sprung. Mr. M. concluded with expressing his regret at the mistaken course which had been taken by good, but misjudging individuals, laboring under the delusions of prejudice and bigotry, in reference to the black population. He did not impute to them criminal designs; he believed numbers of them to be acting conscientiously, and for what they believed to be pure and proper ends. But, he reminded them that "charity begins at home", that there is a wide scope for the operations of benevolence within our own class and color of population; and, that their labors were tending to flood the State with a refuse population, ignorant, indolent, and fit to be instruments of evil. He then closed his remarks with stating, that if it was thought proper to take the question without debate, he would take leave of the subject altogether; if not, he might feel himself called upon to go into the full merits of the question, in order to shew why it is not in our power to prevent such a provision as was contained in his amendment, from going into the Constitution, without violating the high trust and duty which the people of the Commonwealth had entrusted into the hands of this Convention.

Mr. FULLER, while he agreed, he said, that something conclusive should be done in respect to our black population, regretted that the gentleman had thought proper to introduce the subject at this time. He wished it might be held back till towards the close of the session, well knowing the agitation it was likely to produce, at whatever time it might be taken up. It would be more satisfactory to the public, and less hazardous to the general business of the Convention, to take it up towards the close of the session. Then it could be put in a separate article, and left to the people. He asked whether it would be in order to move its postponement for the present.

The CHAIR had some doubts whether it would be in order.

The report of the committee would be the question until it was amended, even if the postponement was now agreed to, it would extend no longer than an opportunity to call up the amendment again.

Mr. FULLER asked if the previous question would cut off all amendments, and leave the question on the report of the committee.

The CHAIR replied in the affirmative.

Mr. FULLER said this being the case, he would request the mover to withdraw the amendment for the present. The discussion of the subject here would consume much time and produce great excitement, and such was the state of feeling on the subject in the Commonwealth, that the adoption of the amendment would, no doubt, prevent the people from accepting the Constitution.

Mr. MARTIN disagreed with the gentleman from Fayette, as to the effect of the adoption of the amendment on the vote of the people. He thought it would secure the adoption of the Constitution by an overwhelming vote. He would not withdraw the motion. Gentlemen might vote it down if they pleased.

Mr. WOODWARD had hoped, he said, with the gentleman from Fayette, that the motion would be withdrawn for the present. It had long been a vexed and unsettled question, whether colored people had a right, under the present Constitution, to vote. It had taken the proper shape for a legal decision in his county. A case from the county of Luzerne was now pending in the Supreme Court of the State, and it would be decided in July next. If it should there be settled that they have not the right, there would be no necessity for introducing any amendment on the subject.

Mr. MARTIN said, nothing could be settled by a decision of the Supreme Court upon the old Constitution, for the clause was about to undergo an alteration.

Mr. DICKEY did not see, he said, why there should be so much anxiety to avoid this question. We might as well come up to the mark and meet it. We might as well say what we mean by freemen, and whether colored persons have a right to vote. But the amendment was itself ambiguous. Did the gentleman propose to exclude all who are not *white*? Will he explain what he means by "white freemen". Does he mean to exclude all persons of a tawny hue? What standard of color does he intend to propose?

Mr. MARTIN did not suppose, he said, that the gentleman was in earnest in asking the question. There could be no difficulty in ascertaining who were white citizens. He meant to exclude the colored population, instead of holding out to them the delusive prospect of an equal participation in the rights of citizenship. It was a proper subject for our action, and it was a question which, sooner or later, must be met. Here it could be met, free from political or popular bias, or excitement. He trusted we should meet it like men, and decide it.

Mr. DICKEY: The gentleman has not answered the question. He has not told us whether all colors, except white, will be excluded by the amendment—whether all the various shades, departing from white and carnation, are to be disfranchised. He came here under a Constitution, which said nothing about white, or about colors, and, he was as well prepared to vote on the question now, as at any future period. His consti-

tuents, he was sure, did not expect this question to come up, and did not desire any action upon it. He did not believe that this was one of the amendments that the people of Philadelphia county had instructed their delegates to vote for. The gentleman, therefore, was probably violating his own instructions in proposing it, and, if not, he was certainly violating the cut of his coat.

Mr. MARTIN : That is for me to judge of.

Mr. DARLINGTON said, the further discussion of this subject would be attended with great excitement, and to no good purpose. A case has arisen, as is known to every one here, which involves this whole question. It will be argued in the month of July, before the Supreme Court of Pennsylvania, without any appeal to passion or politics ; and, should it be settled as the opinion of the court, that the present Constitution does not extend the right of suffrage to blacks, every officer of an election will be governed by it. He hoped the gentleman would see the propriety of withdrawing the motion.

Mr. FORWARD remarked, that it was the general wish, as far as he had heard, that this question should be taken without debate, after hearing the explanations of the mover of the proposition. No benefit could arise from an excited discussion of the question here. He hoped gentlemen would come to the question at once, and decide it without further discussion. In the present state of the public mind on this subject, any amendment in regard to it, would only tend to array so powerful an opposition as to defeat the whole Constitution, which we may submit. Suppose we agree to an amendment excluding all colored persons from voting. It would never be agreed to. On the other hand, if we should expressly give them the right of suffrage, the whole Constitution would be rejected by the people. He had no idea that the Constitution would be submitted in any other way than as an entire instrument, and, therefore, any unpalatable provision would defeat the whole work. When the excitements of the day are passed, the matter can be settled, whatever may be the decision of the Supreme Court.

Mr. REIGART liked the suggestion of the gentleman from Fayette, to postpone the subject. If it could now be postponed, he would move that it be postponed for the present.

Mr. DICKEY : It cannot be postponed. It may be brought up again, at any time, on the motion of any member.

The CHAIR said, if postponed, it would remain postponed, until some one should call it up.

Mr. DORAN asked the yeas and nays on the motion to postpone.

Mr. M'CAHEN said that as the yeas and nays had been demanded, he would give some reasons that would govern his vote upon the question before the committee. He had been informed that it was a historical fact, that, in the Convention of 1789-90, the committee upon that article of the present Constitution which embraces the right of suffrage, presented a report which read, that all *white* male citizens twenty-one years of age and over, should be entitled to vote. ALBERT GALLATIN, who was a member of that Convention, thought that the word *white* was too indefinite ; that it might exclude him from the enjoyment of the rights of a voter ; and upon his suggestion, the word was stricken out. He, (Mr. M'CAHEN) apprehended, that at this day, there could not be any doubt as to the meaning of

the word, and we should determine at once, whether the colored population could vote or not; leave nothing for the construction or decision of the assessors and inspectors of the election; if they were entitled to vote in one part of the State, they should be entitled to vote in every part of it; and the assessor who neglected to assess them violated the law. No distinction should exist; but, Mr. Chairman, said he, carry out the principle; if they should be entitled to vote, place them in your jury box, elect them as members of the Legislature, and to any and all of the offices established by your laws; appoint them Justices of the Peace, Judges of your courts, and then you may say you are real philanthropists; he confessed that there would be true republicanism in witnessing upon the bench of your *Supreme Court* the *presiding Judge*; the offspring of *Africa's shores*, sitting in *brotherly and religious companionship* with his *white brethren*, deciding upon your *rights*, your *properties*, and your *lives*.

If you will not consent to carry out the principle, but assert that it is impolitic to touch it, you cannot really be their advocates. He could not consent to oppose the principle of liberty—he could not interpose an opinion against the relative rights of any human being—he was opposed to slavery either of the mind or the body—he was in favor of the right of petition, and the petition or prayer of the colored man should be heard and respected; but in giving this vote, he would discard all motives of policy, and unless gentlemen would meet the question broadly, it was hypocritical of them to boast of the “rights of freemen”. Let the milk of human kindness instruct us to act our parts—encourage our fellow citizens to intermarry with them—not revolt at it—do not boast of your advocacy of the *poor negro*, if you mean only to give advantages to the *rich one*. Where will this principle lead you to? If the professions of gentlemen are sincere, why do they not carry them out in practice? When he found this illustrated, he would give credit for the amiable and virtuous motives which governed them. If they are not permitted by you, from motives of *policy*, *public opinion*, or *pride*, to enjoy these other rights of citizens in your State, it is in vain for you to object to the adoption of the amendment before the committee. He would at this time vote for the amendment.—The disposition to record a different vote upon mere mature deliberation, he reserved to himself; he would not, at this time, leave doubt in the Constitution as to who should or should not enjoy the right to vote.

Mr. BROWN, of Philadelphia, said he wished he could give a silent vote on the question, for he knew how desirous the committee had been to avoid the consideration of this subject at this time, and how anxious it now was to prevent a lengthened debate. He would say nothing to provoke a reply; but he felt the subject to be one of too much importance to give his vote upon it without giving his reasons for that vote. He had no agency in bringing it before the Convention; but, like any other subject that might come before it, he would not shrink from giving it a full consideration. No question had been decided, or would be decided by the Convention, of so much importance; being nothing less than to recognize the right of many thousand inhabitants of the State to a political equality with the rest of its inhabitants, or to deprive them of that right. This certainly was a question of too great magnitude to be satisfactorily determined thus briefly and quietly; but it was for every delegate to consider this matter for himself. The amendment of his colleague, (Mr. MARTIN) he said, went to exclude

from the rights of an elector all negroes and persons of color; and it had been asked by the gentleman from Beaver, (Mr. DICKEY) how it could be determined who such persons were? It would only be necessary to refer to the Constitutions of several States in the Union, where similar provisions were found, and where no difficulty had ever occurred; besides, this question had been settled by the laws of the United States; they had defined the meaning of the terms, and had established the principle that no negro could become a citizen of the United States. But does the gentleman mean by this question, that there is no distinction, or that it cannot be settled? The gentleman from Luzerne (Mr. WOODWARD) says, the question whether the negroes were "citizens and freemen", within the meaning of the present Constitution, was now before the Supreme Court, and that we ought to await its decision before we made any further provision on the subject. Can it be, that we ought to leave to the Supreme Court, or to any other tribunal on earth, the power to say who are to be recognized as citizens and electors? This belongs to the people alone, and to them it ought to be submitted. The very fact that it is a subject of legal doubt ought to induce us to submit it to the people for their decision. It is our duty to do so, and no matter of policy ought to deter us from the performance of that duty.

Mr. B. would repeat again, that the question was one of great importance—the position that this race of people occupied in these United States, or that they were hereafter to occupy, was one that no one could look upon with indifference: and he thought it was one that ought to be settled now. The longer it was postponed, the more difficult it would be. If the committee would look back to the situation of this race at the period of the formation of the present Constitution in the United States and in this State, and compare it with the present, they could not but see the great change that had taken place, and how necessary it was now to mark more definitively the lines that were to separate, or the bands that were to unite them with the white race. The gentleman from Allegheny (Mr. FORWARD) tells us it is a dangerous question to touch—that if we incorporate with our amendment the one under consideration, it will jeopardize them all.—And why? Because there are a strong party of abolitionists in the State. Is this so? Do the abolitionists aim at elevating the negro race to a political equality with the white? If this be their object, said Mr. B. the sooner the people of Pennsylvania know it the better. He (Mr. B.) had thought, it was their rights as human beings the abolitionists had been endeavoring to establish, not their right to a political equality. He thought it was the deprivation of their natural rights, not their social or political rights, that had called forth the sympathy and the devoted exertions of the abolitionists in their behalf. If they have other aims and intentions than the restoration of the former of these—If they demand for the negro political and social equality, whatever may be the consequence, it ought to be known now, and the people of Pennsylvania would demand its avowal.

Did the framers of the present Constitution intend to extend to the negro race the rights of citizens, particularly that of an elector? Or does its provisions justify such a construction? The case alluded to by the gentleman from Luzerne, shows that it is doubtful. But what has been the practice under it? Mr. B. said he had not known certainly, before he came into the Convention, that any negro had ever voted in Pennsyl-

vania; but he had been told by gentlemen of the Convention, that there were some hundreds voted in York county; some thirty or forty in Bucks, and many others in various parts of the State. In the city and county of Philadelphia, he did not believe one had ever voted. Now, said Mr. B. is this just? Ought one portion of the people of Pennsylvania to be deprived of a right that is enjoyed by another portion? Why should the rich negro of Bucks be entitled to a vote any more than the humble negro laborer of Philadelphia? Is it because the one has property, and the other has not? By the same rule, the white farmer of Bucks ought to vote, and the white laborer of Philadelphia ought not. If we give to the negro the right of an elector, it is not because he has property, but because he is a man, and a citizen, and, as such, if extended to one, it should be extended to them all—to the poor negro as well as the rich. If we made any distinction between the white man and the negro it should be because God and nature had made that distinction; but there could be no republican rule by which we could make a distinction between the rich negro and the poor one—the negroes of Philadelphia, and those of York, or Bucks, they should have equal rights, and the laws should protect them in their full enjoyment.—But, why is it that this distinction has been made? Why are they allowed the rights of an elector in one place, and denied it in another? Gentlemen on a former occasion have told us why. It is the tax qualification which some gentlemen told it us was necessary to retain, to prevent the negroes—the “sweeps”, as the gentleman from Bucks terms them, from voting. It it intended that the rich negro shall vote who has property to tax, and the poor white man who has none, to be excluded? Or is this the tenure by which the rights of an elector are held? It is the mere will or caprice of an assessor that determines this great question, which ought to be determined by the Constitution alone. This is what gives to the poor negro of York and the rich negro of Bucks the rights of citizenship, and which deprives thousands of both rich and poor of the same right in the city and county of Philadelphia; and that may give it to every negro in the State. Such practices ought not to be tolerated in a Government of laws. It was justly said by the gentleman from the city, (Mr. SCOTT) on another occasion, that a fraudulent vote put into the ballot box in any other part of the State, was a wound inflicted on the whole State. If, then, a negro is allowed to vote in York county, and is not allowed elsewhere, is not the whole State injured? Elections are to be free and equal. And as that gentleman also said, that all qualified voters should be protected in their rights—I would ask that gentleman if negroes should be protected in their enjoyment of this right in the city and county of Philadelphia?

If we concede to them the rights of an elector, the mere right to vote, this will be but one step, which, if we take, we are bound, by all the principles of our Government, to carry fully out. This determines their character as citizens. When this is acknowledged, they are, or ought to be, entitled to the rights and privileges that this title confers. If they have the right to vote, they ought, as my colleague (Mr. M'CAHEN) states, to have the right to be elected to the Legislature, and to be judges and jurors; and, this last right was of far more importance to them than any other.—The Constitution and the laws recognized the right of citizens to be tried by their peers. It was well known that great prejudices existed, in some

places, against negroes. It was, therefore, of the first consequence to them to be tried, in part, by those of their own color; but, when could this right be extended to them? He would leave the committee to determine. Again, (said Mr. B.) if we say they are citizens, and giving them the rights of an elector makes them such, they become a part of the State, and ought to bear her burdens, and assist in her defence, to be enrolled in the militia, and form a part of her armies. And, if they thus fight the battles of the State, the path of honor ought to be open to them, and you should make captains, colonels, and generals of them! Can you do this? Yet, all this is the necessary consequence of the rights of an elector, which acknowledges them as citizens. This is the higher right—the rest must follow, I ask again, are the people of Pennsylvania prepared for all this? Are they willing to break down all the barriers that divide the races, and make them in all things equal? If they are not, why hold out to them expectations that can never be realized? Why give them any reason to suppose, that they are entitled to equal rights and equal privileges with the white man, when, by our laws, and the laws of society, they are not, and cannot be permitted to exercise them? This is slavery, indeed! Worse than all the slavery of the south. In the south, they are taught from their cradle that they are inferior to the white man. They believe it, and feel not their degradation. But here, you teach them that they are equal with the white man—but this equality confers no equality of privilege. It elevates them not—they must live among you as degraded beings. Is this liberty? Is this equality? If we are ready to grant to them political equality, let us do it fairly, and guarantee its exercise fully. But, as full and equal rights and privileges have been refused them, and could not be exercised by them, he (Mr. B.) would never consent to make invidious distinctions among them, or place them in a doubtful and dangerous position. He would not

“ ———— *Keep the word of promise to the ear,  
And break it to the hope*”.

He would have them fully protected by the laws; but, he was well satisfied that his constituents would not, at present, sanction equal political privileges. He would, therefore, place them where they had heretofore been supposed to be placed in this State, and as they were now placed by positive provisions in the Constitutions of Connecticut, and perhaps other of the old States, and the new States of Ohio, Indiana, Illinois, and Michigan, of the non-slave holding States. This would be better for them, and for the peace and safety of the State, and the Union. These were the reasons, in part, that induced him to vote for the amendment.

Mr. DORAN, of Philadelphia, asked for the yeas and nays; and,

The question being taken, was decided in the negative—yeas, 49; nays, 61—as follows:

**YEAS**—Messrs. Bedford, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Crum, Cummin, Curl, Darrah, Dickerson, Dillinger, Donagan, Donnell, Doran, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gilmore, Harris, Hastings, Houpt, Hyde, Kennedy, Magee, Mann, Martin, Cahen, Miller, Myers, Overfield, Porter, of Northampton, Read, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Smith, Smyth, Snively, Sterigere, Swetland, Taggart, Weaver, Woodward—49.

**NAYS**—Messrs. Agnew, Ayres, Banks, Bardollar, Barnitz, Bayne, Bell, Biddle, Bonham, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Coates, Cochran, Cope, Cox, Craig, Crain

Cunningham, Darlington, Denny, Dickey, Earle, Forward, Hayhurst, Hendererson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kerr, Konigmacher, Long, Lyons, Maclay, M'Call, M'Dowell, M'Sherry, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter, of Lancaster, Purviance, Reigart, Russell, Saeger, Scott, Sill, Thomas, Todd, Weidman, White, Young, Sergeant, *President*—61.

Mr. HAYHURST, of Columbia, moved to amend the amendment, by inserting after the word "taxes" these words: "And free male citizens, qualified by age and residence as aforesaid, who shall, within two years next before the election, have paid any public tax required by law, shall also be entitled to vote in the district in which they shall reside".

Mr. H. said that, perhaps, this was not the appropriate place for the amendment to come in. His object in introducing it, however, was to give the right of suffrage to every citizen who had paid a State, county, road, school, or poor tax. It had happened that a man had gone and presented his vote, with a receipt of his having paid the poor tax—when he was told by the election officer that he had not paid his county tax, and consequently he could not vote. Now, the object of his amendment was to extend the elective franchise, to the greatest possible limits. He would not be in favor of any tax, were it not for ascertaining a man's residence.

Mr. STERIGERE suggested that the amendment would come in better between the first amendment, and the amendment just adopted.

Mr. HAYHURST had no objection, to this course, and modified his amendment so as to come in after the word "taxes".

Mr. DARLINGTON thought the amendment could be amended at any place provided there was nothing taken from it.

The CHAIR said the motion was that the proposed amendment come in between the two amendments which had been agreed to.

Mr. DARLINGTON would suggest that the gentleman might attain his object by inserting in the amendment the words "or other public taxes".

Mr. HAYHURST said he had enquired whether he could insert his amendment in one of the amendments which had been agreed to, and it was decided to be out of order.

Mr. DARLINGTON thought, if that was out of order it would be out of order to insert anything between the two amendment adopted, because, as he viewed the matter, they were then an entire proposition.

Mr. STERIGERE considered that the amendment was in its appropriate place, as it did not interfere with, or trench upon either of the other amendments.

Mr. HAYHURST then called for the yeas and nays on his amendment, which were ordered.

Mr. DARLINGTON said, he had only made the suggestion for the purpose of getting the amendment in the right place. He could not, however, agree with the gentleman, that it was necessary to extend the right of suffrage any further than they had already extended it. Already we have extended it, so that all who have resided in the State one year, and paid a State or county tax, are entitled to a vote, and he thought this amendment would merely have a tendency to make the matter more complicated.—Every individual in the community is now liable to be taxed for State or county purposes, while it was a known fact, that road taxes operated upon some, without operating upon the whole community. The school tax was not a general tax, although it was a public tax; to some townships

it does not apply to all. It seemed to him wholly unnecessary to introduce any new provision on this subject, and he should feel bound to vote against this amendment.

Mr. CLARKE, of Indiana, wished to call the attention of the committee to the principle contained in this amendment. The majority of the committee have decided, that the tax qualification shall be retained in the Constitution. He was always disposed to acquiesce in the decision of the majority, and, as he understood from the expression of opinion which we have had on this subject, it had settled down to this point, that the tax qualification was only to be retained, because they wanted some evidence of residence; and, it seemed to be agreed on all hands, that the Convention desired to give every person a chance to vote, who was entitled to vote. If then, this was the case, why not multiply the chances of a man's getting a vote. It is well known we have not had a State tax for forty years, except for a very short time. We have no State tax now, and hence a man has but one chance, and that is the county tax. Well, a case might easily arise, where a man neglected paying his tax until the day of election, and it might so happen, that the collector of county taxes would be absent, or not to be found, and, by this means, a citizen would be cut out of his vote. But, give him a chance of paying the other taxes proposed by the gentleman from Columbia, and he will be secured in this sacred right. Give him a chance of paying any public tax laid by law, and that will multiply his chances of getting a vote, and identify him with the district in which he gives it, and this seemed to be all that was wanting. Then, if he does not meet the collector of county taxes, he may meet the collectors of borough, road, or school taxes, which will save him being deprived of his vote. He had merely risen for the purpose of calling the attention of the committee to this subject, hoping the amendment might be adopted.

Mr. AGNEW said, the word public, made use of in this amendment, was very indefinite, and might mean almost any thing. He did not conceive, that the proper evidence could be obtained in cases of borough, road, or poor taxes. He apprehended that the reason why we adopted State or county tax, in the amendment we had made to the Constitution, was this, that you must have a record of the taxable inhabitants to carry it out.— It was made the duty of the County Commissioners, in cases of county tax, to furnish the election officers with lists of the taxable inhabitants, which was the evidence of residence desired, and which was a complete protection against fraud; and, he apprehended, that one of the great reasons for inserting State or county tax in the amendment, was to prevent fraud, as it would confine every voter to his proper district. But, if he has paid any other tax, what evidence have you that he has paid it. It had been admitted on all hands, that the payment of the tax showed no more strength of mind, and made the person no more capable of exercising the right of suffrage, but that it was merely imposed as an evidence of residence; but, if you extend it to taxes, over which the County Commissioners have no jurisdiction, you have none of the evidence at all which is desired, and when the man comes to the polls to vote, you have no evidence at all of his residence in the district, except his own word.— A man, in this way, might claim the right to vote in two or three districts, and the only evidence you would have, would be his word, or his oath.—

If you allow a principle of this kind to be adopted, frauds will be committed to an enormous extent, and perjury will stalk abroad without the means of correction. For these reasons, he could not see that it would be proper to extend this right any farther than had been adopted by the committee.

Mr. HAYHURST said, he was well aware that, in some instances, persons might offer to vote without there being any record evidence of their citizenship in the district, but he was as well aware that this principle would not introduce any more cases of this kind than exist at present. In the first place, the commissioners of the county will furnish certified lists of the taxable inhabitants, in each township, to the election officers, and all persons coming up to vote would find their names there recorded, if they were residents of the township. All other taxes are based upon the county rates and levies, so that the lists furnished to election officers will actually contain all the voters in the election district, if it is correctly made out.— Then, all that was to be done when a man comes forward to vote, is to refer to this list, and see if his name is there. If so, he was entitled to vote by this amendment, in case he had paid any tax at all, and the evidence of that would be the receipt of the collector to whom he had paid the tax. But, he wished to extend this matter so that it will not be necessary for a man to pay a tax for the support of the poor, or for the education of the children of the county, to obtain a vote, but that he may be entitled to it if he has worked on the road, because, it might be that a man might not have the specie to lay down to pay his tax, when he had a strong grasp to handle the hoe on the highways, and he asked that he might have the privilege to vote, in consequence of having done labor of this kind sufficient to pay his tax. \*He wished every man to have a voice in the selection of his rulers, who had contributed any thing in any way to the public, either by the payment of a tax, or by the labor of his hands. He did not, however, wish to have the right extended so as to permit frauds to be practised in our elections, but merely, so that every citizen of Pennsylvania, who has paid a public tax, may have the privilege. But, say gentlemen, where is the evidence that he has paid this tax? Why, the evidence was in the receipt of the overseer of the poor, the receipt of the treasurer of the school district, or any other public officer to whom he had paid his tax. The list furnished the election officers, by the commissioners, will be the evidence of his residence in the election district, and the receipt will be evidence that he has paid his tax. This, he thought, was not asking too much, and he hoped the committee would sustain this amendment. He knew it was not in the most appropriate place, but he asked that the principle might now be recognized, and on second reading, it can be inserted in its proper place.

Mr. DICKEY should vote for the amendment of the gentleman from Columbia. He was opposed to the tax qualification, but as it had been decided by the committee that it should be retained, he was under the necessity of acquiescing with it. He was, however, anxious to see any proposition introduced which went to extend the right of suffrage, and whenever such proposition was introduced, he would be found voting for it.— He would not, however, hold himself bound to vote for the amendment as amended. When the question came to be taken between it and the report of the committee, he should vote against the amendment, with the hope that we may yet dispense with the tax qualification.

Mr. SMYTH, of Centre, was disposed to go for the amendment where it was, because, he thought, if it was not adopted, injustice might be done to poor men, because of their not being able, in many instances, to pay the necessary tax. The commissioners in each county make out lists of the taxable inhabitants, but before the time comes round for paying the taxes, the laboring man, in many cases, may have moved into another district, and when he comes to vote he may be deprived of the privilege, in consequence of his name not being on the assessor's books. But, he may have worked on the roads, or paid a poor tax, and this would entitle him to a vote, in case this amendment should be adopted. In some counties, the road tax and poor taxes were higher than the county tax. In his own county, the road tax was five and a half mills to the dollar, while the county tax was only two and a half. Hence, he thought, there might much benefit result from this amendment, and he hoped it would be adopted.

The committee then rose, reported progress, and obtained leave to sit again to-morrow, when

The Convention adjourned.

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SATURDAY, JUNE 24, 1837.

Mr. MAGEE, of Perry, presented a memorial from citizens of Perry county, on the subjects of Banks and Banking, praying for legislative restrictions.

Mr. M'CAHEN, of Philadelphia, presented a memorial from citizens of Philadelphia county, similar in its import and prayer.

These memorials were laid on the table.

Mr. MERKEL, of Cumberland, presented a memorial from citizens of Cumberland county, praying that the trial by jury may be extended to fugitives from labor, which was referred to the committee on the ninth article of the Constitution.

Mr. MANN, of Montgomery, submitted the following resolution :

WHEREAS, it appears to this Convention, from the progress hitherto made, that it is almost impossible, that the duties we were sent here to perform, can be accomplished and brought to a close before the unhealthy part of the season (viz : dog days) commences ; and whereas, so large a body of individuals, congregated in one house, would doubtless greatly impair our health, if not endanger our lives :—Therefore,

Resolved, That this Convention will adjourn on the 7th day of July next, to meet again, in this place, on the 17th day of October ensuing.

The resolution being under consideration, and the question being on the second reading, it was decided in the affirmative—yeas 53, nays 28.

Mr. PORTER, of Northampton, moved to amend the preamble, by adding these words : “ And whereas, there are a number of farmers in this Convention, who are anxious to go home, and get in their hay and harvest”.

The PRESIDENT decided it to be out of order to amend the preamble.

Mr. HIESTER, of Lancaster, said, he had hoped the Convention would not have been again perplexed with motions of this character. He was entirely opposed to adjournment. We were sent here, with the implied

understanding, that we should complete the work which was confided to us; and, any gentleman who could not make up his mind to stay here, should have said so when he was nominated. We ought to finish before we adjourn. We can do as much in two months now, as we shall do in five months, after we return from a visit to our homes. After seeing his constituents, every gentleman will return with his head full of plans. In addition to this, it might be urged, that the Convention cannot get through the residue of its labors, from the 17th of October to the first Tuesday of December, when the Legislature will meet. It will be impossible for the Convention to get through, and the Legislature will require this Hall, and we shall have to find a new place for our deliberations. The expense of our going and returning will also be charged to the Convention. There are some of our members, who may be called to Congress, in September. The PRESIDENT will have to attend to his duties there, and Mr. INGERSOLL expects to go there. There were several gentlemen round him, also, who are likely to be selected by the people at the elections, in October, for public trusts, and resignations would probably take place, so that we may expect to be deprived of many of our members, and special elections would have to take place. Why is all this to be? Why shall we not go on, and finish the business? Any gentleman, who cannot make his arrangements to stay here, ought not to have come. The people will not be satisfied with our leaving the work unfinished. Letters have already been received by gentlemen, in which strong dissatisfaction is expressed. I hope, therefore, that the Convention will vote down this resolution. It will be yet two months before the sickly season will come on, and, even then, this place is not more sickly than any other country town. The oldest inhabitants assure me, there is no more sickness here than in other places.

Mr. KERR, of Washington, said, he regreted that the gentleman from Montgomery had deemed it to be his duty to offer the resolution now under consideration. He had supposed that, when a similar resolution, for a temporary adjournment, was before the Convention, a week ago, a sufficient indication was then given, that a majority of this Convention was opposed to any adjournment, until the business was finished for which it assembled. Will we, by passing this resolution, determine that we will adjourn on the 7th of July, let the situation of our business be what it may at that time? It is said that a majority can at any time rescind the resolution, or extend the time. Admitting this to be so, then what will be gained by passing the resolution now, if the majority may, on the 6th of July, rescind it, and thereby prostrate all the preparatory gentlemen may make for returning home? We have heard much said respecting that part of this body, who are farmers, and the necessity of their going home to attend to their harvests, and therefore, that it was proper to adjourn. It may be necessary for a few of those gentlemen to ask leave of absence for a few days; but, have we not, Mr. President, heard a number of those gentlemen declare, upon this floor, that they did not desire an adjournment on their account? It is true, some members, who are farmers, have occasionally been absent on leave; but, as far as my observation has extended, the farmers are the most steady attenders on the business before this Convention, and that it is gentlemen belonging to another class, whose seats are more frequently vacant. By passing the resolution now before us, we determine to adjourn on the 7th July, and to meet again on the 17th

October next. Sir, when I took my seat in this Convention, my determination was to remain until the business we were expected to perform was finished, if that was possible. I believe the people of the State desire we should do so; at least, I have every reason to believe, that those whom I have the honor to represent, desire that we should. I shall, therefore, vote against this resolution, and all others, to adjourn until our work is completed, unless the necessity for such a measure shall appear more manifest than it does at present; but, if I am forced to choose between a final and temporary adjournment, I am not certain but I would prefer the course proposed, some time since, by the gentleman from the county of Philadelphia, which was, to submit to the people a proposition, simply providing for the future amendment of the Constitution, and then adjourn *sine die*. Yes, sir, I would be tempted to vote in favor of this course, and let us go home and tell the people, that the one hundred and thirty-three delegates they had elected, expressly for the purpose of submitting amendments, for their ratification or rejection, were not able to perform the service required of us; that we could not agree upon any thing; that we could not even reach the important points on which they expected us to act, and therefore, only recommend authorizing future Legislatures to propose amendments to them—to authorize that body, already charged with the labor of making laws for this great Commonwealth, to perform the work we were sent here to do, but find ourselves unable to perform.—But, I trust that we shall not be driven to this extremity, and hope the resolution may be postponed; if not, that it may be negatived.

Mr. WOODWARD, of Luzerne, moved to amend the resolution by adding, after the word “July,” the words: “Provided all the articles of the Constitution shall have been passed through the committee of the whole on that day”.

Mr. M'SHERRY, of Adams, expressed his approbation of the amendment. We had passed on three or four of the articles, and the next would be the Judiciary article. Then, there would be the article which provides for the election of officers. To some of the articles the people never thought of any amendment. He thought it was our duty to remain and go through the amendments. It would be improper to adjourn until the amendments were put in some form. As to meeting again in October, he would say, that if it should be required to have a call of the Legislature, that body would probably be convened in October, and he knew no other place where the Convention could sit. The Court house would not be a convenient place. It would not accommodate all the members. It would be better, perhaps, to agree to the amendment, than postpone the resolution, and, if we find that, in a week or two, we are likely to get through, we can take it up again and pass it. The amendment, he thought, was a proper one. His district required very few amendments. He would like to agree to the resolution of the gentleman from Philadelphia, (Mr. EARLE) as to future amendments, so as to leave it in the hands of the people.

Mr. HIESTER moved to amend the amendment, by striking out all after the word “Provided”, and inserting, “we shall then have entirely finished the business for which this Convention was assembled”.

Mr. PORTER, of Northampton, suggested, that the amendment was inconsistent with the object of the resolution.

The PRESIDENT decided that it was in order.

Mr. MANN said: Mr. President, I do not consider this amendment from the delegate from Lancaster in order. JEFFERSON'S Manual says, that no amendment can be accepted that tends to destroy the sense or purport of the original motion. Now, my resolution is for a temporary adjournment, and the amendment is, we shall not adjourn until we have done the business. I shall not appeal, but I consider the amendment unfair and unparliamentary.

Mr. President, I have been induced to offer this resolution to-day, for various reasons, some of which I will briefly state. In the first place, a number of delegates have leave of absence, and if this resolution should prevail, they will not avail themselves of the privilege, but will remain until the temporary adjournment; and, another is, that from the course of business this week, it must be obvious nothing is to be done but making speeches. This whole week has been spent without deciding one section; this is greatly worse than any of the preceding weeks. I had hitherto believed that we intended, at some distant day, to do something in relation to the amendments proposed by the several committees, but I now despair. I see a settled determination with the majority to procrastinate, to delay; in fact, to do nothing. That it is impossible, if the speech mania continues, to get through committee before the sickly season, which must inevitably send many to their beds, and perhaps, to their graves; upwards of twenty are missing now, and many more will go home on leave of absence, and is it right that we should sit here through the heat of summer, on such important business, with barely a quorum? The delegate from Lancaster (Mr. HESTER) thinks it would be unwise to go home without coming to a close. I hold a different opinion; I believe we should come together with a full knowledge of the wishes of our constituents, which we should derive from mingling among, and conversing with them during the recess, and prepared to act cool, deliberately, and dispassionately, on the various subjects before us.

Mr. FULLER, of Fayette, was not in favor of the amendment to the amendment, not that he was unwilling to remain, if the Convention was likely to get through by the first of August. If we were to judge of the future by the past, we should not get through committee by that time.— If we fix on a day, it may be that we cannot get through the fifth article; and, it is desirable that the people should know what limitation we propose to make to the tenure of office in that article. He thought it would scarcely do to fix on the 7th of July, at this time. By postponing the resolution for the present, and calling it up again, we should be better able to decide on the practicability of getting through the fifth article by that day. He did not think the people would expect us to remain to finish the business. At first, they might have expected it; but, they will not now expect the Convention to remain here through August and September, when the place is sickly. As to the farmers withdrawing: a great proportion of the members were farmers, and he hoped they would not withdraw, but remain here until all the important questions were disposed of. He believed but few would ask leave to go. He moved to postpone, for the present, the further consideration of the resolution and amendments.

Mr. JENKS, of Berks, said he would prefer to act on the amendment.— He was in favor of the amendment of the gentleman from Luzerne, (Mr. WOODWARD) and against that of the gentleman from Lancaster, (Mr. HESTER). There was important parts of the Constitution yet to be considered, and few of us are instructed as to the points to be discussed. He was not informed as to the particular amendments which his constituents wished. It was a matter of sound discretion that we should proceed through the committee of the whole; then print the amendments, and spread them before the people, and afterwards adjourn for the time being. We should then re-assemble under advantageous circumstances, and should know what amendments our constituents require, and what they do not. We should thus act advisedly, and in two weeks after re-assembling should be able to accomplish every thing. The people did not require all the amendments which had been offered here. What they required were few and simple. There was some he was disposed to go for, which he wished to be disconnected from others, to which they had been attached, and to which he was opposed. There was also another consideration which had its important bearings. Who are the delegates? Fathers, and heads of families—families, in many instances, young and growing, who have a great interest in the health and longevity of those who are here. Would the people expect us to remain here, at the risk of sickness, pain, and death? No; they are not so unreasonable, They do not expect it. It is in vain to tell him that they are not exposed to malign influences here. Accustomed to an active life at home—here they have no exercise. Here they live on a full diet, instead of the plain and wholesome food of the farmer. Instead of that wholesome diet, they now have that which generates and promotes disease. He hoped the Convention would not pass by the consideration of the resolution, without paying due respect to these reasons. Our own safety may depend on an adjournment as early as is compatible with our duties. According to his experience, legislation had always advanced more rapidly after the day was fixed. He would go for the amendment of the gentleman from Luzerne, and, if that succeeded, he would vote for the resolution.

Mr. BAYNE, of Allegheny, moved the indefinite postponement of the resolution and amendments, and asked for the yeas and nays on his motion, which were ordered.

Mr. EARLE, of Philadelphia, hoped the motion to postpone would succeed. The Convention would sit twice as long, if they determine to meet again. He had taken pains to enquire of the people of Harrisburg, and had been informed that the borough is a perfectly healthy place until the middle of August, and after that period, that ordinary care is sufficient to keep off sickness. The gentleman from Bucks said we want exercise.— It might be well to appoint a committee to prepare Gymnastic exercises, as the better mode of remedying the defect. He had made up his mind, that if we come back, we shall have all the long speeches over again, and if we go on with our business, that we should get through by the middle of August.

Mr. HOPKINSON, of Philadelphia, said it was time the Convention expressed some opinion on this point. He hoped they would now come to the vote on the resolution, and not consent to postpone it. It was, in his opinion, less important which of the propositions was taken, than that this

frequent recurrence of the question should not be permitted to consume the time of the Convention. But how could we say, that on the 7th of July we would adjourn. Suppose we should then be just where we are now, and he saw no reason why we should not. If we have been already here seven weeks, and have not yet reached any of the important subjects, we may as well be in the same situation two weeks to come. Gentlemen had said, we have not yet reached what we were called here to do. He did not pretend to know what we were called here for; he did not know, when he came here, and he was no wiser now. It would be better not to adjourn before the articles had been carried through committee, and, therefore, he would take the amendment of the gentleman from Luzerne, in preference to that of the gentleman from Lancaster, which was too uncertain. He was willing to take the amendment of the gentleman from Luzerne, because it presented an honest available reason to give for adjournment. If the reports are gone through in committee of the whole, there is some reason for presenting them to the people. He would further say, that he had no faculty in finding out the opinions of the people. There were many who were more gifted in this respect. If we go through all the reports, gentlemen would have an opportunity of discovering how they conformed to the opinions and wishes of their constituents. They would have a good reason to give to their constituents, if they were asked why they had adjourned. Unless they had some such reason, what would they reply? One would say, I wanted to attend to my harvest; another, I wished to attend court; and, a third, I was afraid I should be sick.—These would not be sufficient reasons. The reason of the gentleman from Luzerne is sufficient, and if his amendment were adopted, all would have that reason to give. There was another reason which had its weight. If gentlemen knew we are to adjourn on the 7th of July, if we get through, it will be a great means of getting us through. It was well said, by a great philosopher—“what must be done, will be done”. Our duties have been hard and laborious. What has made them so? It is the afternoon sessions, which impose more labor than our constitutions can bear. These are not only injurious to health, but to business. Let gentlemen give up their useless afternoon sessions, and more business will be done—and what is done, will be better done.

Mr. MANN accepted the amendment of Mr. WOODWARD as a modification.

Mr. WOODWARD would state to the Convention, an occurrence which would enable it to judge of the recommendation of the gentleman from the county of Philadelphia.

Mr. EARLE called the gentleman to order. He had no right to state on this floor, any thing which had transpired out of this Hall.

The CHAIR said, there was no rule which would prevent the gentleman from giving to the Convention any information which he might have received.

Mr. WOODWARD then said, that, in order to enable the Convention to appreciate properly the recommendation of the gentleman from the county of Philadelphia, (Mr. EARLE) urged in reply to the gentleman from Bucks, he would mention, that the gentleman, the other day, attempted to convince him (Mr. W.) that, with a chill on him, he ought not to shake

Mr. EARLE said, if the gentleman had taken his advice at the time al

luded to, he would have been benefited by it; but, he went on in the usual course in the chills, and consequently, he complains of his health. As to whether his opinion was equal to that of the gentleman from Bucks, (Mr. JENKS) he thought the proof of the pudding was in the eating of it. In consequence of pursuing the course he had recommended to the gentleman, neither himself nor any of his children, the oldest of whom was sixteen, had ever been troubled with the chills. He had told the gentleman how he might have prevented his chill, and been able to attend the sitting of the Convention, but the gentleman took other advice, and was confined to his room. As to the farmers who were members of this body, to suit whose convenience this adjournment had been urged, he would say that, that if they can trust a Governor with the affairs of the Commonwealth for three or four years, and other officers with important trusts for life, they ought certainly to be willing to trust the management of their own private affairs in the hands of agents for one summer, or part of a summer. He did not believe, however, that the convenience of a majority of the Convention would be consulted, by this proposed adjournment, and he hoped it would not take place. He believed the health of Harrisburg to be as good, at this season of the year, as it is generally in the winter season.

Mr. BAYNE said, as his motion to postpone the subject indefinitely was likely to occasion much debate, he would withdraw it.

Mr. FULLER then withdrew his motion to postpone.

Mr. CHAMBERS urged the propriety of coming to a decision on this question immediately. It ought now to be ascertained, whether a majority of the Convention were of opinion, that we must adjourn before we finish the work we have in hand. If we take a recess at all, he thought we ought to consult the interests of the farmers in fixing the time. For himself, he had no farming or professional interest to attend to, and he was in favor of such an arrangement as would promote the convenience, and preserve the healths of the members, without sacrificing the public interest. He did not think it possible for the Convention to finish their business without a recess, unless we abandoned all considerations in relation to our healths. He hoped that, in a week hence, we might be able to fix upon a day for the adjournment of the Convention, and with a view of giving gentlemen time to make up their minds on the subject, he moved to postpone the further consideration of the resolution till this day week.

Mr. MERRILL was of opinion, that our healths would be as much exposed here in October, as in July and August. The days were then warm, and the nights cold, and he would submit it to gentlemen of the medical profession, whether that season would not be as hazardous, or even more hazardous to us than the summer months. If, therefore, we adjourn at all, he hoped it would be until the next spring.

Mr. MANN considered a postponement as equivalent to a rejection of the resolution, he would, therefore, call for the yeas and nays on the motion, which were ordered.

Mr. SMYTH, of Centre, said, the interests of the farmer, and the interests of the professional gentleman, had been advocated entirely in the discussion of this question. In his opinion, gentlemen ought to consult the interests of the people who sent us here, more than their own individual interests. It is not to be supposed that pending the elections, any gentlemen held out the idea, that when he came here he was only to con-

sult his own interests, and to leave the interests of the people entirely out of view. It has been urged, that we have been here seven weeks, and have done nothing, and consequently, we ought to adjourn. This, he took it, ought to be an argument in favor of continuing in session for some time longer, and try to do better than we have done. He thought the better plan would be to postpone this subject for a week, and perhaps, by that time, we may be better able to say what chances there will be of getting through with our labors in a reasonable time this summer. At any rate, he was opposed to fixing a day of adjournment, until we get through committee of the whole. When we get all our propositions passed through committee, he thought we might go home, and ascertain what the opinions of the people were in relation to them, but before we have accomplished that, he must oppose fixing the day for adjournment.

Mr. BELL would vote against the motion to postpone, in order to get the vote on the amendment. If the motion to postpone was disagreed to, he should then move to strike out this place, and insert Philadelphia, and strike out October, and insert November.

The question was then taken on the motion to postpone, and decided in the negative—yeas, 28; nays, 80—as follows:

YEAS—Messrs. Barnitz, Chambers, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cochran, Crahn, Cummin, Cunningham, Dickerson, Dillinger, Donagan, Fuller, Gilmore, Kerr, Konigmacher, Magee, McCall, M'Sherry, Merrill, Read, Ritter, Seltzer, Smith, Smyth, Snively, Taggart, Young—28.

NAYS—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bedford, Bell, Biddle, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Chandler, of Chester, Chauncey, Clapp, Clarke, of Beaver, Cline, Coates, Cope, Cox, Craig, Crum, Cull, Darlington, Darrah, Denny, Dickey, Doran, Earle, Farrelly, Fleming, Forward, Foulkrod, Fry, Gamble, Gearhart, Grenell, Hastings, Hayhurst, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Houpt, Hyde, Jenks, Kennedy, Long, Lyons, Maclay, Mann, Martin, McCahen, Merkel, Miller, Montgomery, Myers, Overfield, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Rogers, Royer, Russell, Saeger, Scott, Sellers, Scheetz, Shellito, Sterigere, Sweetland, Thomas, Todd, Weaver, Weidman, White, Woodward, Sergeant.—80.

Mr. HIESTER said, as the Convention had determined not to postpone the resolution, but to meet the question, he would withdraw his amendment. He hoped the resolution would be modified, so as to make the time for adjournment definite. As it stood now, that we would adjourn, provided the Constitution was gone through with in committee of the whole, there would be no certainty as to whether we would adjourn at the time mentioned, or not. Although he was opposed to an adjournment, still, if we were to fix a day at all, he hoped it would be fixed definitely, so that we might make our arrangements accordingly, and not be left in as much doubt in relation to it, as if no day had been fixed.

Mr. REIGART moved to amend the resolution, so as to provide that the Convention, when they meet in October, should meet in the city of Lancaster. Mr. R. said, that while up, he would state, that the vestrymen of the Lutheran church of Lancaster, had offered the church for the use of the Convention, which was much larger than this Hall, and he took it, that it would be necessary to meet some where else, than in this place, in October. It might be possible that the Governor would convene the Legislature immediately after the election, which would deprive us of the use of this Hall, and it would be impossible to get another convenient

Hall in this town. Beside this, the health of gentlemen would be promoted by going to Lancaster, as they had lately introduced a fine supply of soft water into the city, which would do away with the objection which some gentlemen have to limestone water. There is now, in that city, both good limestone and good soft water, so that gentlemen can have a choice.

Mr. PORTER, of Northampton, did not know exactly how he should vote on this question, as he had intended to strike out this place and insert Easton. If he could not carry Easton, he did not know but he would be much pleased to go to Lancaster. It was not that he loved Lancaster less, but that he loved Easton more, that he made this suggestion. He had many good friends in Lancaster, and he had always heard that they had good water and good wine there. But, if gentlemen wished to consult their healths, he would certainly recommend them to come to Easton, as they never had any thing of ague and fever there. There the delegates to the Convention could have water without mud—fire without smoke—and air without fog. He hoped, therefore, that gentlemen, in deciding this question, would take into consideration the advantages which might result from going to Easton.

Mr. HIESTER said, although he was opposed to the resolution fixing the day of adjournment, still he could not but approve the motion of his colleague, (Mr. REIGART.) It must be expected, that if we do adjourn to October, we cannot get through our business before the Legislature meets, and we would be put to inconvenience in getting another place of sitting. The gentleman from Northampton has told us about the salubrity of Easton, but he could assure the Convention, that a more healthy place than Lancaster was scarcely to be found in the Commonwealth. It was on a high healthy situation, far removed from any considerable body of water, and out of the reach of the sickly fogs which sometimes rise from our rivers. The church there, he apprehended, would be fitted up very conveniently for gentlemen, so that, taking all things into consideration, he did not believe a better place could be found in the State.

The amendment of Mr. REIGART, to insert Lancaster, was then negatived.

Mr. DARLINGTON moved to strike out the 7th day of July, and insert the 15th.

Mr. FORWARD thought we had better consult our own convenience in relation to fixing the day of adjournment, as he did not believe, that fixing it a few days earlier, or a few days later, was a matter of the least importance to the people. He believed that the Legislature had in view, that the Convention would probably take a recess, at the time they passed the law for the call of the Convention. He did not believe that it was a matter of the slightest concern to the people of the Commonwealth, further than the necessary increase in the expenses, which would be incurred in consequence of double mileage—but, take off the mileage in going home, and returning here, when we meet again, and he did not believe the people would make the slightest complaint. The people did not care, whether the Convention finished their labors before we adjourned, or next fall, or not until the next spring, provided the expense would not be increased. As to the matter of consulting the people, in relation to the amendments which we have passed through committee, and those which ought to be adopted, he took it, that the people desired us to act without any further consultation

with them, and after we have acted, then they will take the subject under consideration, and adopt or reject it. He could not say, that he was so anxious for an adjournment himself, because he could arrange his business so as to remain here, but, he thought it important that we should determine whether we will take a recess, or go on and finish our business. He thought, however, the healths of gentlemen ought to be taken into consideration, in connexion with the public interests. It was certainly important, that every member of the Convention should be present when all the important votes were taken, and it was also important that they should be present during the discussion of all questions, so as to be able to come to a correct conclusion. It was not expected, however, that all the delegates could be present, if we remain in session during the months of July and August. Many would be confined to their rooms from indisposition, and many would be compelled to leave the Convention, to attend to their private business. All our important votes, therefore, would have to be taken when there would be some twenty or thirty members of the Convention absent. This he took to be an important consideration, and he hoped it would have its full weight with gentlemen.

He was not willing to continue to sit here and deliberate until we should have completed our labors, in the absence of twenty, or thirty, or forty members. Did any gentlemen believe that the people of Pennsylvania desired such a thing? They could not expect it. It was said that this climate was insalubrious, and that the summer months would render our daily sessions the shorter. Now, it was perfectly clear, that if we sat here in July and August, we must give up the afternoon sessions. We could not sit here, except at the imminent peril of our health. Was it better to wait till there should be thirty or forty of us on the sick list, before we decide what course we should adopt? It was a question of probability, whether our health might be jeopardized by remaining here.— If it was not likely to be injured, then what excuse had we for adjourning at all? If it be probable, then what excuse could a man have for remaining here. Was it to be said that the people required it, as they would of a soldier who went to battle, regardless of his life? The public required no such thing. It was our duty to adjourn, if there were danger. He, for one, was willing to go home, and tell the people that he deemed it proper that we should adjourn—first, on account of his own health, and next, because, from the absence of a number of the delegates, their interests would have been neglected. These were the reasons which he would assign to his constituents for having voted for the adjournment. Now, he would ask, if it was possible that members, fatigued, and almost worn out, as they were from constant and close attention to business, together with the heat of the weather, could deliberate in that cool and advantageous manner as in the winter months, or in the month of November? Could the people be served by the Convention sitting under such circumstances? Did gentlemen suppose that their afternoon sessions were to continue? That members were going to sit here sinking under the head ache, and other infirmities? It was in vain to think of it. What do we hear (said Mr. F.) on all sides? I have got the head ache, said one. I am sick, said another. I cannot go to the House to-day. And, others would ask leave of absence. Why, what were you expected to do? Did the people expect that we, in framing a Constitution, every word of which was to be

weighed, as a grain of gold, were to hurry through our labors, as fast as possible, in order to submit our work to them? No such thing. The people did not care a straw, whether the amendments should be submitted for their inspection this summer, or not. The Constitution would not take effect any the sooner. Let gentlemen charge no mileage going or returning, and the people would be satisfied—not a murmur would be heard.

He would say a word or two in relation to the progress of our business. Of what moment, he would ask, was it that we should go through committee of the whole, with all the articles? Now, he would as soon adjourn to-morrow, or to-day. It was no reason why we should remain here.—Was that a good and sufficient reason why we should prolong our stay, and put our health in jeopardy? None at all. Was there, then, any other reason that could be assigned why we should remain? None, whatever. If we could not stay here with advantage to the public interest, why, go home. It was not a question whether we should go through committee of the whole, or not. It had nothing to do with it. But, some gentlemen have said, that the people would not be satisfied if we went home, unless we could shew all our amendments to them? Never mind that. The people cared nothing about it. They were less concerned than many gentlemen imagine. Certain things are expected from the Convention, and the people were not solicitous that their delegates should have them in their pockets. Tell them that their interests could not be attended to, without peril to the health of their delegates, and they would not be so unreasonable as to expect them to sacrifice it.

If the Convention should agree to adjourn, he hoped that they would fix an early day, and then gentlemen could tell their constituents the reason why we adjourned.

Mr. DARLINGTON, of Chester, concurred in all the sentiments expressed by the gentleman from Allegheny, (Mr. FORWARD) except one, and that was in relation to mileage. He did not believe that the people would regard the trifling expense of double mileage, in their estimate of the value of our work. He thought it would be better to change the day of adjournment, from the 7th to the 15th, as by that time, the Judiciary question may be disposed of.

Mr. BANKS, of Mifflin, called for the reading of the resolution, and it having been read, he said, that in regard to this question, as well as to every other which had been discussed here, he had listened patiently and anxiously, in the hope that the Convention would come to a right conclusion. Before his constituents sent him here, he was not asked by them, whether he would agree to sit until all the work was done, or only a part of it. But this he knew, the people expected him to do his duty. He well remembered the motto, where it originated, and the occasion on which it was uttered, of "England expects every man to do his duty".—That sentiment was quite applicable, as respected ourselves—the people of Pennsylvania expect every member of this Convention to do his duty.—Now, he would ask, if we should be acting in the faithful discharge of our duty, to adjourn on the 15th of July, to meet again at another place?—Let every man's mind answer for itself. In his opinion, we should not. With regard to the expense of an adjournment, he would say, that the gentleman from Allegheny was wholly mistaken as to the sense of the

people. No one ever thought of connecting considerations of dollars and cents with this question, until the gentleman suggested them. He would ask, whether it would be fair to entail the expense of mileage upon gentlemen coming a great distance—from Fayette, Greene, Erie, and other northern counties, who had been sitting here and faithfully attending to their duties? He thought it would not. For himself, he might say that he was as anxious to go home as any gentleman present, but he did not wish to go until he had discharged his duty. It was singular that the question of adjournment was again brought up, after being only the other day indefinitely postponed. He was sorry to see it again pressed upon us, at any rate, before the Constitution had been disposed of in committee of the whole. He regarded the frequent agitation of this question, as calculated to induce the people to think that we are wasting and trifling a way our time. He trusted that gentlemen would keep in view the business they were met here to dispose of, and let questions of adjournment alone. He was opposed to an adjournment, and should therefore vote against the resolution.

Mr. DARLINGTON, of Chester, withdrew his motion to amend the resolution.

Mr. PORTER, of Northampton, moved to amend the resolution, by striking out "this place" and inserting "Easton", which was negatived.

Mr. WOODWARD, of Luzerne, moved to strike out "this place" and insert "Wilkesbarre", which was negatived.

Mr. BELL, of Chester, moved to strike out "this place" and insert "Philadelphia".

Mr. SMYTH, of Centre, intimated, that we did not know whether, if we went to Philadelphia, we could get a building in which to meet.

Mr. BROWN, of Philadelphia, did not suppose that there would be the slightest doubt about accommodating us in Philadelphia, abounding, as it does, in fine and spacious buildings.

Mr. M'CALL asked for the yeas and nays.

Mr. DICKEY, of Beaver, said, that he would vote against any adjournment. He believed the Convention could finish their business in nine weeks from this time. A calculation had been entered into, that a certain number of speeches were to be made. They might, then, be as well made at this time, as at any other. He did not believe, if an adjournment were to take place, that the people would care any thing about paying our mileage. He believed Harrisburg to be as healthy a place as any in this part of the country, and that no danger was to be apprehended as respected the health of members. But, "sufficient for the day was the evil thereof". The gentleman from Allegheny (Mr. FORWARD) had remarked, that gentlemen had complained of having the headache, and being otherwise indisposed. In all large bodies—and, it was the case in reference to the Legislature, there were always some more or less indisposed. Some men, too, brought sickness upon themselves frequently, by their indiscretion.—He hoped we should go on, and, at least get through committee—after which, we should have little difficulty. But, if we did adjourn, he was in favor of meeting at Harrisburg.

Mr. MERRILL, of Union, said, that he would vote for meeting here on the 17th of October.

Mr. BIDDLE, of Philadelphia, said he would vote for the amendment of

the gentleman from Chester, (Mr. BELL.) It would afford great pleasure to himself, his colleagues, and the citizens of Philadelphia, to extend the hospitalities of that city to their friends of the Convention.

Mr. CUNNINGHAM, of Mercer, remarked, that he preferred Philadelphia to any place of meeting, except Harrisburg.

Mr. CLARKE, of Indiana, said, that he had no doubt of the hospitality of the citizens of Philadelphia, and that they would evince it towards the members of this Convention, if they were to go to that city. Now, this was the very reason why he should vote against the amendment. That hospitality would have the effect, he was afraid, to retard and interfere with our business. It was, on this account, according to tradition, that the seat of the State Government was removed from that city to Lancaster.

Mr. PORTER, of Northampton, could not agree with his worthy friend from Indiana, as to the effects of that hospitality which he appeared to dread. He had known the people of Philadelphia, and lived among them "in days of lang syne," although he was not a native of that city. He was in the habit of visiting it at least twice a year on professional business, and at other seasons as business or pleasure required. He had, it was true, been treated with great kindness and hospitality as would every other respectable stranger who visited it and became known. He was not afraid to go there, nor need any other man. He had heard the removal of the seat of Government from Philadelphia to Lancaster attributed to fears entertained by the members of the Legislature that the easiest way to their judgments might be down their throats, but he did not know what foundation there was for it. But he had heard also of the failure of an experiment of that kind which took place at Lancaster. The late Col. FRANCIS JOHNSTON, a meritorious revolutionary officer, held the office of Receiver General, and was desirous with the rest of the heads of department to have his salary, which he considered too low, raised.—To effect this he invited a member from one of the western counties to dine with him. This gentleman was supposed to be one of the stiffest economists in the house and if he were brought over, others could be more easily induced to follow. After plying him with roast beef and pudding, with their usual accompaniments, a few good glasses of wine and a good segar, the Colonel broached the subject to him, telling him he saw how he lived. That he liked to see a friend and enjoy his society &c., but that his salary would not permit him to do so. And that unless the Legislature raised his salary he must resign, unwilling as he was to do so. The member made little or no answer although the proposition was repeated more than once. At length when he was about to retire with his skin full of good things, he remarked to the Colouel, "Well, Colonel, you are a very clever man, and a good officer, and I should be sorry to lose you, but if you do resign I judge that there will be enough to take it". And this was all he got for his dinner and wine. And such would most generally be the result. He (Mr. P.) liked to see and partake of hospitality. He had no objection to a glass of wine on proper occasions; but, he did not see why a man's judgment should, on that account, become biased, or that a man should permit his public duties to be interfered with. He, to be sure, had not as great a stock of infallibility as some men, but, nevertheless, he was not afraid of being interrupted, or having his judgment biased, or his duties

interfered with. He saw no more danger to be apprehended in going to Philadelphia than in coming to this place. He felt sure, that his worthy and excellent friend from Indiana, (Mr. CLARKE) could not be seduced from his path of duty; he was made of too stern stuff for that. And he (Mr. P.) might make the same remark as to the Convention generally.

The question was taken on the amendment, and decided in the negative—yeas, 39; nays, 66—as follows:

YEAS—Messrs. B ill, Biddle, Brown, of Philadelphia. Chandler, of Chester, Chauncey, Coat's, Coop. Cox, Craig, Crum, Darlington, Denny, Dillinger, Donigan, Duan, Fleming, Foulkrod, Grenell, Hopkison, Houst, Jenk. Kennedy, Long, Lyons, Mann, M'Cahen, M'Dowell, M'Sherry, Merrill, Overfield, Pollack, Porter, of Lancaster, Porter, of Northampton, Pu.viance, Reigart, Rayer, Scott, White, Sergeant, *President*—29.

NAYS—Messrs. Agnew, Ayres, Banks, Barndollar, Barnitz, Byne, Bedford, Brown, of Lancaster, Brown, of Northampton, Butler, Chambers, Clapp, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana Cleavinger, Cline, Cochran, Crain, Curmin, Cunningham, Curl, Darrab, Dickey, Dickerson, Eale, Forward, Fry, Fuller, Gumble, Gearhart, Gilmore, Hastings, Hayhuist, Hellf ns ein, Henderson, of Allegheny, Henderson, of Dauphin, Hieser, Hyle, Kerr, Maclay, Magee, M'Call, Merkel, Miller, Montgomery, Myers, Read, Ritter, Rogers, Russell, Sanger, Sellers, Seltzer, Schertz, Shellito, Smith, Smyth, Snively, Sterigere, Swetland, Taggart, Thomas, Todd, Weaver, Woodward—66.

Mr. HIESTER, of Lancaster, thought, that if the resolution was to be adopted, it would be as well to put it in a proper shape first. As it now stood, it provided that the Convention should adjourn on the 7th of July, if all the articles of the Constitution shall have been passed through the committee of the whole, on that day. Now, he would ask any gentleman, whether it was at all likely that the Judiciary question, and the Bill of Rights, which was of as great importance as any thing which had, as yet, been under consideration, could be disposed of by that time. Although we had been in session seven weeks, we had got only about half through committee. It amounted to nothing, to say that we adjourn on such a day, if we had done so and so. In order to make the language of the resolution specific, he would move to strike out the proviso, which is as follows: "Provided all the articles of the Constitution shall be passed through the committee of the whole, on that day".

Mr. MANN, of Montgomery, then modified his resolution, by striking out the proviso.

Mr. WOODWARD, of Luzerne, moved to amend the resolution by adding, after the word "adjourn", the words, "so soon as the several articles of the Constitution shall have been passed through committee of the whole".

Mr. W. observed, that there appeared to be a diversity of opinion among gentlemen, as to whether we could get through committee of the whole by the 15th of July. He was not prepared to say that we should get through by that time. But fixing the day, would have the effect of making us push on with business the faster. He thought it very important and desirable, that we should have gone through committee of the whole before adjourning, because, an opportunity would be afforded us of reflecting what further amendments were necessary to be made, when we should meet again. At which time, we could give to the amendments already agreed to, their proper form and shape, and put them in the Constitution, so as to prevent objection. Besides, it was right that before we adjourned, we should be prepared to tell the people what amendments we

had made. Situated as were now, we were cut off from the people, and could not learn their opinions as to what we should do. He trusted then, under all the circumstances of the case, that the amendment would prevail. And unless it did, he would feel constrained to vote against the adjournment altogether. It was the only consideration which could reconcile his mind to an adjournment at all. And, in saying this, it should be understood, that he had interests at home which much required his presence, and the fears which he entertained, in regard to his health, were as great as those of any other gentleman on this floor. We were all here on duty of the highest importance, and he, for one, was unwilling to abandon it so long as he retained sufficient health and strength to remain here. He was unwilling to leave his labor, until we had arrived at something like a termination. He would agree to adjourn temporarily after we had gone through committee of the whole; but, he did object to do so before. If they were to do so, what a spectacle would be presented to the people! The people had sent us here, after a hard struggle of many years, and upon mature reflection, that alterations in our Constitution were necessary. And, should we adjourn, without being able to tell them that we had made any real progress in our duties, after consuming their time and their money, and without having given a single indication as to what the final result of the deliberations of the Convention would be? He would say, that the people ought to have been informed before now, what we intended doing in regard to the power of the Legislature, over corporations and the Governor's patronage, and many other subjects. Was it proper, he would ask, that we should return to our constituents, without having expressed a single united opinion on any one of those great subjects, which induced them to incur all this expense? It seemed to him to be altogether unreasonable, to be asking too much of the patience of the people. He knew that they possessed great patience, for they had endured the evils of the Constitution for nearly half a century. They had endured with great patience the long, and in many instances, useless speeches which had been delivered on this floor, and he believed that they were prepared to have their patience still further taxed. But, he declared that he was not disposed to insult them, or to give them back their Constitution as we received it from them. He was not for going home without lifting his finger against any attempt to adjourn under existing circumstances. Let gentlemen, then, if it were necessary for their health—if it were necessary in reference to the business of the Convention—if it were necessary that we should have a recess—resolve that they would express their sentiments, on some, at least, of the important questions before the Convention, and tell the public what they had done, which was nothing more than they had a right to demand of us. He would repeat, that unless this course of proceeding was adopted, he would vote against every motion for an adjournment. He hoped that the gentleman from Lancaster would withdraw his amendment, and allow the resolution of the gentleman from Montgomery to be voted upon. He trusted that it would be negatived, and that we should remain here until we had performed the duty which we were sent here to do. He asked for the yeas and nays.

Mr. Cox, of Somerset, said, we could not tell when we would adjourn, if we intended to sit until we got through committee of the whole. We could not tell whether that would be the 20th of July, or the 20th of September. He apprehended, then, that there would be no sense in pas-

sing a resolution to adjourn when we get through committee of the whole. Why not stop till we get through. It was best to fix no day at present, for there was not a member of the Convention who would undertake to say that we could get through by the 7th of July. He hoped that the resolution, together with the amendment of the gentleman from Luzerne, would be negatived.

Mr. JENKS, of Bucks, was satisfied that the day was not distant, when this body would see the necessity and propriety of adjourning. He anticipated that if the question was taken now, not only on the amendment of the gentleman from Luzerne, but also on the resolution as offered by the gentleman from Montgomery, they would be negatived. And, being anxious to avoid that issue, he would move to postpone the amendment, together with the resolution, until Monday week.

Mr. MARTIN, of Philadelphia, said, that it had been his intention to have offered a few remarks before the motion to postpone was made. He would now, however, merely say, that he would vote against postponing. And, if that motion should fail, he would then vote against any resolution for fixing a day of adjournment. Nearly the whole of the forenoon had been spent in discussing this question, and we might as well, at once, agree to adjourn on the 7th of July, to meet again on the 27th of the same month. If, then, the motion to postpone should not prevail, and the resolution should come up again, he would offer a resolution that the Convention shall adjourn on the 7th of July, and meet again on the 27th.— This would afford gentlemen an opportunity to attend to their harvest. This was a matter which deserved the attention of the Convention. It would be impossible to keep gentlemen in their seats here during harvest, and we might as well meet the question now. He was, therefore, opposed to the postponement of the subject. No reasonable objections have been urged to a temporary adjournment. He did not know why gentlemen were so anxious to give the Convention a bad character. We have been deeply, closely, laboriously employed for a long time, and he had heard no complaints of the conduct of the Convention, except from gentlemen themselves. He would ask gentlemen to contemplate the consequences of holding ourselves up in the light of an idle and careless body, neglectful of our duties and careless of the public interests. It would only tend to create prejudice against our ultimate action, and to prevent any beneficial results a from it. He did not dread any manifestation of public displeasure from our adjourning for a week or two; but, he was opposed to adjourning for such a length of time, as would remove the subjects of our deliberation from our view. By a short recess, we should not lose sight of what we had done, and should come back after it, with renewed vigor to complete the work. There was no ground for any of the reproaches about the tardiness of the movements of the Convention. We came here to consult and deliberate, and not to act hastily. We might, if we had wished to drive the business, have gone into committee of the whole on the Constitution, on the first day we came here, agreed upon our amendments, reported, and concurred in them, and adjourned the evening of the same day. Or, if despatch was the only object, why could we not pass a Constitution now, and adjourn *sine die*, immediately after.

Mr. SHELLEY was sorry, he said, when he heard that the question of adjournment was coming up again to-day, as it was certain to consume the

whole morning. He was very sorry that these motions for adjournment prevented us from getting more than four or five days in the week for attention to our business. If any here were so anxious to go to their harvests, as had been represented, let them go, with leave or without leave, and be answerable for it to their constituents. He was anxious to despatch the business, and was willing to stay here till that was done, even if he laid his bones here.

Mr. WOODWARD modified his motion to amend so as to insert, after the word "adjourn", the following, viz: "so soon as the several articles of the Constitution shall have passed through committee of the whole".

Mr. SAEGER opposed the amendment, and also an adjournment of any sort, until the Convention finished the business they came to do. He said, that the idea of adjourning to accommodate the farmers, suggested to him the fact, that some gentlemen wished to pick chestnuts out of the hot coals, but did not wish to use their own fingers. They wished to adjourn, and wished to lay it to the farmers. The farmers were willing to stay and do the work which the people sent them to do.

Mr. BAYNE demanded the previous question, and it was called for by eighteen delegates, as follows: MESSRS. BAYNE, HENDERSON, of Dauphin, DICKEY, MANN, COX, SELLERS, SAEGER, FARRELLY, HYDE, SMYTH, MAGEE, DONAGAN, SMITH, CURLL, BIGELOW, CLARKE, of Beaver, TODD, and CRUM.

The question being, shall the main question be now put,

Mr. WOODWARD asked the yeas and nays, and they were ordered, and were as follows:

YEAS—Messrs. Agnew, Ayres, Banks, Barndollar, Barnitz, Bayne, Bigelow, Brown of Lancaster, Brown, of Northampton, Butler, Chambers, Chauncey, Clapp, Craig, of Beaver, Clark, of Dauphin, Cleavinger, Cline, Coates, Cochran, Cope, Craig, Crum, Cummin, Cunningham, Curil, Dickey, Farrelly, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Houpt, Hyde, Kennedy, Kerr, Long, Lyons, Maclay, Mann, M'Call, Merkel, Miller, Montgomery, Overfield, Pollock, Porter, of Lancaster, Reigart, Ritter, Rogers, Royer, Russel, Saeger, Sellers, Seltzer, Smith, Smyth, Snively, Sterigere, Thomas, Todd, Weaver, White, Sergeant, *President*—70.

NAYS—Messrs. Bedford, Bell, Biddle, Brown, of Philadelphia, Chandler, of Chester, Clarke, of Indiana, Cox, Crain, Darlington, Darrah, Denny, Dickerson, Dillinger, Donagan, Doran, Earle, Fleming, Forward, Foulkrod, Fry, Hopkinson, Jenks, Konigsmacher, Magee, Mautin, M'Caheh, M'Dowell, M'Sherry, Merrill, Myers, Porter, of Northampton, Purviance, Read, Scott, Scheetz, Shellito, Swetland, Taggart, Woodward, Young—40.

So the main question was ordered to be put.

The question being then taken on the original resolution, as moved by Mr. MANN,

The yeas and nays were required by Mr. HIESTER, and Mr. REIGART, and were as follows, viz:

YEAS—Messrs. Bigelow, Brown, of Lancaster, Brown, of Northampton, Chandler, of Chester, Chauncey, Clepp, Cleavinger, Coates, Cope, Craig, Crum, Cunningham, Curll, Forward, Foulkrod, Grenell, Hastings, Houpt, Hyde, Jenks, Kennedy, Long, Lyons, Maclay, Mann, M'Call, Miller, Overfield, Porter, of Lancaster, Porter, of Northampton, Reigart, Royer, Russell, Scott, Sellers, Snively, Swetland—37.

NAYS—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bedford, Bell, Biddle, Brown, of Philadelphia, Butler, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Cox, Crain, Cummin, Darlington, Darrah, Denny, Dickey, Dickerson, Dillinger, Donagan, Doran, Earle, Farrelly, Fleming, Fry, Fuller, Gamble, Gearhart, Gilmore, Hayhurst, Helffenstein, Henderson, of Allegheny, Hiester, Hopkin-

son, Kerr, Konigsmacher, Magee, Martin, M'Caben, M'Dowell, M'Sherry, Merrill, Merkel, Montgomery, Myers, Pollock, Purviance, Read, Ritter, Rogers, Saeger, Seltzer, Scheetz, Shellito, Smyth, Sterigere, Taggart, Thomas, Todd, Weaver, White, Woodward, Young, Sergeant, *President*—70.

So the question was determined in the negative.

Mr. CLAPP obtained leave of absence for a few days, from Monday next.

Mr. BELL offered the following resolution, which was read :

*Resolved*, That this Convention will adjourn, as soon as the several articles of the Constitution shall have been passed through committee of the whole, to meet again, at this place, on the 17th of October next.

Mr. BELL called for the second reading and consideration of the resolution, which was agreed to—ayes, 46; nays, 45.

Mr. B. said, it seemed to be considered that, after the amendments were passed through the committee of the whole, the Convention should adjourn. He had submitted the resolution for the purpose of testing the sense of the Convention on that subject. If it was the determination of the Convention not to adjourn at all, until they had gone through with their business, it ought to be known. He asked the yeas and nays on the resolution.

Mr. DICKEY hoped, he said, the gentleman would not press this subject now. Let us go on with our business, and make what progress we can. He hoped we should get through the committee of the whole before we took up this question. After the vote just taken, he hoped the subject would not be urged again.

Mr. BELL said, he voted against the adjournment on a particular day, but he wished the Convention to say, whether they intended to adjourn when they had got through the committee of the whole, or not. The vote just taken did not decide this question.

Mr. MERRILL said, if any one would tell us when we would get through the committee of the whole, he would be willing to vote upon the resolution. We might get through sooner than we expected, or perhaps it would take us longer. He wished to continue the session, until it was ascertained whether it would be practicable to finish the work or not.

Mr. DARLINGTON did not think it necessary to decide this question now.

Mr. FORWARD hoped, he said, it would be decided. After wading through the summer here, or nearly through, he hoped we should not adjourn to come back again in two months. He hoped the Convention would reject the resolution, so as to settle the question.

Mr. STERIGERE moved to amend the resolution, by striking out all after the word "resolved", and providing that the Convention, when it adjourns, adjourn to meet at 4 o'clock this afternoon.

Mr. DICKEY moved to postpone the resolution and amendment indefinitely—agreed to, 52 to 41.

The Convention then adjourned.

MONDAY, JUNE 26, 1837.

## THIRD ARTICLE.

The Convention again resolved itself into committee of the whole, on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending being on the motion of Mr. HAYHURST, to amend the amendment, by inserting after the word "taxes", and before the word "but", the words following, viz: "And free male citizens, qualified by age and residence as aforesaid, who shall, within two years next before the election, have paid any public tax required by law, shall also be entitled to vote in the district in which they shall reside".

Mr. WOODWARD, of Luzerne, rose to make one or two suggestions.— It appeared to him to be the object of the mover of this amendment, to introduce some mode of identifying voters as residents of the district. He (Mr. W.) would prefer the adoption of any other mode to that of paying a tax. If it was the desire of the committee to establish a mode of designating a species of record, to establish the fact of residence, it ought to be made on the most liberal principle. He did not believe, that a majority of this Convention were prepared to say that property is to be a basis of the right of suffrage, even to a limited extent, or that a tax qualification should be retained for any other purpose than as a record of citizenship. Gentlemen in favor of this principle, wish to make it rest on a certain length of residence. In this view, the mode of ascertaining the tax, in this amendment, is not so objectionable. In this view, it is more tolerable than when imposed under the idea that it confers any particular privilege. If a tax qualification be established for this purpose, it ought to embrace every man who pays any species of tax. A borough tax, for such purpose, would be as good evidence as a county tax; and, he who contributes by his labor, on the highways and public roads, should be equally entitled, because, owing to the great intercourse, he who pays the tax in this land of labor, stands in as much estimation, in public opinion, as he who pays a State or county tax of a shilling. Has he not as complete and full evidence of his right to vote, as if he paid a State tax? The object of the amendment is to extend the right, so as to allow him, who pays a township or borough tax, as well as him who pays a public and State tax, to exercise the right which is his, and this is sufficient evidence of the fact. He was in favor of this amendment. It extended the privilege to the honest laborer who may not have been able to save a sufficient sum to pay the State tax. There were many honest laborers, within his knowledge, who were not able to retain, from the necessary expenses of their families, the contingencies of sickness, and other incidents, enough to pay the State tax, but had contributed, by their working on the roads, and thus acquired a meritorious right to the exercise of the elective franchise. Might not this then be as satisfactory evidence as if they had been able to meet the hard faced collector. The man who has earned the right by the toil of his hands, as well as he who contributes his mite to the county tax, should be entitled to vote. And, who would object to this most reasonable extension of the right? Whom could it injure? Whose

rights would it abridge? It diminishes, abridges the right of no one, while it extends the rights of the honest laborer, who has not the means to pay in money, but only by his honest labor. Whom is it to injure? Who is to be found on this floor to oppose a provision, which gives the privilege to that labor and sinew which works on your public highways, and which its possessor would be as willing to bring into the field in time of danger? Who will say such are not qualified? No one. If the payment of taxes be only intended for evidence of qualification, here is such evidence as is not to be disputed. In regard to the terms of the amendment, the gentleman from Beaver took exception to the word *public*, as a vague and indefinite expression, not sufficiently intelligible. The gentleman from Beaver, he believed, was a lawyer, but all the legal talent of Beaver county could not have supplied a word more significant, or more plain. A public tax, to a lawyer and every one, conveys the idea of a tax imposed by a public law. What is a public law? The gentleman understands the difference between a public and a private law. What relates to the public, is a public law; while, a private law is that which relates to individuals. A tax is a public tax when it relates to the community. All taxes which relate to the community are public taxes.—There is not the least ground for the exception taken by the gentleman. No term could have been selected more apt and appropriate. Why should not this amendment prevail. It injures no one, while it extends the rights of suffrage to a most meritorious class—not large, because most men, by means of their industry and economy, have accumulated something—those who cannot spare a pecuniary contribution, but have performed their duties on the soil, and are prepared to fulfil their duties, when required, in the field?

Mr. HAYHURST asked for the yeas and nays on his motion to amend, and they were ordered.

Mr. COCHRAN, of Lancaster, said that, as the yeas and nays had been called on this question, he wished to make a very few remarks. He had been ranked, as his votes would shew, among those who opposed many amendments to the Constitution, acting, as he believed, in consistency with the views of his constituents. He was well aware that his constituents were not disposed to make any considerable changes in the Constitution. There was a majority of votes cast in his county against a Convention; but in that majority there were many who were willing to amend the Constitution in parts, but they were fearful that too much would be done. He had not considered the amendments hitherto of much importance. One which was peculiarly entertained by his constituents was in reference to the diminution of the patronage of the Executive; but he did not think the amendment made on that point as in any way carrying out their views. They did not wish the responsibility of the Executive divided with any other branch of the Government, but that it should be entirely vested in him. For that amendment, therefore, he had not voted, as his constituents desired the restrictions to be in a different form. As regarded the tax qualification, he had voted in favor of it; and he should also vote in favor of this, as he believed that he was thus carrying out their wishes. The tax qualification was the most honest test which could be desired; and whatever may be said, and whatever arguments used to the contrary—"to this complexion we must come at last": it is acknowl-

edging that he who desires a share in the Government must contribute to its support. It is the most honest mode that can be devised; and it would extend the right to every individual who is willing and able to contribute; to every man who comes to reside among us. This amendment embraces the idea completely. He thought the gentleman from Luzerne had not defined the term public taxes so accurately as he might have done. It embraces the borough tax. He was not himself lawyer enough to say how far a borough tax is a public tax: but as it relates to a corporation—to individuals—he should consider it not strictly a borough tax. But whatever there may be in these minor considerations, it can be arranged afterwards. He hoped no one who had voted for the tax qualification (and he was proud to number himself among them,) would go against this proposition. It had gone abroad that this qualification was considered necessary, not on account of the amount of money paid, but as a record evidence of qualification. It ought therefore to be a public tax, as the payment of a borough tax might not at all times be available evidence. But he would not go against the amendment on that account: it was good enough in itself to cover a much greater evil. Some young gentleman of this Convention had called the tax qualification an aristocratical provision, and asked from whence we had derived it? If the gentleman had lived in the twilight dawn of our democratic representative institutions, or had cast even a superficial glance over the history of that period, he would have known that this principle was at the bottom of our Government; that it was the cry through the whole length and breadth of the land: that it was the foundation of our liberties: that it was this principle which called our fathers to the field: and that it was recognized in the Constitution of the United States, as also in the Constitutions of several States of the Union. Can it be called aristocracy, when it forms the ground work of our institutions? Strike this feature from the fundamental law, and you knock down one of the pillars of our institutions. In times of reform and improvement like these he might be wrong in uttering these sentiments, but he regarded this as the shortest and safest mode of determining the right to vote. He should think the term aristocracy ought not to be applied to this, the wisest and best provision in our Constitution. Where was the hardship on a man, when paying his mite? Does it not purchase for him the benefit of protection in life, person, property and happiness? They who are so ready to throw a stigma on it, should think more deeply on the subject, should look back to the times that tried men's souls, and participate in the feelings of the men of that day: they would then, he trusted, instead of casting a shade on the bright virtue of their forefathers, endeavour to sustain these institutions which they had constructed, which could not be done by taking away their foundation. He should vote for the amendment, and hoped it would be adopted, and that, on the second reading of the article, it would be arranged into the place to which it was appropriate.

Mr. SCOTT, of Philadelphia, remarked on the doubtful interpretation to which the term "public tax" was liable. A doubt had been expressed whether or not it included a borough tax. If it did, how would it operate on what gentlemen suppose to be the true basis of the tax qualification? Any man who pays his borough tax in one borough, may, on moving into another county, vote on the receipt shewing that he had paid that tax.

If it was intended to include a borough tax, an assessment of any description, for any purpose, made by any borough, however constituted, would be sufficient to give the holder of the receipt a vote; and it was clear that the amendment would break down that principle on which many gentlemen had already voted, who had considered the payment of a tax as important in the light of evidence of general qualification. How could the authenticity of all the countless receipts, which might be exhibited in remote parts of the State, be ascertained by judges of the elections? It would be impossible that they who presided over the polls could decide correctly on all the documents which would be presented to their view as evidence. If public tax included boroughs, as he believed it did, it would include the smallest tax of the smallest borough, and who could learn the limit? Was it not clear that a wide door to fraud would then be opened? And a temptation to deceit, than which it would be better to abandon all restrictions, and at once permit the officers of our Commonwealth to be elected, and her fate and fortunes to be passed upon by strangers to her interests, and aliens to her soil? But he had already stated to the committee, that, in his view, the provision of the existing Constitution did not rest upon the ground of evidence alone, but had probably been intended as a financial provision. He believed it to be the best, the most effectual, and the least oppressive mode of securing to the public the contributions due from the citizens. Under our present system, the exercise of the right of suffrage is connected in the mind of the freeman with the payment of his contributions. The connexion causes that payment to be willingly and cheerfully made: to be regarded as an honorable act, worthy of a freeman, and to be followed by the enjoyment of a high, correspondent privilege. Take away that privilege, and you leave him simply in the position of a man paying a tax. He was unwilling to break down this principle to lessen the force of this association. And, in taking this course, he regarded himself as advocating the best interests of the lowly and the humble. It was to them of deep importance, that the property of the land should freely contribute its aid, and fully to the means of supporting those institutions upon which their peace, their liberty, their personal protection, and their domestic enjoyments rested. How can liberty be supported—how can the fireside of the cottager be protected from oppression—how all that is dear to man be preserved to him—but by that government to maintain which, pecuniary contributions are necessary, which must be paid by those who are accommodated? These are the best modes of securing those enjoyments. If you break it down, you injure those for whose benefit you propose to pass this amendment. There is no necessity to pass it to secure the effects which are desired. The grounds are, that the labor of the laborer who works on your roads, ought to be available to him in giving him the right of suffrage—to stand in lieu of money. If it be to take the place of money, his labor is worth money, and how is it that he cannot as easily get a certificate of the payment of the value in money? There was nothing to prevent the Legislature from passing a law to regulate this, why then should we take away the great inducement to the payment of taxes, and break down the financial operations of the Government? It was for the advantage of the poor, that those who were more fortunate, should contribute in proportion to their property; an effect which would be destroyed by establishing the rule that the payment of a single, uncertain, trifling borough tax, should give to the man of property

the same right at the polls, that he now derived from his full and free contributions. Americans had always revolted against direct taxes. The machinery of investigation and collection is averse to their habits—the most profitable taxes, and those most easily collected, have always been duties on imports. The feeling is in both cases the same; they dislike compulsory payment—but associate that duty with the privilege, and make it part and parcel of the freeman's rights; and, instead of being considered a burden, it will hereafter, as it has been heretofore, be deemed dishonorable to neglect that on which the support of the Government, and the enjoyment of their own franchise, alike depend. Substitute for this manly sentiment, the sufficiency of a borough receipt, and as to all the rest, suit and collectors' distresses, and it is easy to see what will be the result—how little advantageous to the real interests of those particular classes of persons for whom gentlemen affect so much anxiety. He believed that if any class of people in this Commonwealth, however humble, were assembled, and the boon was offered to them, that they should enjoy the right of suffrage, without contributing according to their means, that boon would be rejected with scorn. His countrymen did not require this at the hands of this Convention. They were a proud and a sturdy race of men. They loved the Government which they supported, and they felt that they had a property in it, because they rendered that support. It was a free and a manly sentiment, and went far to uphold the principle of equality of rights. It was a sentiment which he was unwilling to weaken—it was honorable to the American character, and should be upheld—not broken down, as in some degree he believed it would be, by the adoption of the amendment. He did not believe that they would feel honored or pleased by this amendment.

The extreme cases stated in argument, were all within the power and legitimate scope of legislative action. So, too, was it in the power of the Legislature, if they deemed it proper, to render a township certificate of work done on the roads, receivable in payment of county taxes, if that work should overrun the township duty. It was unnecessary to point out the modes of relief—they did exist and could be applied. Instead of which, we were now proposing to break up the whole system, and put afloat the whole doctrine of evidence, of finance, and of voluntary contribution. Borough receipts might hereafter become of cheap and easy purchase, and in the course of time—for we are not framing laws for a day or a year, but for a century—struggling parties at the extremity of a State, might find it a profitable speculation to contribute to the necessities of some new-fledged borough, wherever it could be found, and purchase at the cheapest possible rates, tickets of admission to the polls of freemen. It is our duty to guard the Commonwealth against the dangers of corruption. If men were always pure and good, the labor of legislation would be light, indeed. For these reasons, as one whose feelings are friendly to that class of citizens for whose benefit this amendment was intended, and feeling at heart their equality of rights, and as a detester of every thing at war with that feeling, he was constrained to give his preference to the old Constitution.

Mr. WOODWARD said, the Constitution, as it now stands, requires the payment of a State or county tax. He wished to know, if working on the road would pay a State or county tax? Would working on the road pay a State or county tax? The State has no roads on which a tax can

be laid, and the counties have no roads. The roads belong to the townships. What mode could be devised, of giving to the laborers, on the township roads, the right of suffrage, but some such mode as this? The gentleman granted the whole question, when he admitted that they should be entitled to vote. The gentleman from Philadelphia thought the people would reject, with scorn, any attempt to give them the right to vote as a favor. He believed that, and also that every man ought to contribute, even if he is not willing to do so. But, he is called on to contribute, before the Government is formed, and he has received any benefit from it? The right of suffrage is very different from the right of protection, after the Government is formed. No man should be taxed for exercising the right of suffrage. It is a right which ought to be conferred on every man who resides on the soil, who is ready to fulfil the duties of the citizen, and to fight the battles of the country. After the Government is formed, there exists a reason for demanding a contribution for protection. Therefore, he believed, that the people would reject the offer of the right to vote as a favor, but that they would say to you—we claim the right of suffrage as freemen—we claim the right to choose our rulers—we will afterwards contribute, because we would desire to enjoy the benefits to arise from the protection of the Government. This was the just distinction to be taken. In regard to the material question, he did not think the argument of the gentleman from Philadelphia had, in any degree, shaken its validity.

Mr. CUMMIN, of Juniata, said, he was opposed to all tax qualification as the ground work of the right of suffrage. He had seen a great deal too much contention at elections. Young men came forward to offer their votes, and were rejected; yet, they were good citizens, and had as good right to vote as any. According to his views, no citizen ought to be deprived of his vote, because of the neglect of an assessor or a collector.—Every man should be permitted to vote without the incumbrance of a tax. It was not the duty of the voter to follow the officer; but, it was the duty of the assessor or collector to follow him. He would not give a vote for any measure calculated to deprive a citizen of his vote.

He had himself been deprived of his vote by an arbitrary exercise of power during the reign of terror. That reign lasted but a short time.—If it had been perpetuated by the re-election of the federal candidate, this Convention would never have been assembled. Sir, (said Mr. C.) we should, at this moment, have been under a monarchical Government.

The CHAIR reminded the gentleman that the question was on the amendment.

Mr. CUMMIN said, he was speaking on the right of suffrage, and he had a right to show how it had been taken away under former laws, and to show that it was our duty now to build it on a rock where it would stand firmly forever. He thought he might be permitted to give a history of the reign of terror, and of the naturalization law. The truth ought to be heard and known; and it was true, he said, that if God, in his providence, had not so ordered it, that the window tax, which was imposed, had incensed the Germans of the eastern counties, our republican institutions would no longer be in existence. The naturalization act was passed in 1798. No person was permitted to avail himself of the act and become naturalized, unless he did it before the 15th of June following in that year, and then

he had to pay the sum of fourteen dollars, and the charges of court.— In case he did not come forward then, he was deprived of his vote for fourteen years, and then must pay a tax for it. This was the most tyrannical law that he ever heard of under any Government in the world. If foreigners had been deprived of the right of voting, you, yourself, Mr. Chairman, would not now be a freeman.

But, suppose I had paid the expense of twenty dollars, I should have been on probation, under that act, for seven years. But one who did not avail himself of that act, would have to wait twenty-one years before he could fill an office. These were the acts of tyranny which, coupled with alien and sedition laws, brought this country to the very brink of destruction. Under the alien act, it was in the power of any ruffian or miscreant, upon making complaint against any foreigner, to have him transported, without a hearing or examination, to any country which the President might name.

Another law was passed in the reign of terror—the sedition or gag law. No man was to be allowed to speak his mind on the subject of the Government. An army, too, was to be sent to regulate the elections. But Providence sent the people a deliverance, before the purposes of the friends of monarchy and equal rights could be carried into execution.

Another law, imposing direct taxes, was the means of overthrowing all the arbitrary laws. The window tax so incensed the citizens of York county, that they gave a majority of three thousand for the republican party, at the ensuing election. That was the election (said Mr. C.) when I was cut off from the right of suffrage. But God, in his mercy—for it was not man's work—so ordered it, that the policy of the Government was changed, and the liberties of the people preserved. He should oppose every measure which denied a vote to any man, and he should oppose any tax qualification of whatever kind.

Mr. SHELLITO said he would make a statement of facts to the gentleman from Philadelphia, (Mr. SCOTT) who, he said, having been born with a silver spoon in his mouth, did not know what were the rights of the poor man. He knew an individual, he said, who was as intelligent as the learned gentleman from Philadelphia, and of the same politics with him, who had a number of fine promising children, who was so poor that he had to sell his cow to buy bread for his family; and, having no property whatever, paid no tax, and was deprived of his right of voting. He had no vote or voice in the Government under which he was bringing up his children. These were facts that he was acquainted with intimately; and this man was a man of high spirit, and a man of worth and intelligence, and though not of the same politics with himself, he was very sorry to see him, or, indeed, any other citizen, deprived of his vote, because he was unable to pay a tax. Such a man might work a day on the public roads, and become entitled, by that labor, to vote. The gentleman born with a silver spoon in his mouth ought to think of this. To say that none should vote except those who paid taxes, was the language of tyranny. Let us do something for the poor man, that he may love the country for which he is liable to be called upon to peril his life.

Mr. M'DOWELL liked the spirit, he said, of the amendment offered by the gentleman from Columbia. Though he was in favor of retaining the tax qualification, yet he was for simplifying it, and, as far as was practi-

cable, to render the polls accessible to all the citizens of the Commonwealth. He only wished to guard the right of election against abuses. With some modification he would vote for the amendment, with pleasure. It seemed to him that it would be a more proper provision, if it limited the qualification to the place where the tax was paid. The terms of the amendment, as it stood, were exceptionable, because they were too general.—As it stood, it would give a man the right to vote in any township or county where he resided, upon the payment of a borough tax in any part of the State. It was going too far to say, that if a man paid a tax in Pittsburg, he should be entitled to vote any where in the State. The payment of a local tax, should only give a person the right to vote where it was paid. If the gentleman would so modify the motion, as to meet this objection, he had no doubt it would be sustained by the committee.

Mr. ACNEW, though in favor of a tax qualification, was not willing, he said, to support the amendment. In regard to the meaning of the word "public", as applied to taxes in the amendment, he stated, that when the subject was before the Convention of 1790, a proposition was made to insert the words "public" before the words "State or county tax"; but, it was rejected as too indefinite a word. If the gentleman designated each species of tax in the amendment, it would be more plausible, but not to put a word of doubtful meaning in a Constitution, which was to endure for half a century or longer, and where every word ought to be written with a pen of diamond. The gentleman who offered the proposition, as well as the gentleman from Luzerne, asserted the phrase "public tax", would embrace borough taxes, while the gentleman, who last addressed the Chair, said it would not. Here it was evident, that the word was not understood to have any definite meaning. The gentleman from Luzerne had spoken of the word public as being very clear in its signification, and referred to him (Mr. A.) as being a lawyer, who ought to understand the distinction between public and private acts of legislation. He (Mr. A.) was well aware of that distinction; but, would ask that gentleman, who had just given it as his opinion, that public tax would include borough too, if he were employed to attend to the case of a client, whose rights depended upon a charter of incorporation, whether he would not be obliged to plead the act of incorporation, or whether the court would be obliged to take notice of the act as a public act? The answer to this question would show that the meaning of the word public, was ascertained by the subject which it qualified, and was quite too indefinite to be used in the Constitution. If a "public tax" might now include a borough tax, it would be impossible to tell what it might not include hereafter. It would be impossible to regulate a system with such loose provisions as these. It was said that the phrase, State and county tax, was equally indefinite; but, he apprehended, that if the tax qualification was retained, the right to vote would depend upon the payment of a legally assessed tax. That would give certainty to the rule. But, if we excluded every kind of tax, what evidence would the officers of elections have that the tax was legally assessed? Might there not be some illegal or pretended corporations, and would not spurious receipts be easily issued? What evidence would there be of the legality of what the voter alleged to be a tax? The officer of the elections would have no evidence that any such tax had ever been imposed, and, thus a wide door would be opened to fraud and imposi-

tion. The oath of the voter must be substituted for other evidence of his right to vote, and he was opposed to the multiplication of oaths, as he had heretofore remarked in this discussion. There ought to be some other mode than oaths of obtaining the necessary evidence. It was impossible to require record evidence in all cases, and we were obliged to be satisfied with secondary evidence. Under the present system we had means of detecting perjury. The voter must state what the tax was, and to whom it was paid. We could then refer to the records of the county, to see whether they conflicted with his testimony. But, if the payment of a corporation tax was made a sufficient qualification, there would be no way of ascertaining whether it had been assessed and paid. We should have nothing to guard the elections from fraud. The proper principle for the regulation of this subject, undoubtedly was, that the right of suffrage should be extended as far as was consistent with the rights of the community, as it could be extended without endangering the interests of the community. If it is extended so far as to admit persons not entitled to it, it will be like taking so much from one side of the amount and adding it to the other. The gain of one man is the loss of another. We impair the rights of those who are legal voters to the same extent, that we add to the rights of illegal voters. It would be worse to expose the community to fraudulent votes, than to deprive those of their votes who are legally entitled to them; for, where a man votes who has no right to vote, he deprives the qualified voter of his right, by neutralizing his vote, just as much as the assessor should deprive him of it, by refusing or neglecting to place his name on the tax lists. The true course was to give the right to all who seek it, and to protect the community from those who have no right. The objection to the phrase "public tax" was, that it was too indefinite; and, it would be ill advised to bring so much uncertainty into the exercise of so valuable a right.

Mr. MEREDITH had supposed, he said, that the Convention had finished this matter during his late absence from his seat, as he had seen by the papers while he was at home, that it was under discussion. He was surprised, upon his return, to find the debate still going on; and he must say, that he was shocked to hear the sentiments that had been advanced in it; to hear it maintained that the tax qualification was an exercise of arbitrary and tyrannical authority on the part of the State Government. Why, Sir, it was on this principle—that taxation and representation are inseparable—that our revolution was founded. It was from that abstract principle that it arose—for no one ever pretended that the tax was an onerous one, or produced any distress, or that it was such an exercise of tyranny as would put an end to the liberty which we had enjoyed. He would not suppose that there was a majority here ready to put a stigma on the principle which our fathers asserted so strenuously and at so much peril, and which they laid at the very foundation of the free institutions which they established. He objected also to the course pursued in this matter. Having settled the principle, the details of the subject ought to be left to the second reading. If we went on in this way, disputing in committee about details, we should never arrive at any results. The expression of "public tax" was liable to all the objections urged by the gentleman from Beaver, (Mr. AGNEW,) and it was entirely inadmissible. The Constitution provides that the payment of a state or county tax, shall entitle a person to vote; but a

county tax is a regular and indispensable tax. It was laid on the real and personal estate in the county, and it was the only solitary mode in which the expenses of the county could be provided for. It was a tax of the highest character, and he defied any one to show an instance in which it was ever onerous. The returns of the lists of assessment, showed who were entitled to vote. Now, what would we substitute for this mode of ascertaining who are tax payers, and who are entitled to vote? This was a mode which had never occasioned any doubt or dispute. It was simple and intelligible. There had been disputes in relation to the rights of persons between the ages of twenty-one and twenty-two, to vote; but never as to this clause, from the foundation of the Constitution to this day. If we struck out county tax, and substituted for it the words "public tax," it would involve us in difficulty. A county tax might, as a local tax, be then deemed insufficient. In the strictest sense of the term, a county tax was not a public tax. Were we to strike out this plain, perspicuous provision of the Constitution, under which our rights have been exercised, without dispute for so long a time? For what purpose? Not to get rid of the principle of tax qualification, for that had been agreed upon. We were asked to substitute this new rule, which would lead us to endless disputes and difficulties, and destroy all the evidence of citizenship which was now received. No benefit was indicated as the result of this change, and he was entirely opposed to it.

Mr. STERIGERE said he should go for the proposition, because he was in favor of the principle of extending the right of suffrage to all who, in any way, contribute to the support of the State Government, and form a part of the community where they reside. The provisions necessary for preventing fraud and imposition would be made hereafter by act of Assembly, as was now done in relation to the State and County tax qualification. The same means would exist for preventing imposition under this provision, if it was adopted, as under the present Constitution. All the difficulties as to the mode of obtaining evidence of the payment of the tax which gentlemen had urged against this proposition existed now, and they must be obviated in the same manner. We must depend upon the evidence submitted by the individual himself—upon his oath. He could not see why a borough tax was more liable to this objection than a county tax.

Mr. BROWN, of the county, rose, he said, merely to ask a question of the gentleman from Philadelphia, (Mr. MÆREDITH) and the gentleman from Lancaster, (Mr. COCHRAN). When they said that taxation and representation ought to go together, did they mean that *none* should have a voice in the election of Representatives but such as paid taxes—and that the converse of the proposition was also true—that *all* who paid a tax should vote for Representatives? If so, then all women, aliens, &c. who pay tax should vote, or else not be taxed. He (Mr. B.) did not know that what was meant by the "taxation and representation" of the Revolution, had relation to the rights of individual electors.

Mr. COCHRAN: My remark referred to the principles adopted by the fathers of the revolution.

Mr. AYRES rose and said, that as he knew the amendment did not meet the wishes of many gentlemen, he wished to make a suggestion which he hoped would be adopted. If the Convention would agree to strike out

the word "public" and to insert in its room the words "road, poor, and school", it would meet the object in view, and remove the objectionable feature. He thought such an amendment would put an end to the discussion, and he wished to see it made.

Mr. SCOTT, in reply to the gentleman from Crawford, (Mr. SHELLITO) who had said that he (Mr. SCOTT) was born with a silver spoon in his mouth, remarked that he was born to no such good fortune. He wished the gentleman to understand that his whole life had been one of hard and unremitting labor, no prospect of the termination of which could he now see. He assured the gentleman that it required all the talent and energy which he could exert to support a large family of children, boys and girls both, neither of whom had a silver spoon. He hoped, therefore, the gentleman would consider him as one of the working men.

Mr. CLARKE, of Indiana, said when we got through the general principles of the Constitution, a committee composed of the best scholars should be appointed to put the instrument in form. He would, therefore, suggest to the gentleman from Columbia, that he had better not modify his amendment at present. He admitted that it was not now in its right place, nor, perhaps, in its proper form; but as a majority appeared to be in favor of its principle, the vote might be taken with a view merely to determine the principle. Hereafter, the form and place of the provision could be fixed. He hoped, if the majority of the committee were determined to restore the tax qualifications, they would extend the principle of evidence a little broader; and this could not be considered as gainsaying any thing that the committee had previously decided upon.

Mr. BIDDLE said—Mr. Chairman: Under the existing provision, every man in this Commonwealth, who pays a State or county tax, is entitled to exercise the right of suffrage. Every man who enjoys property, or is capable of exercising an occupation, is a taxable inhabitant. If, therefore, he be not privileged to vote, it is because he voluntarily withholds that which every good citizen should cheerfully discharge. The amount of the tax is so small, that it is conceded by all that there are none so poor as to make it burdensome. Then who is excluded by the present provision? No one but the citizen, who, partaking of all the blessings so bountifully bestowed on our country, and protected by her admirable Government, with his own consent, neglects to perform his public duties. It is not the man who labors on your public highways: the very act of his working shows him to be an able-bodied man, capable of exercising an employment. Your sympathies are not due to the idle or the vicious, or to those who are delinquents. The words State or county tax, are clear, unambiguous, and embrace every one having property, or using the slightest exertion to support himself. I cannot vote for the amendment.

Mr. CHAMBERS said, that the payment of a State or county tax had been requisite as a qualification for voting, for half a century. What was proposed by this amendment? From the remarks which the gentleman had made, it seemed to be his object to include those who paid a road tax; but, one who was liable to a road tax, was also liable to a county tax.—The person who is subject to one charge is subject to another, and the charge is upon some property or some occupation. We dont, then, extend the right of suffrage, by giving it to those who have paid a road tax, because, if they are able to pay a road tax, they are able to pay a county

tax. The gentleman from Crawford (Mr. SHELLITO) has said, that he has known of cases of great hardship, growing out of the tax qualification, as it now stands. He has told us, that he has known of the case of an intelligent person, who was compelled to sell his last cow to obtain bread for the support of his family, and that he was deprived of voting, because he had not the means to pay his tax. Well, if a man eats the bread of idleness, was that any reason why we should have a Constitutional provision to meet his case, and others like him. If an individual has any property, or any occupation, he is liable to be assessed; and, if he is assessed, and is able to pay a road or poor tax, he is able to pay a county tax, so that he could see no necessity for adopting this amendment. If a man was not subject to a county tax, for want of an occupation, would he be subject to a road tax? He would not; and consequently, would not be embraced even by this amendment. The amendment, too, was objectionable from its want of certainty. The term public tax was, in his opinion, too uncertain to be introduced into the fundamental law of the State.— Courts, lawyers, inspectors, and judges, will differ as to what shall constitute a public tax. He would be disposed to consider a borough tax a public tax, because it was a tax common to all within the borough. It was not levied upon any particular portion of the inhabitants, but upon those within certain boundaries. Well, if a borough tax be a public tax, it was an unequal tax, and calculated to make distinctions in an election district. It was a tax which would be levied, in many instances, in one part of a district and not upon another, so that in the same election district, men voting at the same window would have different qualifications. In the county of Franklin we have several boroughs, which are parts of townships, and for general or township purposes they vote together, and put in the tickets at the same window. Here, then, some would be entitled to vote, upon merely furnishing evidence that they have paid a borough tax, while the rest of the township would have to furnish evidence of having paid another tax. Here, then, would be an inequality with regard to the voters in the same township. With respect to the poor, road, or school tax, they did not, in his opinion, extend the right of suffrage, because, it only extended it to those already provided for by the county tax; for, no one was liable to pay poor, road, or school tax, except those who were liable to pay a county tax. Believing then, that it would be introducing a matter of uncertainty in the Constitution, and produce inequalities in the qualifications of electors, he should vote against the amendment.

Mr. PORTER, of Northampton, was in favor of extending the right of suffrage to every one who contributes to the support of the Government; and, he took it, that the principle was settled, that every citizen who so contributed, was entitled to a voice in the administration of the Government. The gentleman from Philadelphia county had enquired, if taxation and representation was to go together, why we would not allow aliens the privilege of voting. In answer to this, he would state, that the reason why aliens were not permitted to vote was, that they have not abjured their allegiance to the foreign Government, from which they came, and have not sworn to support this Government; and, the tax they pay is paid for the protection the Government affords them during their sojourn among us. This was the reason this right was not extended to them, which was only to be extended to our own citizens. His idea then was, that when-

ever a tax was laid on persons of a general character, to carry out the system of Government which we have adopted for ourselves, it ought to qualify for voting, and therefore, he supposed that State and county taxes were the legitimate and proper qualifications for a voter. He thought also, that the payment of a road tax ought to qualify a citizen to vote, because it was for the support of the highways of the Commonwealth, and went to carry out our system of Government. The payment of a poor tax too, if it was to be considered as a general matter, ought to qualify to vote; but, if it was to be considered a mere local matter, it ought not to extend the qualification further than for persons to carry out those particular laws. So with borough taxes, they ought to be a qualification to vote for borough officers, but he could not consent that they should qualify a citizen to vote for State or county officers. He thought, however, that the road and poor tax ought to be a qualification for a voter, as he considered them to be public taxes, and they were based upon the county tax, and if they were not introduced, it might happen that the citizens of some particular county might be entirely disfranchised. We all know that we have had but very little of the State tax since the adoption of the Constitution; and, in some counties, they do not lay a county tax more than once in two years. In one county of the State, he believed, they had not had a county tax for four years, yet they had a road tax, and a State tax, and the citizens contributed in this way to the benefit of the public and the support of the Government. But, if it had not been for the mere circumstance of having a State tax at that time, the citizens of the county of Pike would have been disfranchised, under the present Constitution. He would then, for the purpose of avoiding a difficulty of this kind, extend it to the road tax and poor tax, but not to the borough tax. The doctrine of taxation and representation was a republican doctrine. The people were sovereign, but no man ought to exercise any right in a community he did not assist to maintain. Every citizen, however, who contributed to the support of the community, ought to be entitled to vote. If then, the amendment included merely road and poor tax, he would vote for it cheerfully; but he disliked it, because it was liable to be construed differently by different persons. He did not like the term public tax, because, in one part of the State it might have one construction placed upon it, and in another part another construction, and his doctrine was, that the elections should be free and equal. There was no great hardship in the matter of a person having to pay a tax to get a vote. These taxes are generally from ten to fifteen, and perhaps twenty-five cents, and he did not think there were any persons who could not raise twenty-five cents once in two years; therefore, none were excluded in consequence of the tax qualification. It was in vain to say that the tax qualification excluded any persons who had a disposition to exercise the right of suffrage. It was the basis of all our institutions, that taxation and representation should go together. He who enjoyed the benefits of Government should contribute to its support, and he who contributes to its support, is entitled to the right of suffrage, if he is a citizen. This was the only doctrine upon which we could stand, because it was the only doctrine, in his opinion, founded upon principle.

Mr. BAYNE thought he should be in favor of the object the gentleman had in view, if it was more definite in its terms, but as it was, he

thought it entirely too doubtful. There were in the State various taxes, and among others, there were taxes paid for the support of theological institutions. There were several corporations in the State of this description, and they were, strictly speaking, of a public character, and these corporations pay a yearly tax for their support. Now, he wished to know whether it was the intention of the mover of this proposition to connect church and State, which had been so much deprecated, or was it his intention not to declare these institutions public institutions.

Mr. EARLE would enquire of those gentlemen, in this Convention, who opposed this amendment, if they would, in case they were inspectors at an election, decide that any individual was entitled to a vote, in consequence of having paid something to a theological institution, or a turnpike corporation. We all understand, unless it is those who raised their objections to this amendment, that it is a matter of no doubt or difficulty. But, he had risen for the purpose of saying a word in favor of the corporation in which he resided, hoping that they might be granted some of the same privileges proposed to be conferred on other parts of the State. Gentlemen have said that road taxes are public taxes, because roads are public, and persons may travel over them from all parts of the State. Well, corporation taxes were equally laid for public purposes, because they were for the purpose of keeping the streets in order, so that the gentleman from Northampton, and all other gentlemen, may ride over them in their gigs or carriages, without being subject to have their necks broken. He was anxious to have this amendment adopted, because, the collectors of county taxes were, in many cases, very negligent, and persons were, by this means, deprived of a vote. He had known of many cases, where the county taxes were not all collected for two years; and, he had also known of cases, where persons had paid their corporation tax, and laid away their receipts, with the expectation that it would entitle them to a vote; but, when they came forward to the polls with their receipt they found out their mistake. Now, he considered that persons, who had paid their corporation tax, ought to be entitled to vote, and he hoped the amendment would be agreed to.

Mr. FORWARD regretted that his friend from Indiana, (Mr. CLARKE) had urged the mover of this proposition not to permit any modification of it to be made, inasmuch as it involved a principle which, he considered, ought to be adopted. Now the difficulty, which he (Mr. F.) had in relation to it, was that it involved a principle which was, to him, unintelligible. He was not at all particular as to the words, but it was the principle, which was unintelligible to him, and to many members of this Convention. In his opinion, the language of the amendment was most indefinite, and might be tortured to mean many things. Let gentlemen, if they wish to adopt a principle, name the taxes they desire to qualify to vote, and then the principle will be intelligible. If there was no modification of this sort, then he hoped that those who were in search of a principle which would be intelligible, would vote it down. If, however, gentlemen would state the principle they wish to introduce, and put it in explicit terms, then we can say whether we will adopt it or not. He regarded this tax qualification as perfectly useless, unless it is to prevent frauds at elections. What was five or ten cents as a qualification for a voter? It was a mere form—in substance it is worthless. Whatever it might have been consid-

dered originally, and whatever views the framers of the constitution took of it, it is now admitted to be nothing more than a preventive to fraud and inconvenience, and a mere evidence of residence. He approved of residence being made a qualification; that is the only qualification he would require, and that was the only virtue in this whole provision, that it is a test of residence. This principle of taxation is of no use, further than it answers to prevent fraud at elections. It is a mere precaution, used to ascertain who is to vote, and who is not; and to ascertain who is a pauper, or a vagrant, or a non-resident. No man pretended to say that it had any particular use beside this; and it was in this view that this test was valuable. He conceived that there were reasons unanswerable, why vagrants, paupers, and convicts should not vote. Then, you must have a test, to ascertain who is really entitled to vote under the constitution. As there is a class, which most persons admit ought not to vote, the question is, what is the best test to adopt, so that you may not be imposed on at your elections? Will any reasonable man say this is not right? Will any man say some means ought not to be adopted, by which a discrimination can be made at the polls, between the qualified voters and the vagrants, paupers and foreigners. You are liable to imposition at the polls every day now, and are you going to cast open the door wider? He would ask the friends of this amendment, if they were presiding at an election, what they would take as evidence that a man has paid his corporation tax, or his road tax? He shows no receipt, has no documentary evidence, and no man can prove the fact, as he may be unknown to any person present. Well, the question then would be, will he swear he has paid this tax? Swearing is the only test; and if he swears he is qualified, then if he is a vagrant, or a villain, he will swear to any thing. A mere tool of a party may be led up to the polls, half drunk, by some partizans, and he cares nothing about an oath, and by this means obtain a vote, when many conscientious, honest men, would not take an oath on so trifling an occasion, and would thereby be deprived of their vote though they may have paid their tax. Then you are opening the door, to vagrants and villains, while you are placing restrictions on the honest voters. The only mode he knew of by which the purity of the government was to be maintained, was by a registry of the voters. This was the best protection for the pure and free exercise of the right of suffrage. It might be possible that in some instances it would be avoided, and fraud would creep into our elections; but he conceived it to be the best safeguard against corruption which we could have. We have heard, frequently, of fraudulent votes being given in some districts, and he presumed it was not to be doubted that fraud was practiced to some extent. Suppose then, that a Governor was to be elected by one hundred majority, and one thousand of these fraudulent votes, on that side, would not the sovereignty of the state be insulted by such a proceeding. In a warmly contested election where most fraudulent votes would be given, a Governor may be elected by fraudulent votes, and the Senate may have a majority of one, and the House of Representatives a majority of one on the same side with the Governor, and the majorities in both Houses elected by fraudulent voters. He would put it to any man, whether such an event might not happen in Pennsylvania. Here, then, would be the whole government of the state in the hands of men elevated to power by a few vagrants, villains, or foreigners; and the

consequences to the Commonwealth might be ruinous in the extreme. It was then the solemn duty of the Convention to provide sufficient guards against these frauds. It was his opinion, that a register would be the most practicable mode of obtaining an evidence of residence; but say some gentlemen, a man may forget to register his name, or it may be troublesome for him to do so. How is it that the right of suffrage is so sacred on this floor, and out of doors it is worth nothing? At the elections there are hundreds in every county whose right to vote is undoubted, who do not go to the election at all; and, at the Presidential elections, one half of our citizens remain at home, and decline exercising this precious right which is above all price here. If the right of suffrage be, what it is said to be, and if all that was said about it here be not mere words, then it is worth a little trouble to secure it. If it was of any value at all, was it too much to say to a man, go and register your name, and you will be entitled to the benefit of it? Here you merge all distinction between poor and rich; the poor man would attend to it. Are we to refrain from taking precautions against fraud, from securing our elections from corruption, and from securing the highest offices in our government from usurpation, because it may put some voters to a little inconvenience? He would not desist from taking these precautionary steps because some man might by his own neglect lose a vote by it. If he does lose his vote, it is his own fault, and not the fault of the law. If the right of suffrage was worth any thing, it was worth paying this much attention to it, to receive it. He would not agree to a subversion of the government, because of the inconvenience which it might subject a few persons to in registering their names. We should come at once to the registry to secure the government and the country, from fraud, corruption, and usurpation. A contested election in this country for an Executive, is an occurrence much to be dreaded. Suppose a contested election of this kind, when both parties were very nearly balanced, who could say what would be the result? Suppose the election of a President of the United States to be contested, and a party in power unwilling to give up the reins of government, with all the power and patronage which is at the command of that Executive. Congress would be assailed, and members might be coerced to vote in a certain way by the executive authority. No man could be willing to have a Constitutional provision subjecting our elections to such frauds and corruptions. You must shut out fraud and corruption, so that the people of the country may be guarded against imposition, or the government will perish. You cannot prevent fraud by the tax qualification, and as is proposed, here, the more you open the door the more danger you let in. He should then go against all these provisions containing the tax qualification, with a hope that we might yet obtain a system of registry, which he considered a much better safeguard against fraud.

Mr. HAYHURST then modified his amendment to read as follows:—  
 “And free male citizens, qualified by age and residence aforesaid, who shall, within two years next before the elections, have paid any road, poor, school, or municipal corporation tax, assessed by virtue of any law of this Commonwealth, shall also be entitled to exercise the right of an elector”.

Mr. BELL said, his objection was to the principle contained in this amendment. It had been said by gentlemen on this floor, that the right

of suffrage was an inestimable right, and so it is felt to be by the citizens of Pennsylvania—not only by the rich, but by the poor also. The poor man wears it in his heart's core—yea, in his heart of hearts; and he feels, that dispensing with the tax qualification altogether, in stead of increasing the value of this right, is degrading it, and making it of less value to him. The tax qualification, instead of being felt by the poor man as a burthen, is held in high estimation by him, because it gives him the means, at least once a year of meeting his wealthy opponent, and saying to him, "I am your equal". This tax qualification, which has been denounced as odious, is the very corner stone of a representative democracy. He viewed it not as an evidence of residence, or an evidence of citizenship, but as an evidence that the individual feels interested in the welfare of the community, and has contributed to discharge the burthens of society. What were Governments formed for? Where was the necessity of a man's yielding up a portion of his natural rights? Why, that the weak and the timid might be protected against the strong and the nefarious. If all were equally strong and equally cunning, there would be no necessity for this. But, this not being the case, Governments are formed for the protection of all, and all who are entitled to protection, are under obligations to contribute to the support of the Government, and those who contribute should be entitled to a voice in that Government. Thus, all those who contribute to the support of a community, should be entitled to a voice in the regulation of the affairs of that community; and, he should enjoy it exactly in proportion to the extent of the tax he has paid. We have established the tax qualification as necessary to entitle a citizen to vote, but he conceived that it was not intended that a person, who paid a tax to a municipal corporation, should be entitled to vote for State or county officers. It was right, that the person who paid a county tax should enjoy the right of voting for county officers, and it was equally right, that the person who paid a borough or township tax should be entitled to vote for borough or township officers, as the case might be. But, that the individual who paid a township tax should vote for an officer who was to represent the whole county, he held to be a violation of the principle on which the right of suffrage was based. If you adopt this principle what becomes of your equality. He did not now speak of the amount of the tax which any individual paid. Every one was on an equality in that respect, for every one paid in proportion to his means. But if you establish this principle you at once destroy every thing like equality. Some persons would be compelled to pay county or State taxes to entitle them to vote, while others would be entitled to vote upon merely paying a township or borough tax. The ground upon which he placed this matter was this—that the right of voting should be commensurate with the character of the tax paid. He would allow those who paid a township tax to vote for township officers, and he who paid a county tax he would allow to vote for county officers; but, he would not permit the person who paid a township tax to vote for county officers. There appeared to be a morbid feeling in the Convention on this subject, and an ardent desire to throw aside every thing like restraint upon the right of suffrage. Now, he wished to see some principle adopted, which would give us a qualification common to all, and easily to be understood. Upon refering to the Constitution of New York, he found that although they generally exacted but one year's

residence to entitle a citizen to vote; yet, where the individual claims to vote upon the ground of having served in the militia, or worked upon the roads, it is required of him that he shall have resided three years in the State, and six months in the county, in which he offers to vote. If gentlemen would go this far their amendment might be more acceptable, but if they are not willing to do so, then they are more radical than even the radical representatives of the State of New York. There was no reason why distinctions should be made between citizens of the same county; but, if you adopt this amendment, you do make distinctions.—Some citizens would be entitled to vote upon the payment of one kind of tax, while others would have to pay a different tax to entitle them to this right. There are in every county those who will be compelled to pay a county tax, and if others are not compelled to pay this tax, there will be a distinction, which will destroy all equality. There had already been an amendment adopted, calculated to make distinctions between voters, which he would endeavor to get rid of at a proper time. But, here we are going one step further to create anarchy and confusion. This last amendment proposed contemplates making every one an elector who has paid a tax of almost any description—a township tax, a poor tax, a municipal borough tax, &c. Now, can equality of rights exist where there are so many taxes, the payment of which shall qualify to vote. In some parts of the Commonwealth they have a great variety of taxes, while in other parts they have but few. In the city of Philadelphia they have a corporation, a poor tax, a water tax, and he did not know how many more taxes of this character, and in addition to these they have a county tax. Well, in that city one man will have a right to vote on paying a water tax, another will be entitled to vote because he had paid his corporation tax, and another would have the right to vote because he had paid a township tax. One would be entitled to vote because he has paid one kind, and another will be entitled to vote because he has paid another kind of tax. In some boroughs taxes may be laid for some special purposes, and under this provision, all those who pay a tax of this kind will be entitled to the exercise of the right of suffrage. Now, all this he considered as operating unequally and unjustly upon the citizens of the Commonwealth; and, he was opposed to the extension of the right of suffrage in the manner proposed by this amendment. It would be recollected by the committee, that he had introduced an amendment of a general character, requiring but six months residence to entitle a citizen to exercise the right of suffrage, which had been voted down, and when a proper time arrived he should renew that motion, but he could not now go for this proposition.

If the terms were reduced, as required, then certainly we ought not to fritter away town residences. The paltry sum of two cents ought not to induce us to insert in the Constitution a new principle—the principle of inequality.

Mr. EARLE, of Philadelphia, begged to notice what had fallen from the gentleman from Chester, (Mr. BELL) in reference to the amendment of the gentleman from Columbia (Mr. HAYHURST.) The gentleman had argued that it would operate unequally. Now, his argument against the amendment might have more weight, if all the taxes were not excessively unequal. A man who is poor, may pay a great amount of taxes to the Gen-

eral Government, in the shape of duties on the necessaries of life, and yet be deprived from voting for the officers of the General Government, while the man who paid a tax of twenty-five cents to an assessor, is allowed to vote. This tax qualification, in every respect, was unequal. The gentleman from Chester ought to carry out his principle, if it was a just one, and permit a man, who has paid a State tax, to vote only for State officers, and one who has paid a county tax, only for county officers. He should vote for the amendment as the most liberal, although he was opposed to any tax qualification.

Mr. HOPKINSON, of Philadelphia, said, that he would simply remind the committee of a great leading principle which had been frequently avowed on this floor. This principle was a determination to make no alteration in the Constitution, without good and substantial reasons. He wished to remind gentlemen of this principle in reference to the amendment pending. The gentleman from Columbia (Mr. HAYHURST) submitted a proposition, and after it had been discussed all the morning, had given it up, and submitted another. Now, unless it could be shown that this was better than the other, it ought not to be entertained. He (Mr. H.) did not believe it to be better. He had frequently heard it said, on other subjects, that the people require this and require that. But, with regard to the subject of the gentlemen's proposition, he had not heard the same remark. He hoped that, unless gentlemen had such reasons as would induce them to change their opinions, they would adhere to their declaration to support no amendment not absolutely called for by public opinion.

Mr. DICKEY, of Beaver, remarked, that he was opposed to the tax qualification altogether. He considered that every man had the right to vote who was a citizen of the State, and what delegate here would say that a citizen shall not vote? He would vote for this amendment, not because he liked it, but because it was more liberal than the State and county tax qualification, and extended the right of suffrage. Under the State and county tax qualification, unless trades and occupations were taxed, a large number of citizens would be excluded from the right of suffrage. Some future Legislature might so alter the tax laws as to take away the qualification. This amendment would put it out of the power of after times to legislate men out of their votes. The State tax was repealed, and there was no State tax. He trusted that the day was not far distant when the income of the Public Works, or some other income, might be so great as to render county rates and levies unnecessary. Where then, he would enquire, was the right to vote? It was lost, and the whole people of the Commonwealth were excluded. The fact was, the payment of a tax should not be the test at the polls. The right of suffrage was a personal right.—A man should vote because he was a freeman. He (Mr. D.) would vote for this amendment, because it was better than the proposition of the gentleman from Chester, without it. It extended the right of suffrage, and he should therefore vote for it.

Mr. M'DOWELL; Is it intended to limit this privilege to the county in which the road, poor, and school tax, is paid?

Mr. BANKS, of Mifflin, remarked, that he did not agree with the gentleman from Chester, (Mr. BELL) that this amendment went too far. For his part, he could not set bounds to the right of suffrage, and do justice to his feelings. He could not say, in relation to this right, "thus far thou shalt

go and no further". He did not believe that gentlemen were ready to carry out the principle, and deny to freemen the right to vote for State officers, unless they have paid a State tax; for county officers, unless they have paid a county tax; and for township officers, unless they have paid a township tax. As it was admitted that the payment of a tax was only evidence of citizenship, should a man, who paid a corporation or any other tax in Philadelphia, and produced his certificate, be debarred from voting if he should remove to the county of Erie? The fathers of the revolution, when they contended that taxation and representation should go together, never meant to exclude representation, if there was no taxation. They only determined not to be taxed, unless they should be represented. They never meant to exclude freemen from the exercise of personal rights, unless they were first taxed. Shall, then, those who have strong arms, sound heads, and warm hearts—who are ready to defend the country when invaded, be excluded from the polls on any pretence? He would not vote to deprive any man of his right of suffrage, because he might not possess any thing to be taxed. All taxes might be abolished by the Legislature; the necessity for them may cease to exist. Will you say to those who have fought the battles of the country—who have exposed their life in the defence of freedom—who have suffered privations, and bled for the preservation of our institutions—you shall have no voice in the Government, because you have no property to be taxed? It is a monstrous doctrine in a free State. But the committee seemed to favor some sort of a tax qualification, and if he could not get rid of the odious principle entirely, he would go as far as he could. On this ground he should vote for the amendment, and support it as a choice of evils. Taxation of every sort had, in all ages and in all countries, been considered unequal and odious, and peculiarly so, when entirely personal. From the taxing in the time of AUGUSTUS, at the commencement of the Christian era, to the present, complaints have been made, and reasonably. It drove the people to resistance in the time of WILLIAM TELL, of Switzerland, and in the time of the stamp taxes and the tea tax of the revolution. It was an odious basis for the right of suffrage. One gentleman remarked the other day, on this floor, that the payment of a tax was 'an evidence of character'. If it is an evidence of character, then a man's character must be good or bad, in proportion to the amount of his tax. The man who pays one hundred dollars tax, would have more character than a member of this Convention, or any other person, whose tax might be only a few, say six cents! Heaven preserve us all from such an evidence of character—from all such evidences of character as have money or property for their basis. Another gentleman has said, that an upright man who had paid his tax, would be degraded by voting at the polls with the poor man who has paid no tax! Can this be possible? Can it be, that the man who does not own vessels at sea, iron works, a farm, or bank and other stocks, but who is willing to labor on the highways—who has no money, but is willing to spare a portion of his time, which is required to support a large family—is he to be debarred from voting, because he is poor? If a man contributes his proportion to the support or comfort of the poor, does works of necessity and mercy, perhaps more than the man of property, is he not as much entitled to vote, as if he owned thousands? Certainly:—is the response of every manly bosom. If every man in the Convention should

happen to become poor in the vicissitudes of fortune, and appear on the election ground without having paid taxes within two years, what would be his feelings if he should be told that he could not vote, because he had not contributed to the public taxes? He had not so learned democracy. He said that he had been instructed to cut off no man's vote, who was honest and faithful to the Constitution, and he would not vote to exclude any man from the ballot boxes, who was qualified in mind and body for an elector, and possessing the requisites indicated and mentioned. The principle contended against them is taxation, as giving the right to vote at elections by freemen, and he was opposed, both to the amendment and the amendment to the amendment. The gentleman from Beaver (Mr. DICKEY) has taken the true ground—that is to go for the amendment or proposition, which extends the right of suffrage on tax basis, as the choice of evils, reserving the right of correcting it afterwards. He (Mr. B.) would therefore vote for the proposition of the gentleman from Columbia, (Mr. HAYHURST) and if it should carry, then vote against the amendment as amended, or for it, as he might think most advisable for carrying out the views indicated and expressed by him. In conclusion, he wished not to be understood as desiring, that persons should be exempted from the payment of taxes in proportion to the estates or property which they possessed; but he objected to any, and all propositions which would, in any event, cause the honest and honorable poor man to lose his right to vote at elections, and for no other reason than “because he had not paid taxes”. His motto was,

“Where liberty dwells, there is my country”.

Mr. PORTER, of Northampton, said, that the gentleman from Millin, (Mr. BANKS) and himself, would not be found to differ much when they understood each other. He (Mr. P.) had said, that he disliked the property qualification as much as the gentleman did. And, the injustice of it was never better illustrated than by Dr. FRANKLIN'S story of the citizen and the Jackass, a man who had property in a Jackass, valued at 15, being entitled to vote, went to the polls and gave his vote accordingly.—But, before the next election the ass died, and the man presented himself at the hustings, intending to give his vote. It was, however, refused.—He asked for what reason? The reply was, because at the last election he had an ass, and now he had not. The man then enquired, which had the right of voting—he, or the animal?

The question was taken on the amendment, and it was decided in the affirmative—yeas, 55; nays, 52—as follows:

YEAS—Messrs. Banks, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Indiana, Cleavinger, Cochran, Cox, Crain, Cuninglam, Curll, Darrah, Denny, Dickey, Doran, Earle, Farrelly, Fleming, Foulkrod, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Hellenstein, Hyde, Kennedy, Lyons, Magee, Mann, Martin, M'Cahen, Merrill, Miller, Myers, Overfield, Purviance, Reigart, Road, Riter, Ritter, Rogers, Royer, Sellers, Scheetz, Shellito, Smith, Smyth, Sterigore, Swedland, Taggart, Weaver, Woodward, Young—55.

NAYS—Messrs. Agnew, Ayres, Barnollar, Barnitz, Bayne, Bell, Biddle, Bigelow, Brown, of Lancaster, Chambers, Chandler, of Chester, Chanamy, Clarke, of Beaver, Clark, of Dauphin, Coates, Cope, Craig, Curo, Cummin, Durlington, Dickerson, Dillinger, Forward, Fry, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Hout, Jenks, Kerr, Kougmasher, Long, Maclay, M'Call, M'Dowell, M'Sherry, Meredith, Merkel, Montgomery, Pollock, Porter, of Lancaster, Porter, of

Northampton, Russel, Saeger, Scott, Seltzer, Sill, Snively, Thomas, Todd, Sergeant, President—52.

Mr. MERRILL, of Union, moved to amend the amendment as amended, by adding thereto the words, "and shall have resided there for thirty days immediately preceding the election".

On motion of Mr. BELL, the committee rose, and  
The Convention adjourned till 4 o'clock.

#### MONDAY AFTERNOON—4 o'clock.

##### THIRD ARTICLE.

The Convention again resolved itself into a committee of the whole, on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending, being on the motion of Mr. MERRILL, of Union, to amend the amendment as amended, by adding to the end thereof the words following, viz: "And shall have resided there for thirty days immediately preceding the election".

Mr. MERRILL rose to modify the amendment, by striking out the word "thirty", and leaving it blank. Two or three days ago, he said, he had risen to say a few words on the importance of residence. It was a security against fraudulent voters. He had hoped that some gentleman would have taken an enlarged view of the subject; but, as no one had done so, he would now say a few words in reference to it. The greatest danger to be apprehended is from fraudulent votes. There is nothing that tends so to shake confidence, as the impression that fraudulent votes have been given, and that there has been mismanagement at the elections. It produces the belief that the Government is not so well administered as it ought to be. It is anti-republican. Where the sovereignty resides in the people, it particularly behoves them to be cautious. In monarchies there is caution enough; and the people, who are part owners in the sovereignty, should be equally cautious. It should be believed, that all our institutions are founded in purity; for, if the impression prevail that fraud is triumphant, the contagion of fraud will be felt through the community; for, what can resist fraud, but force? Would the people have it believed that they are governed by those who have no right to govern? It is important, no doubt, that the belief should prevail that a majority of the people govern the country. Some gentlemen would recollect the circumstances of the political contest of 1825. In the election of a President of the United States, by the House of Representatives, the vote of one State was in the hands of a single individual. If it had, at that time been believed, that the vote of Illinois was not in the hands of a representative fairly elected—if it had been believed that his election was fraudulent—that it was brought about by fraud in the election itself—what course would public opinion have taken? It might have led to strife, civil war, bloodshed, and perhaps a dissolution of the Union. There may be great opportunity for the perpetration of fraud, unless the proof of residence is required. As to the length of time required, there may be difference of opinion. He had thought thirty days was not too long. There ought not to be a chance left of having false votes. Large sums were frequently betted on the

Governor's election, in particular districts. They who have these large sums depending, may bring in voters, and maintain them in the district for a short period, in order to obtain votes enough to enable them to win their money. He knew there were some who said this could not be prevented. Is it so? Do gentlemen, who call themselves republicans, when they say they have the best Government in the world, acknowledge that it cannot be maintained without fraud—without introducing false votes? This charge has been made against us in foreign countries, that our Government is led by demagogues, and ruled by fraudulent voters. He trusted that some remedy could be found for this evil, and that it would be found and applied. Why should any objection be made? But, it is said that some persons may lose their votes. If they should, the number will be very small, and they should not complain if it preserves the elections from fraud. Last fall, one thousand voters in Union did not vote at the general election—they lost their votes in consequence of the inconvenience of leaving their business in seed sowing. They did not complain that they lost their votes, and demand to give their votes on another day. They might have complained, and claimed as a right to have had the polls kept open. Did they ask it? Did any one pretend that it should be done?—No one. The polls ought to be open to receive every lawful vote, then if voters do not attend, you cannot compel them. It is not the fault of the institutions, but their own. Must there not be a rule of universal application. No other could be made to suit all districts. Are we to make plans to suit the convenience of individuals? Our business is to make provisions, which will enable all to vote who choose to avail themselves of their right to vote. If they will not, they must remain aloof and submit, as did the forty thousand voters who did not vote on the call of the Convention. It had been asserted that we represent these forty thousand; and, so every man who does not vote must abide by the result.—Frequently, elections have been contested by those who have no right to interfere. Did any gentleman desire that this state of things should continue. Ought we not to secure the interests of the people of Pennsylvania against the encroachments of persons who have no right to interfere? He trusted we should have the power and the disposition to prevent frauds of this character. If no proposition could be introduced to effect that object, he would go for the old Constitution. He would move to fill the blank in the section with the word “thirty”. If any gentlemen thought thirty days too long a period, they could submit any other number. He did not think it was too long. The time ought to be sufficiently long to prevent persons from keeping votes in pay to influence the polls. It ought to be long enough also for the people to know that an individual is actually a resident. Would thirty days be too long for their purposes? He would leave it to the committee to determine. He had no desire to shut out any legal voters. He would have the polls open for every man who has a right, and, let those who would not go to the elections abide by the result.

Mr. PORTER, of Northampton, moved to fill the blank with the words “one day”.

Mr. CLARKE, of Indiana, moved to fill the blank with the word “ten”.

Mr. MANN, of Montgomery, moved to fill the blank with the word “three”.

Mr. DARLINGTON, of Chester, moved to fill the blank with the word "sixty".

Mr. DICKEY, of Beaver, moved to fill the blank with the word "twenty".

The question being put on filling the blank with the word "sixty", it was decided in the negative.

Mr. FORWARD, of Allegheny, asked for the yeas and nays on the question, to fill the blank with the word "thirty", and they were ordered accordingly.

Mr. M'CAHEN, of Philadelphia, wished some further protection, so that if a voter was preparing to move out of the district, he might still be entitled to vote somewhere.

Mr. CLARKE, of Indiana, was in favor of some length of time. He thought thirty days too long, and had moved ten. If as high as thirty should be fixed, it would exclude many who were entitled.

Mr. DARLINGTON, of Chester, remarked, that he was in favor of the longest time. The greatest inconvenience from fraudulent voters was not felt in Indiana county, where the gentleman resided, but in Chester and Lancaster, and Philadelphia, where other than legal voters were usually brought in. As his motion had been rejected, he would vote for thirty days.

Mr. DICKEY, of Beaver, wished for a reasonable time, but he thought thirty days was too long. He thought twenty days a reasonable time, sufficient for the residence of the voter to be known. It would have the effect of preventing challenges. He would prefer, however, to avoid all those difficulties, by substituting the registry, which was the most safe and certain mode.

Mr. REIGART, of Lancaster, said, that when the question on the amendment of the gentleman from Columbia (Mr. HAYHURST) was taken, he voted in the affirmative, being well disposed to favor a more extended right of suffrage. Having gone thus far, he was on the point of offering an amendment, when the gentleman from Union (Mr. MERRILL) interposed his proposition. That gentleman was actuated by the same motive as himself, to prevent the perpetration of frauds. What had he proposed? Was there any thing unreasonable in requiring a certain residence in the district? He cared not if it was twenty days, or sixty. Any one who desired to enjoy the inestimable privilege of the right of suffrage, ought to have been long enough in the district to become known, and to have it known that he is a resident. The business of importing voters from Delaware, New York, and New Jersey, might, at this moment, be going on in Philadelphia county. It had been carried on to a great extent; and, in saying this, he made no charge against any particular party. This was an important provision, and it would do more to cure the frauds than any thing else we have done since we have been here. It completely reaches the case and protects the honest voter. He hoped the time would be fixed at thirty days, although he was willing to go for twenty or thirty. He was most desirous to retain the principle. If this was not done—if the principle was not preserved, he would go against the amendment as amended, and against the report of the committee, and vote to preserve the old Constitution.

Mr. BELL, of Chester, said, the doctrine this morning which prevailed,

was to extend the right of suffrage, and to do this, many gentlemen whom he was surprised to see so voting, voted to sustain the amendment of the gentleman from Columbia (Mr. HAYHURST.) He had the misfortune to differ from these gentlemen: he thought the amendment was going too far, and he voted against it. And what was now proposed by a gentleman who voted for opening the door to such a liberal extent? We have the hardest proposition, a restriction which will operate with the greatest severity, more severely than any proposition which had ever been offered, and more so than the old Constitution, and why? Because, as we are told, the agents to carry out the election laws are unfaithful, and fraudulent votes are received. There was no other reason offered. If a party take a false oath, it is to the common law that recourse should be had.— But whence are these frauds in the importation of voters? Whence do they come? It was not in Chester that such things occurred. There the inspectors and judges did their duty. We had been told here of places where, if you go to the polls, a very slight examination suffices. With us there is a severe examination, and if a doubt exists, the voter is confronted with the oldest citizens. The judges do not rely on the oath of the party, but, as they ought to do, go properly to the officers; and, if they find perjury has been committed, it is not unlikely that the perjured individual is sent to the penitentiary, at Easton, as had been the case with one man who falsely swore that he had paid his taxes. If the inspectors and judges perform their duty, and carry the provisions of the law into effect, it is sufficient to prevent frauds. Would any one tell him it was the practice any where to import voters, and that these voters will meet the judges in the face of truth and light, and swear that they are residents, when they are not? He had been told by a gentleman from one of the largest counties in the State, that he knew no instance of any such frauds, and that he had heard of no instance where the punishment did not immediately follow. If any frauds had been committed, they were so few, and produced so little inconvenience, and were always followed by such speedy detection and punishment, that they were scarcely worth being referred to here.

Mr. PORTER, of Northampton, said, that for twenty-eight years, with the exception of seven or eight, he had been an active politician. For five years, or more, he had resided in the city of Philadelphia, and was as regularly set to watch one of the windows as election day came. Afterwards, he acted as a judge of elections, and might have served in that capacity some ten or twelve years, and he could safely say he had never known an instance in which a vote was fraudulently given. Sometimes, there might have been mistaken judgments in reference to the law and the facts, but frauds he had known none. He believed these fraudulent practices existed more in imagination than in fact. He would speak of facts. We (said Mr. P.) were five or six thousand inhabitants in that part of the city near New Jersey, where we were as liable as any to importations from Jersey. But he had never seen an instance of such. He had seen no single instance, therefore, his own experience would not justify him in saying there were fraudulent practices.

His own experience, he said, did not justify the assertion, that there was fraud in carrying on the elections in Pennsylvania, or that they were tainted with fraud. Every citizen of Pennsylvania ought to have the

right to vote somewhere. Take the case of a citizen of Philadelphia who resides on the north side of Chesnut street. Six months before the election, suppose he moves across the street into another ward. Then, according to the amendment, he could not vote, although he would be eligible as a representative. There was nothing like carrying out these things, in order to show their operation. A man may be a citizen of Philadelphia, and have lived there all his life, and yet lose his vote by removing out of his ward. Could that be right? Every citizen was entitled to vote, and yet, by an arbitrary provision of this kind, you may prevent a man who moves across a county line from voting. Suppose a man, residing in the Northern Liberties, removes before the election across the street to the Spring Garden district, is he to be disfranchised for removing sixty feet? This provision would do injustice to hundreds of respectable citizens. He would go as far as any one in preventing frauds, when it would be done without conflicting with the rights of any one. But he thought that, to all useful purposes, the existing provisions for the prevention of fraud were sufficient.

Mr. DICKEY would go, he said, for suppressing these frauds which were alleged to be committed. It had been made a subject of complaint, that young men, in Philadelphia, were in the habit of changing their residence from one district or ward to another, before the election, with a view to carry the vote, and then moving back. It was stated, the other day, that the result of the election in the third congressional district, depended on the number of voters which each party might import. He would not, knowingly, give a vote which would countenance an abuse of the elective franchise; and, he had no idea of encouraging the practice of importing voters, or of changing a residence for forty-eight hours for the purpose of voting. Therefore, to guard against the very case put by the gentleman from Northampton, he would vote in favor of this amendment; and, afterwards, he would vote against the proposition as amended, because he was opposed to any tax qualification.

Mr. BROWN, of Philadelphia, was sorry, he said, that the city and county of Philadelphia were brought into every debate here, and, generally, for the purpose of charging upon them some fraud. As to all the frauds that the gentleman from Beaver had talked about, they were the creations of some idle brain. Come from whom they might, there was no foundation for them. But, suppose all these allegations were true, would the provision of thirty days' residence prevent the inspectors from taking any fraudulent votes? The amendment would prevent no frauds, if they existed. After all, you must depend upon the inspector of the election.— If he be honest, he will take no fraudulent votes; if not, he will only ask, "will this man vote on our side"? The amendment would serve no purpose but to restrict the right of suffrage, and he hoped it would not be agreed to.

Mr. HIESTER was in favor of some restriction as to residence, but thirty days was too long. It might operate to the prejudice of young mechanics who frequently changed their place of residence. He could not agree with the gentleman from the county, that this amendment would impose any restriction on the right of suffrage. It guarded it from abuse. He would, as far as possible, accommodate the great number of persons who change their residence within thirty days before the election, in this State, in good

faith, and for employment; but, no general law could be made which might not operate against some individuals. The cases alluded to by the gentleman from Northampton were undoubtedly very hard. Ten days, he thought, would serve as a sufficient guard against spurious votes, and would produce little inconvenience.

Mr. DARLINGTON said, that, as the amendment of the gentleman from Columbia had been agreed to, which allowed any man to vote, who had paid a borough, school, poor, or township tax, a door would be open to great fraud, unless some residence was required in the district. It might be in the power of any corporation to assess a tax at one cent, on the eve of an important election, in order to control it by fraudulent votes. By such a movement the tax qualification can be avoided. We might extend the right of suffrage as much as we pleased, still we must have some restrictions, and some certain residence. He was not able to see any inconvenience arising from this restriction, and he did see much from fraudulent voting.

Mr. CUMMIN said, "the wicked flee when no man pursueth, but the righteous are as bold as a lion". He was not afraid of any fraudulent votes. If a man, who has lived in New Jersey, came into Pennsylvania with an intention to reside here, he ought to have the right to vote in one day, because he is an inhabitant of the United States. He hoped that gentlemen would not be afraid to let any freeman vote, and he was surprised that they should apprehend any ill consequences from an exercise of the right of suffrage, in this State, by citizens from other States. How happened it that, from freemen of the same stock with ourselves, we should apprehend so much? A citizen of one State was a citizen of all the States, and had a right, under the Constitution, to exercise the rights of citizenship in all the States. No such fears could arise in any mind, unless from a consciousness of having made some exertions at the polls, which were neither honest nor honorable. He was sorry to be obliged to make these remarks. Let us now take the vote, and see who are opposed to the just and equal rights of all the people, and are afraid to trust the people. There should be no exceptions in granting this right of suffrage. Every white and naturalized citizen ought to vote. Why should we talk about alien voters, when no alien can be naturalized in less than five years.

Mr. FORWARD said, those opposed to this qualification ought to carry out their principle, and say that every man from Jersey, or elsewhere, any citizen of the United States, ought to have the right of voting here the very first day he comes into the State. He was perfectly willing that gentlemen should have all the advantage of this position, and it was a perfectly fair one. All those who think that persons should have a vote the first day they enter the State, will, of course, oppose this amendment.— He did not wish any one who had a vote to lose it; every citizen of the State ought to have a vote somewhere. He would not object to a provision, allowing every citizen to vote in the district of which he may have been a resident before the election. His only object was to guard against spurious and illegal votes. He wished to see the fountains of power preserved pure. There was a suspicion among the people that the right of suffrage was not sufficiently guarded from abuse, and it was asserted and admitted here, that the elections had been carried by fraud. If we would give the public a confidence in our institutions, we must preserve the

source of all power from corruption, and place the elections above any suspicion of fraud. There should be some way of detecting spurious votes. Some residence, twenty or thirty days, ought to be insisted upon, and he would not agree, for the accommodation of an individual, to hazard the interests of the Commonwealth. The rights and interests of the public were always to be preferred to individual convenience. Though in favor of this amendment, he was perfectly willing that every citizen should have the right of voting in the district from which he may have removed previous to the election.

The yeas and nays having been required by Mr. FORWARD, and nineteen others, the question was taken on filling the blank with "thirty days", and decided in the negative—yeas, 23; nays, 83—as follows:

**YEAS**—Messrs. Biddle, Chandler, of Chester, Chauncey, Cochran, Cope, Craig, Crum, Darlington, Dickerson, Forward, Gearhart, Henderson, of Dauphin, Hopkinson, M'Call, M'Sherry, Meredith, Merrill, Miller, Reigart, Saeger, Scott, Seltzer, Sergeant, *President*—23.

**NAYS**—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bell, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Coates, Cox, Crain, Cummin, Cunningham, Curll, Darrah, Denny, Dickey, Dillinger, Doran, Dunlop, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Giltmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Hiester, Houpt, Hyde, Jenks, Kennedy, Kerr, Konigmacher, Long, Lyons, Maclay, Magee, Mann, Martin, M'Caben, M'Dowell, Merkel, Montgomery, Myers, Overfield, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Ritter, Rogers, Royer, Russell, Sellers, Scheetz, Shellito, S. Ii, Smyth, Snively, Sterigere, Swetland, Taggart, Thomas, Todd, Weaver, White, Woodward, Young—83.

The question then recurred on the motion to fill the blank with twenty days.

Mr. MEREDITH called for the yeas and nays on this motion, which were ordered.

Mr. DICKEY said, no man under the militia law was called upon to do military duty, until he had resided in the district ten days. Then, if a man was not called upon to perform one of the most important duties required by him of his country, until he has resided in the district ten days, he thought a citizen ought to be required to reside in a district twenty days before he should give his vote at our elections. As the gentleman from Crawford had gone for a long residence in a district on a former occasion, he hoped he would now go with him for this twenty days' principle.

Mr. SHELLITO said, that at the time he had gone for a long residence, there was no tax qualification asked for, which made a material difference with him.

Mr. CLARKE, of Indiana, considered twenty days too long a time to reside in a district before an election. The Legislature had passed a law by which a man could not be called upon to do military duty, until he had resided in the district ten days, and he thought this a sufficient time to require a citizen to reside in a district before an election. Gentlemen had said a great deal about democracy, and all that sort of thing, but he thought it had little to do with this matter. He would go for the broadest principle he could get, but at the same time, he was for guarding our elections against fraud. The Government of the United States requires a foreigner to reside here for five years before he can become a citizen, and we, by our Constitution, require an inhabitant of another State to reside

here two years before he is entitled to vote; and all this is done for the purpose of keeping our elections pure. Now, he should go for this ten days' residence, and he did not think there was any democracy involved in it. He would, at the same time, go for taking away the tax qualification, but he wanted some evidence of residence. We all know that through the country, people move on the first of April, but it might be that in towns and cities, persons may take houses for six months, and move again on the first of October, which would give those persons a residence of ten days from the first of October to the day of election, when twenty days would cut them off. Besides, there were a great many persons engaged on our public works, and young mechanics, who were travelling from one place to another, who would be cut off by requiring twenty days' residence, instead of ten. He thought, in every point of view in which he could look at the matter, that ten days was the most proper time to adopt.

Mr. DARLINGTON knew of one case in which this amendment would have operated most judiciously, and he had no doubt, there were many such cases throughout the country. The case alluded to occurred in his own town, at a recent election. An individual came into town on the day before the election, who might appropriately have been set down as one of the wandering Arabs, alluded to the other day, by the gentleman from Lancaster. He slept in the market house that night, and to all appearances was a drunken vagabond, yet, he presented himself at the polls and claimed the right to vote, and the election officers permitted him to vote upon the ground that he could vote no where else, and consequently he must be entitled to vote in our county. If we had had a provision in the Constitution requiring ten days' residence, this person would have been prevented from voting, and certainly he ought to have been prevented.

Mr. AYRES was in favor of a residence of some length of time, but he considered twenty days too long. He had frequently been called upon at elections to give his opinion where objections were raised to a citizen's right to vote, because he had not resided a sufficient length of time in the district, and he had generally found that persons had taken up the idea, that because they were not called upon to do militia duty until they have resided in the State ten days, that they are not entitled to vote until they have resided that length of time. This had been adopted as a kind of equitable rule. The gentleman from Beaver was correct in saying, that militia men were not permitted to be called upon to do military duty until they had resided in the district ten days; and in his opinion this was a strong reason why we should adopt the same length of time to entitle to the exercise of the right of suffrage; but twenty or thirty days he took to be too long. Many persons were under the impression that they were not entitled to vote until they are subject to be called upon to do militia duty, and there appeared to be something of an analogy between the two cases, that a man should be entitled to vote at the same time that he would be called upon to perform militia duty. He had merely risen to state, that he was in favor of a residence of some length of time, in the district in which the citizen was to vote, and he thought ten days the most proper time which we could adopt.

The question was then taken on the motion to fill the blank with

twenty days, and decided in the negative—yeas, 40; nays, 67; as follows :

**YEAS.**—Messrs. Agnew, Barndollar, Bayne, Biddle, Chandler, of Chester, Chauncey, Coates, Cochran, Cope, Craig, Crum, Darlington, Dickey, Dickerson, Forward, Gearhart, Henderson, of Dauphin, Hopkinson, Hought, Jenks, Kerr, Konigsmacher, Long, Lyons, M'Call, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Pollock, Porter, of Lancaster, Reigart, Royer, Saeger, Scott, Seltzer, Thomas, Sergeant, *President*—40.

**NAYS.**—Messrs. Ayres, Banks, Bell, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cox, Crain, Cumming, Cunningham, Curll, Darrab, Denny, Dillinger, Doran, Dunlop, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Hiester, Hyde, Kennedy, Maclay, Magee, Mann, Martin, M'Cahen, M'Dowell, Myers, Overfield, Porter, of Northampton, Purviance, Riter, Ritter, Rogers, Russell, Sellers, Scheetz, Shellito, Sill, Smith, Smyth, Snively, Sterigere, Swetland, Taggart, Todd, Weaver, White, Woodward, Young—67.

So the question was determined in the negative.

The question then recurred on filling the blank with ten days.

Mr. MANN hoped this motion would not prevail. He was opposed to filling the blank with ten days, or any other number above three, if any time at all was necessary. It was most certainly a restriction upon the right of suffrage, and this argument got up, of an analogy between this and the provision, declaring, that no one should be called upon to perform militia duty, until he had resided ten days in the district, was utterly fallacious. There was no analogy between the cases at all. We have a great many young men, day laborers and mechanics, on whom this provision would operate extremely hard. If a young man passes from one district to another within three or four days of the election, although he may be as capable of exercising the right of an elector, and as competent to judge of the candidates as any man in the district, he is deprived of his vote. He hoped this amendment might be rejected, and that no number would be inserted exceeding three days.

Mr. PURVIANCE rose for the purpose of appealing to reformers, and asking them whether it was their intention to impose restrictions on the right of suffrage, instead of enlarging and extending it. It did appear to him that this amendment imposed restrictions, such as had never been called for by the people, and was not desired by them. We have heard from gentlemen here, who appear to know the will of their constituents, that those constituents have made no complaint with regard to this provision in the Constitution. If this was the case, he would ask those gentlemen, whether they were going to impose additional restrictions on the right of suffrage. We have already adopted an amendment by which we require a residence of one year before a person is entitled to vote: and further, we have confined the voters within their own counties, and now gentlemen ask us to go further, and impose a restriction of ten days on voters moving from one election district to another. He, therefore, hoped that the friends of reform would not support any measure tending to place restrictions on the right of suffrage, which have not been called for by the people.

Mr. FARRELLY, of Crawford, said the effect of the amendment would be to entitle a casual visitor, who may reside in the county or borough ten days, and not intending to remain there a day longer, to a vote. This provision would open the door to unjust voters, while it restricted just

voters. He thought we had better adhere to the old Constitution in this particular.

Mr. MANN, of Montgomery, presumed that the gentleman from Crawford was mistaken. Gentlemen travelling do not gain a residence at all.

Mr. HEISTER, of Lancaster, said that an amendment had already been incorporated in the Constitution, providing that no man shall vote unless he actually resides in the place where the election is held. People in the city of Philadelphia, as was well known, generally remove on the first of October. This restriction, then, of ten days' residence, which he would vote for, would give an opportunity to those who removed into other districts, of becoming known by the third Tuesday in October, when the election takes place. The gentleman from Butler (Mr. PURVIANCE) had said that he did not know that the people required any restriction of this sort. He (Mr. H.) knew that in his own neighborhood, great complaints had been made, and that they desire this restriction; for, in some places, men are allowed to vote who have no residence. He regarded it as very important to fix a definite period for a residence. He, therefore, trusted that the amendment would prevail.

The question being taken, it was decided in the affirmative—yeas, 59; nays, 48—as follows:

YEAS.—Messrs. Crum, Cunningham, Darlington, Denny, Dickey, Dickerson, Forward, Henderson, of Allegheny, Henderson, of Dauphin, Heister, Hopkinson, Houpt, Jenks, Kennedy, Kerr, Konigsmacher, Long, Lyons, Maclay, M'Call, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Pollock, Porter, of Lancaster, Reigart, Royer, Saeger, Scott, Seltzer, Shellito, Sill, Snively, Swetland, Thomas, Todd, Woodward, Sergeant, *President*—59.

NAYS.—Messrs. Bell, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Cleavinger, Cummin, Curll, Darrah, Dillinger, Doran, Dunlop, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Hyde, Magee, Mann, Martin, M'Cahen, M'Dowell, Myers, Overfield, Porter, of Northampton, Purviance, Riter, Ritter, Rogers, Russell, Sellers, Scheetz, Smith, Smyth, Sterigere, Taggart, Weaver, White, Young—48.

The question was then taken on the amendment of Mr. MERRILL, as amended; which was agreed to.

A division being demanded, there appeared yeas, 61; noes, 41.

The question then recurring on the amendment of Mr. BELL, as amended:

Mr. WOODWARD, of Luzerne, asked for the yeas and nays.

Mr. DUNLOP, of Franklin, moved that the committee rise, and afterwards withdrew the motion.

Mr. STERIGERE, of Montgomery, remarked, that the amendment of the gentleman from Union, (Mr. MERRILL) had deprived that of the gentleman from Columbia (Mr. HAYHURST) of all its advantages. The amendment of the gentleman from Union would take away more votes than it would give. He would ask for a division of the proposition, so as to take a vote on each branch.

The CHAIR decided, that under the circumstances of the case, the question was not divisible.

Mr. STERIGERE replied, that he had known divisions to be made on amendments, like these, involving different principles. Having asserted a principle, he proposed to say something in favor of it.

The CHAIR: If the gentleman appeals he may, and proceed with his remarks, but not without.

Mr. STERIGERE said, he would move that the question be taken on the amendment before the Chair, divided in the way he had already proposed.

The CHAIR has decided that the gentleman is not in order.

Mr. DUNLOP, of Franklin, moved that the committee rise.

Mr. DARLINGTON, of Chester: I hope the gentleman will not persist in his motion.

Mr. DUNLOP persisted.

The question being taken on the amendment, it was negatived.

Mr. DICKEY, of Beaver, said he would vote against the amendment as amended, because it contained the tax qualification.

Mr. READ, of Susquehanna, asked if it would be in order to renew the motion to amend which he made some days ago, to allow all to vote, except drunkards, lunatics, &c.?

The CHAIR said it would not, and the Chair had so decided before.

Mr. DUNLOP asked if it would be in order to hurrah for the old Constitution?

Mr. FORWARD, of Allegheny, hoped that the amendment would be somewhat modified, and then on second reading he would vote for it.

Mr. M'CAHEN, of Philadelphia, said, he hoped the friends of reform would be convinced by the vote upon this question, that nothing was to be gained by joining with those who were opposed to any reform; and, if they intended to carry alterations, let them act with each other.

Mr. DARLINGTON protested against making appeals of that sort. However, as the friends of reform were again called to the rally, he would say to the friends of judicious reform, that he hoped they would hold on to this amendment, until they could get something better.

Mr. M'CAHEN replied, that the gentleman need not undertake to chide him, as he had fallen into the same error himself. He had appealed to his own party to stand by his amendment.

The question being taken, it was decided in the negative—yeas, 54; nays, 55—as follows:

YEAS—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Biddle, Brown, of Northampton, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Coates, Cochran, Cope, Craig, Crain, Darlington, Denny, Dickerson, Forward, Henderson, of Allegheny, Henderson, of Dauphin, Hicster, Hopkinson, Houpt, Jenks, Kerr, Konigsmacher, Long, Lyons, Maclay, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pollock, Porter, of Lancaster, Reigart, Royer, Russell, Saeger, Scott, Seltzer, Sill, Snively, Swetland, Thomas, Todd, Woodward, Young, Sergeant, *President*—54.

NAYS—Messrs. Bell, Bigelow, Brown, of Philadelphia, Butler, Clarke, of Indiana, Cleavinger, Cox, Crum, Cummin, Cunningham, Curll, Darrah, Dickey, Dillinger, Doran, Dunlop, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Hyde, Kennedy, Magee, Mann, Martin, M'Cahen, M'Dowell, Miller, Myers, Overfield, Porter, of Northampton, Purviance, Read, Riter, Ritter, Rogers, Sellers, Scheetz, Shellito, Smith, Smyth, Sterigere, Stickel, Taggart, Weaver, White—55.

Mr. BROWN, of Philadelphia, moved to amend the report of the committee, by striking from the second line the words "one year", and inserting in lieu thereof the words "six months",

Mr. PORTER, of Northampton, moved that the committee rise, which was decided in the affirmative—ayes 60.

The committee then rose, reported progress, and obtained leave to sit again, and

The Convention adjourned.

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TUESDAY, JUNE 27, 1837.

Mr. SELLERS, of Montgomery, presented a memorial of citizens of Montgomery county, praying for Constitutional restrictions in relation to Banks, which was laid on the table.

Mr. MONTGOMERY, of Mercer, submitted the following resolution, which was laid on the table, and ordered to be printed :

WHEREAS, a respectable number of this Convention appear to be opposed to any amendment or alteration in the Constitution, and as it is uncertain whether a majority of the Convention are not of that opinion, and as it would be a useless waste of time and money for this Convention to continue any longer in session, if it is found that a majority are opposed to making any alteration in the Constitution; and as a further evidence that there is a strong opposition to any alteration, we have only to refer to the vote of yesterday, to find that a majority cannot agree on amendments, as we have negatived all that we have done from the 19th instant up to the present moment: Therefore, in order to ascertain the sense of the Convention on that subject, *Resolved*, That this Convention will, on Thursday next, resolve itself into a committee of the whole, to take into consideration whether it is expedient or proper to make any alteration or amendment in the Constitution; and that the question be decided by yeas and nays, and that no member shall be permitted to speak more than once, unless otherwise ordered by the committee.

Mr. COPE, from the committee on accounts, presented a resolution, which was agreed to.

Mr. STERIGERE, of Montgomery, rose to submit a proposition. It appeared to him, that the course pursued by the committee during the last few days, proved that no further benefit could be reasonably expected from discussion. He thought any further consideration or discussion of the third article, in committee of the whole, would be a mere waste of time, and he therefore moved the following order. “*Ordered*, That the committee of the whole be discharged from the further consideration of the third article.

Mr. DICKEY, of Beaver, expressed his hope, that the committee would not be discharged, though the vote yesterday, rejecting the amendment, was unexpected, he thought it would be as well to go on. If the committee should be discharged, we should have to take the article up again.

Mr. STERIGERE said, his reasons were simply these. The result of the last weeks proceedings must have satisfied us that we may lose another week on the same discussion. All the benefits to be derived from discussion in committee of the whole have been obtained, and he asked to discharge the committee entirely, and to proceed to other subjects.

Mr. READ, of Susquehanna, said, the gentleman from Montgomery was mistaken about all the benefits of discussion having been obtained. My

amendment has not yet been decided, (said Mr. R.) and many others have not yet been offered. He had not yet reached the place where he proposed to make his amendment.

Mr. STERIGERE: The gentleman could have offered it twenty times.

Mr. READ: I could not, because I could find no proper place.

Mr. KERR, of Washington, hoped the motion would prevail—not that he was tired of his station in the Chair of the committee. But, as the committee had negatived all that had been previously done, time would now be saved by discharging the committee, and permitting the whole article to lie over until the second reading.

Mr. DARLINGTON of Chester, asked how the question would come up on second reading, if the committee were now discharged? Would it come up on the report of the committee of the whole, or on the original article?

Mr. BROWN said, he had offered an amendment last night, for the purpose of taking the sense of the committee without debate. If we take the tax principle and the six months residence, the question would lie between the tax principle and the report of the committee. He was willing to accept the tax qualification and a residence of six months. The subject had been debated in all forms, and it seemed that nothing was to be done until the second reading. He would admit, and the history of the last few days would prove the correctness of the reference, to the propriety of yielding some of our peculiar and personal feelings and opinions. It was evident, that the disposition to alter the right of suffrage, by extending it, was unanimous, but the question was, what should be done? The proper way to get at an accurate result was by averaging opinions. Who is for, and who against the tax qualification? We ought to look at all the propositions in a body, and take that which is the sense of the committee.—He hoped we should give up some of our opinions. He was willing to give up some of his, and to leave it to the people. He made his proposition yesterday in the spirit of conciliation, to satisfy the average opinion of the Convention and the people. He was not disposed to waste time in building up what must be pulled down again, but would wish to make such a fabric as would stand for ever. He called on all those who thought the Constitution ought to be amended, to yield some of their peculiar opinions, and by sacrificing some personal feeling to obtain some public good.

Mr. BAYNE, of Allegheny, was in favor of the order. The propositions already presented in committee, would perhaps be offered again in a varied form. Would they be more or less acceptable? They could not be offered in the same express shape; and, by varying them, the proposition would not be the same. The proposition on which the vote was last taken, had been negatived by a large majority, and no possible good could result from agitating the whole subject again. On the second reading, amendments might be offered in the same words, and they might then be adopted or rejected. We ought to discharge the committee, because, so far as we have gone, we have built up something large and comprehensive in its appearance, and then thrown it over. The confusion was owing to the want of a proper basis to go on, from taking the report instead of the article. He knew of three or four propositions which would be brought forward, would probably consume the day, if the committee were to sit again.

Mr. EARLE, of Philadelphia, thought there would be a great deal of time saved if we were to go on with the subject now. The various mo-

tions which would be offered, might all be disposed of to day. He asked for the yeas and nays, which were ordered.

Mr. REIGART, of Lancaster, hoped the committee would be discharged. The gentleman from Northampton had a motion to bring forward, and other gentlemen had their propositions. There were several new amendments to be offered, involving the same principle. He thought we should be better prepared to consider them after some delay, and that we ought now to go on to the other articles.

Mr. CLARKE, of Indiana, hoped the committee would not be discharged. It was not to be expected, that one hundred and thirty-three members would come to a conclusion at a jump. From the conflict of opinions light is elicited. It is only after the discussion that we can reach a proper conclusion, and after a great deal of discussion, we had now got back to the starting point. We now understand each other's views. The friends of reform are disposed to concede a little. This has been a capital manœuvre of the conservatives, and he was surprised to see the gentleman from Montgomery figuring in it, although he ought not to have been surprised, if he had looked at the votes of that gentleman from the commencement. If he had not known the gentleman to be a democrat, he should have supposed him to be a conservative.

The CHAIR called the gentleman to order for being too personal in his allusions.

Mr. CLARKE resumed: He was surprised that the motion should have been made. He hoped all parties would agree not to agree to this motion. Let us go into committee; every gentleman's mind is made up, and we can vote down what we do not like. If we can agree on nothing, be it so. He hoped the motion would not prevail, but that the Convention would go into committee again. The gentleman from Susquehanna had not yet been able to get his views before the committee. Ought he not to have such an opportunity? He hoped the motion would not be agreed to. There was, as yet, plenty of room for discussion. We shall find enough to do on the second reading, to trim our propositions and put them in a good shape, and he would not be willing to leave it to that time to settle the principle. We should settle the principle first. He had a letter in his drawer from a respectable person, who requested that we would stick to the subject till we had got through, and this was what their constituents expected. He hoped that we should go on in the Convention.

Mr. DARLINGTON would vote for the motion, unless it was a contravention of the 40th rule. This difficulty solved, he would go for it. Mr. D. then read the 40th rule, which is as follows: "If the committees report that no amendment is necessary in an article, the report shall be considered, first in committee of the whole, and again on second reading. Amendments may be offered, either in committee of the whole or on second reading, whether the committee shall have reported amendments or not, and no amendment shall be agreed to in committee of the whole or on second reading, the existing Constitutional provision shall stand". As no rule could be dispensed with, without a vote of two thirds, he thought the motion was not in order.

Mr. PORTER, of Northampton, was for coming up to the work—for coming at the object directly or indirectly. He hoped the motions would

be decided without much debate. There had been a great deal of discussion, and it had not been without instruction. He would submit his amendment without debate, and if other gentlemen would do the same, there was no reason why we should not get through the article in committee of the whole to-day.

Mr. HIESTER, of Lancaster, was at first in favor of the proposition, because he was sick of the idea of going through the whole business again. But, on reflection, he had changed his opinion. The whole discussion is now fresh in our minds, and, if we can take the questions without debate, we can speedily get through. It may be next spring before we can get through, if the committee should now be discharged. We may call the previous question, if we become weary of the debate.—Perhaps, in the course of to-day, we may agree on something.

Mr. FORWARD, of Allegheny, was also opposed to discharging the committee, although he was not unwilling to suspend, for a few days, the action on this article. He did not think, however, that we should have much discussion. He hoped there would be found a disposition in gentlemen to yield their personal opinions, as was suggested by the gentleman from the county of Philadelphia, (Mr. BROWN) and he was glad to hear the suggestion from that gentleman. He had voted for the proposition of the gentleman from Indiana, (Mr. CLARKE) fixing the residence at ten days, in the spirit of conciliation. He hoped we should now reach the conclusion of the debate on this article, without more delay.

Mr. MERRILL, of Union, hoped the committee would not be discharged. There had been, as yet, no definite action. Gentlemen talk about time. He did not know that any time had been wasted. Caution is especially required of us. We are not like the Legislature, where the errors committed at one end of the House can be corrected by the body at the other end. We shall be held culpable, if we let any proposition pass without care, examination, and debate, so that nothing may be wrong.

Mr. STERIGERE said he disliked the denunciations of his friend from Indiana on his left (Mr. CLARKE.) He valued the good opinion of that gentleman, and, therefore, was desirous to say a word in reply. On all questions but one, he (Mr. S.) had gone in favor of all propositions of reasonable reform, so far as he understood them. He called on the gentleman to name any instance in which he had not done so. Except the proposition to admit to the right of voting, every negro, vagrant, or convict, he had gone in favor of every reform. He deprecated denunciation from such a quarter. He thought the course we were pursuing, in going back into committee, was very like boys' play. Every one is complaining of the tardiness of the debate, and all wishing to go into it again. He was disposed to withdraw his proposition.

Mr. STERIGERE then withdrew his motion.

#### THIRD ARTICLE.

The Convention again resolved itself into committee of the whole on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending, being on the motion of Mr. BROWN, of Philadelphia, to amend the report by striking out the words "one year", and inserting the words "six months".

Mr. PORTER, of Northampton, moved to amend the report of the committee, so as to read as follows :

“ In elections by the citizens, any freeman of the age of twenty-one years, having resided in the State one year next before the election, and within two years next before such election, paid a State, county, road, or poor tax, which shall have been legally assessed, shall enjoy the rights of an elector ; provided that freemen, between the ages of twenty-one and twenty-two years, who shall have resided as aforesaid, if citizens of the United States, shall be entitled to vote, although they shall not have paid taxes”.

Mr. DICKEY, of Beaver, asked if that question was not decided yesterday.

The CHAIR : It was the same in effect, but different in terms.

Mr. READ, of Susquehanna, said it would not be in order to move an amendment to the amendment, but he would suggest to the gentleman, that he had left out the most important tax—the school tax. He hoped the gentleman would modify his amendment. In some districts the school tax was four times as much as the other taxes. He would much like to see this tax introduced into the proposition.

Mr. PORTER said the objection was, that this tax was not general over the State.

Mr. BROWN offered to modify his amendment, to read “ with the payment of a State and county tax”.

The CHAIR said it was not in order. The question was upon the amendment to the amendment, offered by the gentleman from Northampton.

Mr. BROWN then withdrew his amendment, and moved to amend the amendment of the gentleman from Northampton, by striking out the words “ one year”, and inserting the words “ six months”.

Mr. STEVENS, of Adams, was sorry that the gentleman from the county should have withdrawn his amendment, for he (Mr. S.) certainly preferred it very much to the one offered by the gentleman from Northampton, because it would operate fairly, and with perfect equality, throughout the State, for doubtless there would always be a tax laid annually in every county, as there had hitherto been. For that reason, there could be no frauds practised, as there might be in high party times, if the amendment of the gentleman from Northampton were adopted, because the assessors had it in their power to use, indirectly, much political influence, prior to an election, by the creation of roads. He infinitely preferred the proposition originally offered by the gentleman from Chester, with six months residence, and the payment of a simple county or State tax, to the ten thousand different tax qualifications proposed in the amendment of the gentleman from Northampton. The gentleman from Chester had said that he would offer his amendment, in the event of the present amendment being negatived. If he should, then he (Mr. S.) would vote for it.

Mr. DARLINGTON, of Chester, asked for the yeas and nays, which were ordered.

Mr. BROWN, of Philadelphia, moved to amend the amendment, by striking out the words “ one year”, and inserting “ six months”, and also the words “ road, or poor”;

Mr. M'CAHEN, of Philadelphia, asked for a division of the question, making the amendment end without the words "six months".

The CHAIR decided that as this was an amendment to an amendment, it could not be divided.

Mr. BROWN said that the amendment which he had offered, did not entirely meet his own views, but he was induced to offer it merely to get the question fairly tested. He believed that it would be found to meet the views of a large number of the members of the Convention, though it might not meet them all.

Mr. DICKEY, of Beaver, would vote not only against the amendment, but also the amendment to the amendment. So long as he held a seat on this floor, he would vote against any tax qualification. That principle he never would yield. Now, if the gentleman from the county of Philadelphia (Mr. BROWN) yielded it;—

Mr. BROWN had not said that he would vote for the tax qualification ultimately. He left himself free to vote as he might think proper.

Mr. DICKEY said that he was glad to hear the explanation of the gentleman. But he was sorry that he moved to strike out the words "road or poor", and desired to insert "county and State tax", for that was abandoning his original position. He (Mr. D.) would repeat, that he should adhere to an uncompromising opposition to any tax qualification, and if those friends of reform who were opposed to any other qualification than a local residence would stand fast, they could carry it. Then, every man could give his vote.

Mr. BROWN said he had abandoned his position; but he wished it to be understood, that whatever were his own views, he should go for the greatest reform that he could get, and not prevent all reform by adhering to his own views. He would vote against the tax; but if it could not be got clear of, he would then take off all the restrictions he could. This was the wish of his constituents, and it was their wish he was here to respect, and not his own opinion—their vote, not his own.

Mr. READ, of Susquehanna, demanded the previous question, but the call was not seconded.

Mr. EARLE, of Philadelphia, remarked that the gentleman from Beaver (Mr. DICKEY) would not give up his one year's residence; and he (Mr. EARLE) was inclined to vote for six months with a tax, as it would cut off the frauds of those living in the district. He preferred this to one year's residence, without tax, because the latter would exclude the greatest number of votes.

Mr. M'CAHEN said that he would vote for the proposition of the gentleman from the county, (Mr. BROWN) because he thought it preferable to that of the gentleman from Beaver (Mr. DICKEY).

Mr. HIESTER, of Lancaster, observed that he would vote for the amendment of the gentleman from the county of Philadelphia, notwithstanding he did not like the six months' residence, as it was to be connected with the county and road tax. He would say to the gentleman from Beaver, that if he (Mr. H.) was opposed to all reform, he would unquestionably vote against any tax qualification. The people, generally, in the district from which he (Mr. HIESTER) came, were in favor of doing away with the tax qualification. But, he was sure that the middling class of the people in the State would not agree to any such thing.

Mr. CLEAVINGER, of Green, said that he was opposed to a tax qualification, and therefore would feel himself constrained to vote against the proposition of the gentleman from the county of Philadelphia. He thought a residence merely, was sufficient to entitle a man to exercise the elective franchise.

Mr. BANKS, of Mifflin, said he did not know that he would vote for the amendment of the gentleman from the county, because he was opposed to a tax qualification. If the amendment should be agreed to, he would offer a proviso, with a view to bring the conflicting views of the committee together. [Mr. B. here read the proviso.]

Mr. STERIGERE, of Montgomery, asked for a division of the question, so as to have a distinct vote on the residence. He was disposed to yield something to compromise, but he could not vote for six months' residence. With respect to the proposition of his friend who had just taken his seat, he would say that if the Convention were to adopt it, he should regard it as an aristocratic measure. He (Mr. S.) would vote against the whole amendment, if that proviso were to be added.

Mr. BROWN, of Philadelphia, said it was evident, from the proceedings of the past week, that if every friend of reform adhered to his own opinion, that we might build up and pull down to the end of time. This he would not do. He was willing to do that which a majority of those friendly to reform could do, and he trusted they would do—meet on some middle ground—and this would be such as would prove satisfactory to a majority of the people of the State. There were now, he said, four distinct propositions before the committee—the first, six months' residence and a tax; the second, one year's residence and a tax; the third, the report of the committee, one year's residence and no tax; and the fourth, the present Constitutional provision, two years' residence, and a tax, that must be assessed six months before the day of election. On each of these a vote could be taken; and whatever might be the vote on each, he hoped, nay, if he might be allowed to, he would call on the friends of reform not to build up that which would be pulled down, but vote only for what will be satisfactory to all, and in a spirit of just compromise with each other, adopt that amendment which would be sure to be sanctioned by a large and sure majority.

Mr. CHAMBERS, of Franklin, said that, in the amendments submitted, we had two propositions, of which we were to make a choice. He was, he confessed, decidedly in favor of the amendment of the gentleman from Northampton, (Mr. PORTER) inasmuch as it extended the period of residence, although it required the payment of other taxes. This Convention, in forming a Constitution, had a right to describe the qualification of those who were to exercise the right of suffrage. He thought that no one would dispute that position. He repeated that we had a right to say what should be the qualifications of those who participated with us in choosing our representatives to make the laws, or to have them executed. There was nothing unjust, improper, or unreasonable in it. To go further than the ease and convenience of the people required, in forming the Government, would be unjust and unreasonable. What, he would inquire, was the object and intention of fixing a residence and imposing a tax?—He supposed, it was to furnish evidence that those who complied with these terms, were entitled to participate with us in the elective franchise.

In his opinion, a residence of six months did not furnish sufficient evidence of the intention of a person to remain in the State, not as sojourners, but as permanent residents. It was well known that many persons come into this State in April, and remain till October, and then return to New York, Maryland, or any other State. They come not here with the intention of remaining. Now, those who came from other States, and were engaged on the public works of Pennsylvania, and remained here a couple of years, might fairly be presumed to have taken up their residence with us, and they would be entitled to vote. Their agreeing to pay a tax would also be further evidence that they considered themselves citizens of the Commonwealth; and were willing to contribute to the support of the Government. He preferred the amendment of the gentleman from Northampton, to that of the gentleman from the county of Philadelphia, because the latter required too short a term of residence, notwithstanding it was accompanied by a tax.

With regard to foreigners, the laws of the United States required other qualifications than those of the State. They had to be a period of years in the United States, and must also be naturalized. In addition to those requirements, the State of Pennsylvania required residence within her borders of a year. One year was a sufficient time, and, coupled with the exhibition of a disposition to contribute to the public burthens, by the payment of a tax, should entitle any one to participate with us in all the rights of citizenship.

In some of the States, the qualifications necessary to the exercise of the elective franchise were very different from what they are here. So, also, was the policy of many of the States. In New England, emigration is not *to* the States, but *from* the States. People were going to the West. And the object of the Western States being to obtain population, their laws were framed accordingly. What, he inquired, had been done in the State of New York? Why, they had required a residence of one year in the city, as well as six months in the country, besides the payment of a tax in New York. The requirements under the Constitution of the State of New York, are greater than was now proposed to be imposed by the amendment of the gentleman from Northampton. In Ohio and Delaware, the payment of a tax was required among other things. So far, then, as we had the opinions of framers of State Constitutions of a similar character to our own, they were decidedly in favor of a residence and tax.

Residence and the payment of a tax, as he had already observed, were evidence of a man's right to participate in the Government. The payment of a tax, answered the purpose of a registry. He thought that a registry should be kept, but not for the sake of keeping one. When a man paid a tax towards the purposes of Government, it did not look as if he did it as an act of mere form, and upon the registry we had his name. Entertaining these views, he felt it his duty to vote for the amendment of the gentleman from Northampton, and against that of the gentleman from the county of Philadelphia.

Mr. BELL, of Chester, said that it was personally gratifying to him to know, that after a discussion of more than a week, a large majority of the committee had, at last, brought themselves to the determination of supporting his proposition, if he might be allowed to call it so, or rather that of the gentleman from the county (Mr. BROWN) now. It was, at any rate, his

bantering—a proposition of his (Mr. BELL's.) He, however, had not risen to take charge of it—for he knew that it was, at present, in much better hands than it was originally; and he was sure that the gentleman would secure for it many other votes. He had risen to reply to some of the remarks which had fallen from the gentleman from Franklin (Mr. CHAMBERS). That gentleman had referred to the qualification of voters in other States in order to show that in most of them more than six months' residence is required, and taxation. And, he had argued, that the only reason why a residence was demanded, was, that it was an evidence of a man's intention to become a citizen of this State. Now, he (Mr. B.) would ask, if it was at all probable that any one would come from another State, leave his home and his fireside, merely for the purpose of voting at our elections? And, not only that, but also to pay a tax? If these, then, were the only reasons which could be assigned for the necessity of making the term of residence of a voter so long, than there was an end of the matter. He would state, that when Pennsylvania amended her penal code in 1794, by making its provisions more wild and insecure, objections were urged against modifying, or diminishing the punishment in many violations of the law, on the ground that the punishment was equally as severe in a vast number of the States. Pennsylvania, and it did her high honor, took the lead in revising and moderating the severity of her criminal laws. He hoped, that with respect to her elective franchise, she would, instead of restricting, do every thing to extend that invaluable privilege to her citizens. He trusted that we should soon see the day, when every State in the Union would adopt the policy of admitting their fellow-citizens of their sister States to a full participation in the rights of citizenship upon very short residence.

Mr. FULLER, of Fayette, said he was opposed to the amendment, and the amendment to the amendment, because they retained the tax qualification. He entertained the opinion that the time of residence contained no principle; and the requirement of a tax qualification in order to give the right to vote, was contrary to the spirit and genius of the Government. He trusted that the proposition would be voted down. He was indifferent as to the shape of the section so that the tax qualification was abolished. Identity of residence was all that was sought for by a majority; and he would be willing to require a residence of ten days in the district, doing away with the tax qualification. That would be as great an extension of the right of suffrage as any one could desire. A year's residence had been objected to on the ground that it threw an impediment in the way of emigration to the State. He considered a year's residence in the State necessary. He thought a year's residence would be a sufficient time to enable a person to become acquainted with our policy. But six months' residence was too short a time to identify the interests of an individual with those of this Commonwealth, and to enable him to possess himself of that degree of local information, which was necessary to the intelligent discharge of the duties of a voter. The great inducement held out for emigration to the new States was, that there was no tax qualification, and more especially of a six months' residence. But, then, it was to be recollected that the new States were very differently situated from the old, in many respects, and that they were desirous of improving their territory and obtaining a population. Pennsylvania expected but little in

this way, and he thought a year's residence necessary. He would vote against the amendment, and the amendment to the amendment.

Mr. DICKEY, of Beaver, entertained similar views to the gentleman who had just taken his seat. He would embody them in a distinct proposition, if the proposition pending should be rejected, and would offer it for the consideration of the committee.

Mr. FORWARD, of Allegheny, said he did not believe that the people of Pennsylvania would approve of the principle of a six months' residence, although it might be proper in many respects.

Mr. MERRILL, of Union, said that those who came from abroad to settle amongst us could not, and ought not, to expect to participate immediately in all the privileges granted to our citizens. We had the right to prescribe the mode and manner in which, and the time when, they should be admitted to exercise the right of voting, or any thing else. He concurred with the gentleman from Allegheny, that the people would not approve of restricting the term of residence to six months. He believed that twelve months' residence ought to be required.

M. DENNY, of Allegheny, observed, that as he had not said a word as yet on the subject, he would now make a few remarks. He did not regard the payment of a tax as a qualification. It was looked upon, however, in that light. He cared not, then, whether the provision should be retained, or not. The payment of a tax was to be regarded as the best evidence by which to judge of a man's being entitled to the privileges of a citizen. He was almost inclined to vote for dispensing with it. He did not believe that the people of the Commonwealth would sustain the proposition to shorten the term of residence to six months. For whose benefit was it? Was it for the benefit of the people of the Commonwealth? No, it was not. There were now two hundred thousand voters in the State, and ever since the Constitution of '90 went into operation, two years residence and a State or county tax had been required, and they had been complied with cheerfully. Then, why should we reduce the term of residence to six months? The fact of the matter was, that this was a mere trap to catch a few transient emigrants—a bait to induce them to come here—where they would get a vote in six months. He thought, however, there were very few who would come here on that account. No, if we wished to encourage immigration into the State, it should be by wise and equal laws, such as he trusted we should always have. He was disposed to let the two hundred thousand voters enjoy their privilege, and not for giving to the new comer greater advantages than the old voters have had. He would give them all the rights and privileges which the people of the Commonwealth had heretofore enjoyed; but, he thought we ought not to break down this wholesome and salutary rule, and permit strangers, after residing in the State six months only, to a participation in the management of our Government. He had no objection to fix the term of residence at one year, which was a period long enough to enable men to obtain a knowledge of the laws and policy of the State, and the character of the candidates for public offices. He would vote a six months' residence.

Mr. BROWN, of Philadelphia, said the policy of the State of Pennsylvania had been, he believed, that of other States. He knew that in no less than eight States of the Union, there was not more than six months' resi-

dence required. It was the interest of Pennsylvania to invite all persons to come within her borders, and make this State their home. Other States had found it to their benefit, and why should not we? He was surprised to hear any objection made to the amendment, by the gentleman from Union.

Mr. CLARKE, of Indiana, said, in voting on the amendment to the amendment, he should vote in accordance with his own opinion, and also of those who sent him here. He liked the proposition of the gentleman from Northampton better than that of the gentleman from the county. The people in his part of the county, so far as he had heard their opinions, thought the time of residence too long, as fixed by the present Constitution. In his part of the State, so far as he had heard any opinion expressed, one year was deemed sufficient. He never had heard six months named there. But he should vote against the amendment to the amendment, because it abridged the right of suffrage, which right his constituents thought should be extended. If the majority was determined to retain the tax qualification, he hoped it would be extended as far as possible; and, that it would also be provided, that every citizen who should reside ten days in a district, should have the right to vote there, even if he has not paid any tax. His object was to get rid of the tax qualification. It was not contended that the payment of a tax conferred the right of voting, but that it furnished merely the evidence of residence. If, then, the Convention determined that the right of suffrage should be confined to taxpayers, they should make that basis as broad as possible. He would be glad if the amendment should be so modified as to provide that ten days' residence in the district should be deemed equivalent to paying a tax. If it had come down to a mere question of evidence, he hoped that other evidence of residence would be accepted than that of tax paying.

Mr. STERIGERE had never heard six months' residence advocated by the people of his district, as sufficient to entitle any one to vote. It did not suit them to receive, as voters, all the scum of the other States which might be spewed out upon them. He was opposed to the reduction of the residence to six months, because it operated unequally in the different districts. It might be an advantage to the city and county of Philadelphia, because it would give the voters there the assistance of all the convicts discharged from the Penitentiary, as soon as they were out—and all who might land on the wharves from New York, Boston, and other cities, to commit larcenies and other petty crimes. These, after a sentence of six or eight months, would be qualified voters. Under this provision, Philadelphia, and perhaps Pittsburg, would have the advantage over the county population, from the causes I have mentioned.

Mr. EARLE supported the proposition for six months. Reform was intended, he said, for those who suffered, not for those who did not suffer. If one man was unjustly deprived of his vote by the present system, the two hundred thousand voters were bound, as Christians, to restore it to him. It was said that some men would not, in six months, be sufficiently acquainted with our institutions to vote: but we could not put intelligence into a man, unless nature and education had made him susceptible of it. Some may be well acquainted with our institutions and local concerns in six months; and some never while they live. You subject a person coming into the State to military and other duties, why not then permit

him to vote. By this rule of one year's residence, you admit rogues and vagabonds, and exclude many honest men: for, suppose a man chooses to swear that he has been twelve months in the State, who is to disprove it.

Mr. CURLL had sat here, he said, for a week, listening to this debate, without making a single remark or motion; but he now felt called upon to say a few words. He represented the county of Armstrong almost alone, and as he was totally unadvised as to the opinions of his constituents on this question, never having heard it alluded to by them, his own opinion was in favor of changing the term of residence required from two years to one year, and of leaving the Constitution in other respects as it was, in regard to the right of suffrage. He confessed, however, that he was much disposed to remove the tax qualification. Regarding it as a relic of old mother Britain, he would be glad to eradicate it if he could. But, encumbered as the subject was with difficulties, he felt disposed to go for the proposition of the gentleman from Northampton, voting on his own responsibility, and leaving his ultimate decision to be guided by the opinions of his constituents. We have had speech after speech for the last week on this question, and often upon other topics little connected with it. The city and county of Philadelphia had filled a large space in the debates. In fact, it would appear that we had come here more for the purpose of legislating for the city and county of Philadelphia, than to make a Constitution for the State. It was impossible that the people should be satisfied with such conduct. During the last week, in which nothing had been done but to talk, we had put the State to an expense of more than ten thousand dollars.

Mr. M'CAHEN had attempted to give a vote against the tax qualification; but the previous question not being sustained, he would now vote for the proposition of his colleague, (Mr. BROWN) as being the most liberal one it seemed possible he could get. An opportunity had been offered to the gentleman from Beaver, (Mr. DICKEY) to give his vote against a tax qualification, but he had declined. It appeared, therefore, that those who professed to be opposed to the tax, had not embraced this only chance which had been offered to them yet, to vote directly upon that question.

Mr. SERGEANT (President) remarked, that much time, it was true, had been spent upon this question, whether well or not, was another consideration. But, if we had all been able to come to some conclusion without debate, then the time would have been saved. If not, then it ought not to have been saved. All arguments and considerations, in regard to the cost of our proceedings, were out of the question, unless there was some other process of reaching out object than that of debate, deliberation, and a free interchange and careful comparison of views. It was true that we could reach a decision, and save much time, by drawing lots for the result of each question; but this would be rather a poor way for a grave body, assembled on so important an occasion, to proceed. Yesterday, we had a mass of conglomerated provisions before us, containing every thing, and therefore suiting every one in some respects, and no one in all respects, and we overthrew and demolished the whole fabric. Now, we had come back to the original question. It must be a subject of some importance, or gentlemen would not have been so earnestly engaged in its discussion. He had listened to the debate, and had found that those who participated in it were very earnest, and no doubt sincere and candid, in giving their views upon

the subject. Should we, then, undertake to force opinions on the subject, to press members to hasty and reluctant conclusions? The question is, "who shall vote?" This was a fundamental question; and, unless we agreed upon this, many difficulties would occur in making our Constitution.

Two modes of determining the question presented themselves. The first was to permit any body to vote. But, so far as he had heard, there was only one member who went as far as that. There was but that one, who said that every freeman, every man not a slave, ought to be entitled to vote. The other mode was to have some limit to the right of voting, and in this the great body of the committee concurred. The question is next, "what shall this limit be?" This was a question of importance, and one which ought to be considered in an abstract form. Should we proceed by qualification or disqualification? Should we say, who shall vote, or who shall not vote? For if we had a limitation to the right of suffrage, we must have a way for ascertaining that limit. He was satisfied that we must proceed by qualification. By declaring that this qualification should be residence and taxation, we excluded all vagrants, transient persons, convicts and paupers.

We exclude them by inserting a qualification. But suppose we say that all may vote, with the exception of paupers, vagrants, and convicts. That would be to establish disqualification, which would impose a difficult and unpleasant duty on the officers of the election, and produce much unnecessary difficulties. Which would be the most correct and the best mode of proceeding? Let us bring it to a practical test. Suppose me to be an inspector at an election, a man presents himself at the window, of whom I have some suspicion; can I say that he is a vagrant, or a convict, and ought to be taken up? Is not the inspector placed in a difficult and delicate situation? Can he say, are you not a pauper—a vagrant—a convict? How can the person answer? It would be a violation of a clause in the Bill of Rights, to require a man to convict himself. It imposes an arduous duty on inspectors. What would be the consequences of an attempt, by an officer of an election, to discharge such a duty; to ask people, as they come to the window, whether they were convicts, &c.? Quarrels and blows. Half of the fights that heretofore have taken place at elections, originated from disputes in relation to qualification. It was entirely out of the question to put it upon an inspector of an election, to ask a man, whether he is a pauper, or a vagrant, or a convict? But to ask a citizen whether he is a resident, and has paid a tax, is no offence; and yet, it was certain to exclude all disqualified persons. What have you done? You have established the right of voting; and, if any one claiming the right, can prove his title to it, he cannot be excluded from exercising it. But some men's votes, it is said, will be jeopardized by this method of proceeding. But he would ask gentlemen, what was the actual character of the votes excluded, under the tax and residence qualification? How did it happen that persons whose right was doubtful, were prevented at the polls? In ninety-nine cases out of a hundred, they are dragged up by others. At every contested election, the opposite parties have their committees of vigilance, and their sub-committees, whose duty it is to see that as many votes as possible are received for their side. After the substantial harvest of voters, comes the gleaning, a great effort is then made, when the election is done, to

turn the scale. These poor men are then brought to the polls, not from their own interest in voting, but as a help to others. He spoke of no particular party—but of all parties—at all elections. What was the cause of the quarrelling and fighting at the polls? It was the practice of bringing up these men to vote. Suppose a man loses a vote who is actually entitled to it—is it a greater evil than the many others which would follow a system of disqualification. If a man, who is not entitled to vote, should occupy the window, in claiming a right, for a quarter of an hour, he will prevent three or four persons from voting, who are entitled to vote. In no way can perfection be obtained. We must take a system, therefore, with its advantages and its evils—rejecting the greater evils, and retaining the rest. What is the harm done in excluding a man from voting, who is not entitled to vote? What wrong is done by admitting it? Why, it actually deprives another man of his right by neutralizing his vote, and perhaps it may do wrong to many by vitiating an election. It destroys all confidence in the majority principle, upon which we rest all our institutions. We could not make a system so perfect that it should do no injustice to any one, in the course of its operation; but he believed that, under the present system, where one man properly entitled to vote, was excluded, ten men voted who were not entitled. Do you mean to have any limit at all? Do you intend to draw no line between your resident citizens, and vagrants or transient persons? If not, then let the judges and inspectors of elections take every vote that is offered, even without any name at all. Let every one go and vote first, in each of the fifteen wards of Philadelphia; and, afterwards, at Southwark, and Spring Garden. But, if you have restraints and qualifications, in order to secure a fair election by the majority of resident citizens, then of all qualifications, the most valuable for the purpose is the tax, however small, and the residence combined; and, if we depart from this, we shall find it very difficult to get any ground to start upon.

Mr. MARTIN said, if we cannot get what we want, let us get what we can. We were told that we ought to have a registry act, and the remarks made upon it, showed that those who advocated it, knew nothing about it. We, said he, of the county of Philadelphia, have had experience of its operation and effects, and are convinced that it has had the effect to cut off a few voters—perhaps not so very few. It was nothing, in its aim and effect, but a mode of disfranchising some voters, who, by accident, or fraud, or neglect, were omitted to be registered. We could easily have settled this matter, if gentlemen had begun at the right end, by saying who should not vote. But, after travelling all around the question, we left it in doubts and difficulties; after all that had been said here, we still had left it in doubt. He wanted to see the matter made so plain that he who runs may read. He was sorry to say that he had found here a disposition to trammel the right of voting.

We are throwing around the whole body of freemen difficulties and obstacles, which will obstruct their way to the polls. After calling a Convention, and sitting so long, at a great expense, we suffer all the difficulties attending this matter still to remain in the Constitution. Why shall we not let freemen go freely and without hindrance to the polls? Why trammel the right of suffrage at all? Let us, he said, engraft the principle of free suffrage in the Constitution. The details can easily be carried out

hereafter. Surely no man wishes to see vagrants, paupers, and convicts at the polls, nor to permit any one to exercise the right of suffrage, who does not show a disposition to obey and sustain the laws of the Commonwealth. There would be no practical difficulty from this source. As the committee were tired and exhausted with this subject he hoped they would leave it for a few days, and wait for a developement of public opinion in regard to it. That should be our guide. He would vote, for the present, for the amendment now offered, and he hoped we should then pass on to some other subject.

Mr. MEREDITH said, he should vote against the whole proposition, in the hope of getting something better hereafter.

Mr. HASTINGS said it would be much better, he thought, if the gentleman would take off his *hind-rider*, and let us have a vote on the first proposition.

Mr. BROWN said he wished he could accede to the request of the gentleman; but as he had made his proposition to meet what he believed were the views of the majority of the friends to six months' residence, it must now take its fate.

The question was taken on motion of Mr. BROWN, to amend the amendment by striking out "one year" and inserting "six months", and by striking out "road and poor" and was decided in the negative—yeas, 37; nays, 75; as follows:

YEAS—Messrs. Bell, Brown, of Northampton, Brown, of Philadelphia, Butler, Coates, Crain, Crum, Curll, Darrah, Dillinger, Earle, Farrelly, Foulkrod, Fry, Gearhart, Grenel, Helfenstein, Hiester, Hopkinson, Kennedy, Krebs, Lyons, Maclay, Magee, Mann, Martin, M'Cahen, M'Dowell, Myers, Overfield, Riter, Sellers, Scheetz, Shellito, Smyth, Stevens, Stuckel—37.

NAYS—Messrs. Agnew, Ayres, Banks, Bardollar, Barnitz, Bayne, Bid'le, Bigelow, Brown, of Lancaster, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark of Dauphin, Clarke, of Indiana, Cleavinger, Cochran, Cope, Cox, Craig, Cummin, Cunningham, Darlington, Denny, Dickey, Dickerson, Dunlop, Fleming, Forward, Fuller, Gamble, Gilmore, Hastings, Hayhurst, Henderson, of Allegheny, Henderson, of Dauphin, Houpt, Hyde, Jenks, Keim, Kerr, Konigsmacher, Long, M'Call, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Read, Ritter, Rogers, Royer, Russell, Saege, Scott, Seltzer, Sill, Smith, Snively, Sterigere, Swetland, Taggart, Thomas, Todd, White, Woodward, Young, Sergeant, *President*—75.

Mr. STEVENS then moved to amend the amendment by striking out all after the word "year" in the second line, and inserting the following:

"And if he had previously been a qualified elector of this State six months, and within two years paid a State or county tax, which shall have been assessed at least        days before the election, shall enjoy the rights of an elector; provided that the sons of citizens of the United States between the age of twenty-one and twenty-two years, and having resided in the State one year before the election, shall be entitled to vote although they shall not have paid taxes".

Mr. STEVENS said it would be observed that this retained the one year's residence for strangers, which seemed to him, to be little enough time to enable them to become acquainted with the institutions of our Commonwealth. During that year, they will have the opportunity of seeing our Legislature in session, they will have their attention called to the policy of our Commonwealth, they will have seen the whole system of our internal improvements in operation, and will have become familiar with the affairs

of our State, and in a shorter time than this, it is not to be expected, that strangers can learn all this; but if they have been qualified voters in the Commonwealth before, it seemed to him this objection would not lie against them; because, they will previously have acquired all this knowledge, and would be competent to judge of our affairs in a less period than one year, and with this view, he had provided that this class of citizens should become qualified electors in six months, a privilege which it seemed to him, ought to be extended to them. He had also struck out the road and poor tax, because there was no uniformity in it, and he could not vote for it. He had left the time in the amendment blank, because he was not particular as to the time. It might be filled by other gentlemen to suit themselves. It appeared to him, if this amendment was adopted requiring only one year's residence, with the tax qualification, which amounted to but a very small sum, that no man would be excluded from the right of suffrage, except it was absolute vagrants. It ought then, he thought, to satisfy every gentleman who desired to see the elections protected from fraud and corruption, and he thought that the Government ought to be kept in the hands of men of some little principle. If this amendment was adopted, he thought the Government of the State could be administered with safety to the whole community, and he hoped it would receive the support of all those gentlemen who were in favor of judicious reform.

Mr. HIESTER moved to fill the blank with ten days.

Mr. DARLINGTON moved thirty days.

Five days, and one day, were also named.

Mr. DARLINGTON said the Constitution, as it stands, required a man to be assessed for six months before the election; therefore, he thought, this committee was not now prepared to go for so short a time as ten days.— The amendment proposed, required a tax to be assessed some time before the election, but certainly it would not be proper to permit it to be assessed on the very day before the election. He contended, that thirty days was a sufficiently short time.

Mr. READ said the motion to fill the blank was evidently not in order, because it was proposing to amend an amendment to an amendment, which the Chair had decided properly to be out of order on a former occasion. It would, however, be in the power of the mover to modify it.

Mr. STEVENS then modified his amendment by filling the blank with "ten days".

Mr. PORTER, of Northampton, hoped that those gentlemen who approved of the principle contained in his amendment, would stick by it, and vote down the amendment proposed by the gentleman from Adams. If that amendment was voted down, then the question can be raised on the original amendment whether the committee will retain the poor and road tax or not, but if it was desirable to extend the right of suffrage to those persons who have heretofore been qualified electors, upon a six months' residence which he was in favor of, it could be introduced in the shape of a proviso afterwards. Thus, in the shape in which his amendment stood, all these questions could be met without having it shoved out of place by other amendments. Those who wished to see some end to this matter of having amendments piled upon amendments, should stand by his amendment, and then it can be modified afterwards to suit gentlemen in the manner he had suggested.

Mr. STEVENS had no other object in view, than to get an amendment before the committee, which would be acceptable to a majority of the committee, and meet his own views. If the gentleman would modify his amendment by striking out the poor and road tax, and introducing the six months' residence for those persons who have heretofore been qualified electors, he would withdraw his amendment. One of the great objections which he had to the gentleman's amendment, was, that it contained the road and poor tax, which would introduce a system in which there would be no uniformity. In many of the counties, there was no such thing as a poor tax, the townships providing for the support of the poor separately. The road tax, too, was not of a uniform character throughout the State. He had introduced the amendment before the committee, for the purpose of meeting the views of gentlemen, and if it did embrace principles to which a majority of the Convention were favorably disposed, he thought gentlemen ought not to object to its being offered at present.

Mr. DICKEY would vote against the amendment of the gentleman from Adams, although he was favorable to the six months principle contained in it for those persons who have previously been qualified voters. That, however, could be added to the amendment of the gentleman from Northampton. If the tax qualification is to be retained, he wished to see it as broad as possible, and he would permit persons to vote who had paid a road or poor tax. He should, therefore, vote for the amendment of the gentleman from Northampton, at present, because it went to extend the right of suffrage; but he should eventually vote against both, because both contained the tax qualification, which he wished to see blotted out from our Constitution. If, however, it is to be retained, a citizen ought to have the right to vote on paying a road or poor tax.

Mr. STEVENS called for the yeas and nays on his amendment, which were ordered.

Mr. BELL wished to say a word in explanation of the vote he should give on this question. The amendment of the gentleman from Adams contained two objectionable features. One was, that it did not require a legal assessment of six months; and the other was, that it struck out the road and poor tax as a qualification to vote.

The question was then taken on Mr. STEVENS' amendment, and decided as follows:—yeas, 59: nays, 49.

YEAS—Messrs. Agnew, Barndollar, Barnitz, Bayne, Bell, Biddle, Brown, of Lancaster, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Coates, Cochran, Cope, Craig, Crum, Cunningham, Darlington, Dickerson, Dillinger, Dunlop, Foulkrod, Fry, Gearhart, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kerr, Königsmacher, Long, Lyons, Machly, McCall, McDowell, McSherry, Meredith, Merrill, Merkel, Montgomery, Pollock, Porter, of Lancaster, Rigart, Royer, Russell, Saeger, Scott, Seltzer, Sill, Suively, Stevens, Stickel, Swetland, Thomas, Todd, Young, Sergeant, *President*—59.

NAYS—Messrs. Ayres, Banks, Bigelow, Brown, of Northampton, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cox, Cra n, Cummin, Cuill, Darrah, Denny, Dickey, Farrelly, Fleming, Forward, Fuller, Gamble, Gilmore, Granel, Hastings, Hyshurst, Helfenstein, Hout, Hyde, Keim, Kennedy, Krebs, Magee, Mann, Martin, McCahen, Miller, Overfield, Porter, of Northampton, Purviance, Read, R ter, Ritter, Rogers, Sellers, Scheetz, Shellito, Smith, Smyth, Sterigere, Taggart, White—49.

So the question was determined in the affirmative.

Mr. READ then moved to amend by striking out the whole of the amendment as amended, and inserting in the report of the committee after

the word "election", the words "except idiots, convicts in prisons, and persons under guardianship", and by striking out of the third line the words "county or", so as to make the report read as follows:

"SECT. 1. In elections by the citizens, every freeman of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, except idiots, convicts in prisons, and persons under guardianship, shall be entitled to vote in the district in which he shall reside".

The CHAIR said this same amendment had been decided to be out of order the other day.

Mr. READ remarked that this was an entirely different amendment.—The amendment decided to be out of order, was an amendment to an amendment of the gentleman from Chester, and in different words altogether from the present amendment.

The CHAIR remarked that the committee having agreed to the amendment, it was not competent for the gentleman to strike out that which had been inserted. It would be in order now, to move to add any thing at the end, but not to strike out and insert. The question now was on agreeing to the amendment as amended; and if that should be negatived, then the gentleman could amend the report of the committee.

Mr. READ: Then I will wait until the time comes when I shall have the opportunity of moving this amendment.

Mr. SMYTH, of Centre, said it appeared to him, that we were going to travel over the same ground which we have already gone over in amending this section. He therefore demanded the previous question, which was seconded by eighteen gentlemen rising in their places.

Mr. COX enquired what could be the effect of the previous question, if it was sustained.

The CHAIR said it would cut off all amendment, and bring the committee to a vote upon the report of the committee as it stands.

Mr. HIESTER said as this was an important question he would call for the yeas and nays upon ordering the main question, which being ordered the question was decided in the negative—yeas, 40: nays, 70—as follows:

YEAS—Messrs. Banks, Bigelow, Brown, Clarke, of Dauphin, Clarke, of Indiana, Cummin, Curll, Darrah, Dickerson, Farrelly, Foulkrod, Fuller, Gilmore, Grænell, Hastings, Hayhurst, Houpt, Hyde, Keim, Krebs, Magee, Martin, M'Caben, M'Call, Miller, Myers, Overfield, Purviance, Read, Riter, Ritter, Rogers, Seltzer, Shellito, Smith, Smyth, Stückel, Swetland, Taggart, White—40.

NAYS—Messrs. Agnew, Ayets, Barndollar, Barnitz, Bayne, Bell, Biddle, Brown, of Lancaster, Brown, of Northampton, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Coates, Cochran, Cope, Cox, Craig, Crum, Crain, Cunningham, Darlington, Denny, Dickey, Dillinger, Dunlop, Earle, Fleming, Forward, Fry, Gamble, Gearhart, Hoffenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kennedy, Kerr, Kougmacher, Long Lyons, Maclay, Mann, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Royer, Russell, Saeger, Scott, Sellers, Scheetz, Sill, Snively, Sterigere, Stevens, Thomas, Todd, Young, Sergeant, *President*—70.

So the question was determined in the negative.

Mr. CHAMBERS enquired if the effect of the vote just taken, did not postpone the whole subject, for one day. If so, it showed the impropriety of the rule, allowing any number less than a majority to second the previous question.

Mr. MEREDITH said, the previous question always operated with great harshness, on all those, who desired to amend, or discuss any proposition; but if it was moved and seconded, and the main question was not ordered to be put, it always put the subject from before the House, for that day. He held in his hand, the journal of the House of Representatives, of 1827-8, and in it he found, in the case of a petition being presented from Indiana county, on the subject of kidnapping, when a debate arose on its reference, the previous question was moved and seconded, but the vote being taken, on ordering the main question, it was decided in the negative. Yeas, 37—Nays, 47. It appeared, that the subject was put from before the House, for that day, and other gentlemen went on presenting petitions, and memorials. That decision, he apprehended, was binding upon us, as a precedent. The operation of this rule, in this instance, only showed the folly of adopting such a rule, in a body of this kind. As he conceived that we should have to proceed to some other business, he moved, that the Committee rise.

Mr. PORTER, of Northampton, hoped the committee would not rise. He could not agree with the gentleman from the city, as to the effect, which the decision was to have. He did not apprehend, that it had been the decision of Legislative bodies, that a subject was put from before the House, where amendments were pending, and if it had been, he hoped it would not be the decision now. We have here, by some means or other, got a rule, by which the previous question can be called, in committee of the whole, and he ventured to say, such a thing was never heard of, in any other deliberative body, upon earth. We must, then, accommodate ourselves, to the state we are in. What was the decision just had? Why, putting a common sense construction upon it, it was nothing more, than that the committee had decided, that they would not cut off the amendments, which we have made, to the report of the committee. The decision of the committee was nothing more, than that they would not cut off all amendments, and that the main question should not now be put, so that, we might go on making amendments, and perfecting the report of the committee, as though no vote had been taken. We must adapt ourselves to the state we are in. We have had the previous question called, in the committee of the whole, and if the result of it was to be, that the committee should rise, and we go on with another article, it would be impossible to tell, when we would get back to this article. He was certain, this never was the intention of the gentleman, who moved the previous question. He had no doubt, the only object the gentleman had in view, was to cut off debate, but the committee had decided, that it should not be cut off, and we must put such a construction upon this new rule, as will not destroy the object of introducing it here. In the House of Representatives, there might be some reason for passing to another subject, but there was no such reason existing here. We are in a situation, without precedent, and we must adopt our rules, to meet our condition. He hoped, that the committee would not rise, but that we would proceed with our amendments.

Mr. MEREDITH agreed with the gentleman that we were in a situation without precedent, and in one which he hoped not to see repeated here. He never was more surprised than to hear the previous question called for in committee of the whole; and he believed it could not be carried if we

have any regard for the duties of that committee. The very purpose for which we go into committee is free and full discussion and amendment. But if this rule was to be operative, the moment we get into committee eighteen gentlemen may rise and demand the previous question, and if there can be found a majority of one to order it, we will be compelled to rise and go into Convention, and report that we have had under consideration the matter in committee, when in fact we have not considered it at all. Again, as to this matter of the committee rising, it can rise at any time. When the previous question is moved, what is to prevent the committee from rising, and preventing the vote from being taken. Thus the object of the previous question may be defeated whenever it may be thought to trammel the committee; and there were various other ways of defeating the object of the previous question. As to the decision which we were to come to on this question he cared very little about it, whether the committee now rose or not, but he did not see how we were to get over it in any other way. He did not think, however, that we should attempt to modify the rule for the previous question, so as to use it in committee of the whole, to make it an easy method of gagging members, and cutting off debate on matters of such vital importance, and requiring such calm and deliberate consideration. He would let it be seen how entirely opposed to every rule of order this rule for the previous question was, and he hoped when we got back into Convention, it would be rescinded, so that we would be at liberty to amend and discuss every proposition which came up in committee, without being trammelled and gagged in this way. As to the matter of putting this subject from before the committee for to-day, he should like to hear the opinion of the CHAIR upon the subject, and if it was his opinion that it would not have this effect, he would not say a word against it. His own opinion, however, was that the subject would be put from before the committee, and he was sustained by the precedent he had referred to a few minutes ago. He would state to the committee, that that decision of Speaker MIDDLESWARTH, who was a person of great legislative experience, was made upon full reflection, he having had notice that the previous question would be moved. This case then so far as a precedent went, must be binding upon us.

Mr. CLARKE, of Indiana, agreed perfectly with the gentleman from the city, as to the correctness of the decision of Speaker MIDDLESWARTH, because then there was no question but the main question pending. Now it was different, and there certainly was a distinction between the two cases. The vote just taken was on the question whether the main question shall be now put, which was decided in the negative; but that decision only goes to say that the *main question* shall not now be put, and does not go to say that the question shall be put from before the House for to-day, or that the question shall not be taken on the amendments which are pending or may be submitted. In the case alluded to by the gentleman from the city, there was no amendment pending, and the question was upon the single isolated question of reference; and, in that case, it being decided that the main question should not then be put, of course put it from before the House because there was nothing else to take a question upon, except the main question. That was not the case at present. We have an amendment pending upon which no question has been taken, and we can go on and perfect this report through the day, and discuss it with,

out infringing on the rule, or interfering with the decision we have just made, because that decision was nothing more nor less than that the main question should not be put now. It seemed to him, that common sense, if nothing else, would bring us to this conclusion. He hoped, therefore, that the committee might not now rise, but that we would proceed to the consideration of the amendments to this section.

Mr. STERIGERE, would only say, that if this doctrine which it was attempted to have established here was adopted, it would be the first time it ever had been adopted in any deliberative body. It is the doctrine of Jefferson, in his manual, that when the previous question is moved and not sustained, the subject is put from before the House, and this doctrine had been affirmed by the repeated decisions of the House of Representatives in the Congress of the United States. The consequence of the previous question is that it not only precludes debate, but it precludes amendments, and if you cannot go on and propose amendments, it removes all proceedings from before the House for the day. This then has shown the Convention the folly of adopting a rule permitting any less number than a majority to order the previous question. He had proposed an amendment at the commencement of the session when the rules were under consideration, that not less than a majority of the members present should second the previous question, but the Convention determined that eighteen were sufficient. It was now seen, however, that the rule was useless. The previous question had been moved and seconded, and the main question not being ordered, all the consequences attendant upon such a state of things in any deliberative body must be felt here; and whatever the consequences would be in Convention, must be in Committee. The first section then must be removed from before the Committee, but because that was the case, there is no necessity for the Committee to rise, because we have two other sections in the third article undisposed of, and we can proceed to the consideration of these sections. The operation of the previous question was only applied to the first section, and could not remove the whole article from before the Committee. He, therefore, hoped that the Committee would proceed to the consideration of the second section, and not rise and pass over the whole article. It would, perhaps, consume the remainder of the day on the two sections yet remaining, and to-morrow we can take up and dispose of the first section.

Mr. BELL hoped the Committee would now rise, it being nearly the usual hour for rising, and this question could be discussed and determined upon this afternoon.

Mr. EARLE hoped we would not discuss this question of the Committee rising all morning, but trusted that it might be withdrawn, or voted down, so that the Chairman would have an opportunity of deciding the question, and if that decision was, that it did put the subject from before the House, and this was the deliberate opinion of the Convention that it was to be put from before the House by the rules, he had no doubt but two-thirds could be found to dispense with this rule, so that we might go on with our business in the afternoon, without any more consumption of time.

The Committee then rose, reported progress, and obtained leave to sit again this afternoon.

The Convention adjourned.

TUESDAY AFTERNOON—4 o'clock.

## THIRD ARTICLE.

The Convention again resolved itself into committee of the whole on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending, being on the amendment of Mr. PORTER, as amended by Mr. STEVENS.

The CHAIR stated, that he was well aware that the decision on the question, "shall the main question be now put"? being in the negative, it must have the effect of postponing the subject for the day. But, it was a novel situation in which we were placed. An adjournment had taken place, and the convention has, by its own act, gone into committee of the whole again. The whole matter, therefore, would stand as it did before the main question was called.

Mr. BANKS, of Millin, moved to amend the amendment as amended, by adding thereto the following; "*Provided also*, that no citizen having resided in the State six months as aforesaid, and ten days thereof in the district where he offers his vote, shall be deprived of his vote, although he has not paid any tax or taxes".

Mr. B. said, he offered this amendment for the purpose of testing the tax qualification. It presented the plain question, and, they who are willing to accept it as an amendment, would shew that they are willing that the freemen of the State should vote as freemen, and not because they paid six cents or twenty cents for public taxes. He did not regard the payment of a five-penny bit as giving to a man a title to vote, which he did not possess as a matter of right. Every man, it was said, should contribute to the support of the Government, for the protection he enjoys. Right. He had no hesitation to say, that the man who possessed property should contribute, whether much or little. This amendment would not prevent such taxation. Whosoever possessed property would be taxed as hitherto; but, they who had no property, and who had fulfilled their other obligations to the Constitution, would be allowed to vote, as if they were possessed of property, and contributed to the support of the Government. Every gentleman would understand the amendment, and would vote as his conscience would say was right to himself, and his fellow freemen of the Commonwealth.

Mr. DICKEY, of Beaver: The gentleman has introduced six months instead of one year.

Mr. BANKS: The six months is in the amendment, as it has been adopted.

Mr. DICKEY: No, it is one year.

Mr. BANKS: Then certainly I go for a year, and modify my amendment accordingly.

Mr. EARLE, of Philadelphia, suggested an amendment to simplify the language.

Mr. BANKS thought the language sufficiently plain now.

Mr. DENNY, of Allegheny, asked if the amendment was in order, and whether it was not inconsistent with the main proposition which had been adopted by the committee.

The CHAIR said the motion was in order. It was for the committee to judge of the consistency of the proposition.

Mr. DENNY said, the Chair decided the same question on the other day, and the committee sustained his decision. The amendment changes what has already been adopted.

The CHAIR: If the committee think it inconsistent, they will reject the amendment.

Mr. STEVENS, of Adams, said the Chair was undoubtedly right, unless the language had gone expressly to repeal what had been previously agreed to. If gentlemen were sincere in the desire to get through this article, they would refrain from offering amendments. Should this be adopted, it would be impossible to get through. The amendment, as adopted, will be weighed down by amendments, as had been the case in another instance. The amendment, which had been adopted, made the thing most easy, while this proposition went to confound the honest poor man with the vagabond; since, it gave him the rights of a resident and respectable citizen, if he had lodged in a barn in the district for ten days, and washed his cravat in a mud hole. That was sufficient to give him a participation in the Government, without any character which ought to confer it. The word "freemen", in this amendment, did not mean the honest farmer, mechanic, or laborer, but the vile, the vagabond, the idle and dissipated—this is the creature to be hugged and kissed and courted. It would be better to get rid of this, and go to another subject, before the plague reached the city.

Mr. DICKEY, of Beaver, said, that every means which the friends of universal suffrage had adopted to introduce that principle into the Constitution, had been defeated by ingenious amendments. When the amendment, offered by the gentleman from Chester, (Mr. BELL) for the six months, was introduced, it was immediately proposed to be amended by the gentleman from Chester, on his right, (Mr. DARLINGTON.) These questions occupied the committee for the last nine days. He (Mr. D.) was in favor of extending the right of suffrage to all free citizens, because every man had an original right to it, and no one should attempt to take away the privilege of using it. If you exclude the base and worthless people, spoken of by the gentleman from Adams, by requiring the prerequisite of a tax, you will also prevent the exercise of the franchise by some respectable person, and every restriction will disqualify thousands. He believed there was a majority of the committee, if they could but get fairly before them, questions which had been so ingeniously trammelled by gentlemen on the other side, would vote that the citizen had a right to vote, whether he had property, or no property—or whether he had one dollar, or one hundred thousand dollars. After the determination of the principle, they could not disqualify those who had disqualified themselves. He would not disqualify the pauper in the Bucks county poor house, who had been a revolutionary soldier; he would not disqualify any poor man, because he could not pay a tax—poverty was not to be regarded as a crime.— This was the only opportunity which had been offered to those who were against a property qualification; and, if we rejected the amendment, it would be because there was a combination against those who did not possess that qualification. It was the first opportunity which had been offered of testing the question, and he hoped it would be met fairly.—

Adopt this, (said Mr. D.) and my word for it, we will carry out the principle afterwards. I regret that any appeal should have been made to gentlemen against this proposition. Let us meet the question. The gentlemen on the other side have already yielded the principle, when they said they only asked for the payment of a tax as an evidence of residence.—We cannot do better than pass the amendment, and if, afterwards, we desire to disqualify any description of persons, we can do so. But, I would be indisposed to disqualify for poverty. I would disqualify none but those guilty of infamous crimes.

Mr. MEREDITH, of Philadelphia, stated, that the committee had reported against the tax qualification; the friends of the present Constitution had moved amendment after amendment, although, he trusted it was so amended, that it would be ultimately rejected. Whenever the question of a tax qualification had been up before the Convention, it was always sustained by a majority, yet the gentleman from Beaver complains that the question had not been taken. The committee reported one year's residence, and no tax qualification, and the report was amended on motion of the gentleman from Northampton. He hoped the question would be taken. A proviso was now desired to be added that there shall be no tax qualification, which would make the whole amendment so absurd, that no one would agree to it. He hoped the gentleman would permit the question to be taken, and that they might get to the end of this discussion.

Mr. CUMMIN, of Juniata, said, he wished to make a few remarks in favor of the amendment, but he was afraid he might be charged, by the gentleman from Adams, with lying in barns, washing his cravat in mud holes, and associating with the vagabonds he spoke of. As the gentleman had come all the way from Vermont, he might have been acquainted with such people, or he could never have given such a correct history of them. For his part, he had nothing to do with such characters; but, he believed that every white man that lived in Pennsylvania, who loved his country, and was willing to turn out and hazard his life in defence of its rights, had, or ought to have, the right to vote. Is a man to lose his vote, because, by mistake, he is left out of the tax list? Is a man, who has fought the battles of his country, to be deprived, by the laws of that country, from voting, because he is poor? The gentleman from Adams must be very confined in his notions, according to his own argument. He should be more reserved when he talked of dirty cravats. This amendment ought to pass, as it secured the rights of freemen, who, although they were called vagrants and vagabonds, were as good patriots as the gentleman from Adams. That gentleman has consumed the time of this Convention in long speeches, and offering amendments, when their only object was to embarrass the Convention, and pass away the time. He did not, he said, know where to find such vagabond customers as the gentleman had talked about. The amendment was right, and ought to be adopted. The language used by the gentleman from Adams was unbecoming the dignity of this Hall. This was an assembly, second to none for talent and respectability, and he believed, that every member wished to do what was right, according to his judgment, except one who has no disposition to do any thing that is right. Why was he so troubled, because it is desired that the poor man should have a voice in the country? He hoped the deliberate voice of this body would say that the amendment

should pass, and that no freeman should lose his vote, because the assessor had neglected him, or not found him at home, when he called to make his assessment.

Mr. DICKEY, of Beaver, said that he had only to inform the gentleman from the city, (Mr. MEREDITH) who had observed that those who were opposed to the tax qualification, could vote against the amendment as amended, and in favor of the report of the committee, that the friends of universal suffrage first wished to amend the report itself. He desired to ask one question of the Chair, and that was, if it would be in order to move an amendment to the Constitution itself, after the vote was taken on the report of the committee.

The CHAIR said, that should the question on agreeing to the report of the committee, as amended, be negatived, it would be in order to move an amendment to the section of the committee.

Mr. CHAMBERS, of Franklin, said it appeared to him that if any principle had been settled by the committee, it was that of tax qualification. There had been decisive votes taken on several occasions, which went, in his opinion, to show that a majority of the committee were in favor of the payment of a tax. He would not occupy the time of the committee by going into a statement of the reasons which had been repeatedly expressed on that floor in support of a tax qualification, and why it should be required. This amendment was entirely inconsistent with that which had been adopted—went to reverse the decision of the committee, and therefore, ought not to be adopted. The CHAIR was right in its decision, inasmuch as there was no motion to strike out, and to refer it to the committee, to say whether or not, it was inconsistent. If it had been accompanied by a motion to strike out what was adopted, the Chair would, of course, have immediately decided the motion to be out of order. But, as the mover had not moved to strike it out, but had moved it as an amendment, it was for the committee to decide whether it was inconsistent with the amendment adopted by the committee at its last sitting. Was there, he would ask, any reason which could be shewn why they should reverse that decision? To enter into an argument to show that the adoption of the present amendment would be inconsistent with the previous action of the committee, would be entirely superfluous and unnecessary. The amendment, then, ought to be immediately rejected.

Mr. BANKS, of Mifflin, asked for the yeas and nays, which were ordered.

Mr. RUSSELL, of Bedford, would like to know what the effect of the passage of the amendment would be upon the report of the committee as amended? Being inconsistent with it, it appeared to him that it would be nugatory and void. Therefore, it would be absurd to adopt propositions inconsistent with each other.

Mr. CLEAVINGER, of Greene, said he thought that the amendment was perfectly consistent with the report of the committee as amended. In his opinion, the tax was only an evidence of citizenship—a kind of register to furnish a list of the voters—and there was no better mode, because, by the act of the assessor, the person having a right to vote is identified. If citizenship could be proved in another way, then the tax qualification was useless. A tax should not be the only evidence of the right to vote. It might so happen, that no tax would be necessary. Would, then, the

right of voting cease? The Legislature might pass laws exempting certain kinds of property from taxation—such, for instance, as sheep, when thousands of dollars worth were owned by men of wealth, as was now the case in the county of Washington. Should such an exemption deprive a man, whose whole property consisted in sheep, from voting? Trades and occupations might be exempted, and then no man could vote who had not in his possession taxable property. He hoped the amendment would prevail, and, in his opinion, it was not only right, but consistent with the report of the committee as amended.

After two or three words from Mr. DUNLOP, in relation to the different character of the amendments which had been offered, as to the right of suffrage,

The question was taken on the amendment, to the amendment, as amended, and decided in the negative, as follows:

YEAS.—Messrs. Banks, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Clarke, of Indiana, Cleavinger, Cummin, Darrah, Dickey, Dillinger, Doran, Earle, Farrelly, Fleming, Foulkrod, Fuller, Gamble, Gilmore, Grenell, Hastings, Hayhurst, Hyde, Keim, Krebs, Lyons, Magee, Martin, McCahan, Miller, Myers, Overfield, Purvince, Read, Riter, Ritter, Rogers, Shelito, Smyth, Swetland, Taggart, White, Woodward—42.

NAYS.—Messrs. Ayres, Baldwin, Barndollar, Barnitz, Bayne, Bell, Biddle Brown, of Lancaster, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Coates, Cochran, Cope, Craig, Crain, Crum, Cunningham, Curll, Darlington, Denny, Dickerson, Dunlop, Fry, Gearhart, Helffenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Hout, Jenks, Kennedy, Kerr, Konigsmacher, Long, Maclay, Mann, McCall, McDowell, McSherry, Meredith, Merrill, Merkel, Montgomery, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Royer, Russell, Saeger, Scott, Sellers, Seltzer, Scheetz, Serrill, Sill, Smith, Snively, Sterigere, Stevens, Stickle, Thomas, Todd, Young, Sergeant, *President*—71.

Mr. HIESTER moved to amend the amendment, as amended, by adding thereto the following, viz: "But no person shall vote, excepting in the election district where he shall have his actual residence, for at least eight days previous to the time of his offering to vote."

The merits of this proposition, Mr. H. said, were evident upon its face, and it was unnecessary to enter into an argument in its support.

The motion was negatived.

Mr. WOODWARD moved to amend the amendment, as amended, by adding to the end thereof, the words following, viz: "*Provided*, That free male citizens, qualified by age and residence as aforesaid, who shall, within two years next before the elections, have paid any road, poor, school or municipal corporation tax, assessed by virtue of any law of this Commonwealth, shall also be entitled to exercise the right of an elector."

Mr. WOODWARD said, this was the same amendment which was yesterday agreed to in the committee of the whole. He was anxious that the tax qualification, as the committee had determined to retain it, should be so extended as to embrace as many of our fellow citizens as possible.

Mr. BELL said this was the amendment which was unfortunately agreed to in the committee yesterday, by a very small majority—fifty-five to fifty-three. He said unfortunately, because he believed it was that amendment which broke down the whole work which we were for a week engaged upon. Now, he asked, whether gentlemen wished to pursue the same course, and go on putting rider upon rider, piling Pelion on Ossa, till they break down the whole. Shall we go on, like the blind horse in

the mill, travelling around and around, and finally leaving off where we began. He hoped the gentleman from Luzerne would not press this motion, and, if he did, he should vote against it.

Mr. BROWN, of Philadelphia, voted for the amendment yesterday, he said, and should now vote against it, for the reason which the gentleman from Chester had indicated. We had, with great pains, built up a structure, which yesterday fell to the ground; and he hoped we should now build something that could stand. He would vote against this the more willingly, as the proposition requiring a district residence, which was a part of the amendment rejected yesterday, had been excluded from this.

The amendment was then negatived.

Mr. AGNEW moved to amend, by providing that the period of residence be confined to one year, or six months, next before the election. The want of this restriction, he said, was evidently an omission. As the section now read, residence at any period of the voter's life, would entitle him to suffrage, although he might have been absent from the State for years.

Mr. STEVENS said, it was evidently an omission, but it had better stand in this way till the second reading.

Mr. AGNEW withdrew the motion for the present.

The question being on the amendment of Mr. PORTER, as amended.

Mr. FULLER said, there was a great error in the amendment of the gentleman from Adams, where he made the provision that young men between twenty-one and twenty-two, should be entitled to vote. It might be extremely difficult to decide with accuracy who were thus entitled; and as he saw no necessity for this part of the amendment, he hoped the gentleman would strike it out.

Mr. PURVIANCE asked the yeas and nays, and they were ordered.

Mr. READ asked the Chair to decide whether, if the amendment and the report of the committee should be negatived, it would be in order to move an amendment to the original section of the Constitution?

The CHAIR replied in the affirmative.

Mr. READ: Then, sir, I hope the committee will negative the amendment, and the report of the standing committee also, if they please, and then amend the section according to a motion I shall offer.

Mr. BROWN, of Philadelphia, said it must be apparent now to every one, that the committee would not, at this time, dispense with the tax qualification, nor agree to a shorter residence than one year, unless for those who had previously been citizens. Under these impressions, he considered the proposition now before us, as perfect as it could be made, and more so than that reported yesterday. Being otherwise unrestricted, he hoped the friends of reform would sustain it.

The question was then taken and determined as follows:—yeas, 85; nays, 27.

YEAS—Messrs. Agnew, Ayres, Baldwin, Banks, Barndollar, Barnitz, Bayne, Bell, Bidle, Brown, of Lancaster, Brown, of Philadelphia, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Coates, Cochran, Cope, Craig, Crain, Crum, Cunningham, Cull, Darlington, Darrah, Denny, Dickerson, Dorn, Fairzelly, Foulkrod, Fry, Gearhart, Helffenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kennedy, Kerr, Konigacher, Long, Lyons, Maclay, Magee, Mann, Martin, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Myers, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Ritter, Ritter, Royer, Russell, Saeger, Scott, Sellers, Seltzer, Serrill, Schertz,

Shellito, Sill, Snively, Stevens, Stickel, Swetland, Taggart, Thomas, Todd, White, Woodward, Young, Sergeant, *President*—85.

**NAYS**—Messrs. Bigelow, Brown, of Northampton, Clarke, of Indiana, Cleavinger Cummin, Dickey, Dillinger, Dunlop, Earle, Fleming, Fuller, Gilmore, Grenell, Hastings, Hayhurst, Houpt, Hyde, Keim, Krebs, McCahen, Miller, Overfield, Read, Rogers, Smith, Smyth—27.

So the amendment, as amended, was agreed to.

Mr. READ moved to amend the first section by striking out in the second line, "two", and inserting "one"; striking out all after "elections", in the third line, to the word "election" inclusive, in the fourth line, and inserting after the word "elector", in the fifth line, the words, "in the district in which he shall reside", and striking out the proviso to the end of the section.

The CHAIR stated that the question being on the section as amended, the motion was not then in order. If the question shall be decided in the negative the motion would be in order.

Mr. EARLE asked the yeas and nays on the question, and they were ordered.

Mr. DICKEY now called upon all, he said, who were opposed to the tax qualification to stand by and reject this report as amended. If it was adopted, there could be no further amendment to it.

Mr. MEREDITH said he understood the question entirely different from this. The amendment as amended has just been agreed to, and the question now is between the report of the committee and the section in the old Constitution.

The CHAIR: The question now is on the report of the committee as amended.

Mr. MEREDITH: Yes that is the question, but it is in fact deciding whether we will have the report of the committee, or go back to the section in the old Constitution.

Mr. DUNLOP enquired if this question was negatived whether the report of the committee would then come up.

The CHAIR said it would not. The question now was upon agreeing to the report of the committee.

Mr. DICKEY said the question now was upon adopting the report of the committee, but if that should be negatived, then the section in the Constitution would come up, and gentlemen would have the opportunity of amending it.

Mr. BANKS then remarked, that if he understood the matter correctly, the state of the question was this: that if the report of the committee was agreed to, it would take the place of the section in the old Constitution, and would be the final vote in committee so far as this section was concerned.

The CHAIR remarked that this would be the effect of the vote.

The question was then taken on the report of the committee as amended—yeas, 99; nays, 14: as follows

**YEAS**—Messrs. Agnew, Ayres, Banks, Bardsdall, Barnitz, Bayne, Bell, Brown, of Lancaster, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Chandler, of Chester, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Costes, Cochran, Craig, Crain, Crum, Cunningham, Curl, Darlington, Darrab, Denny, Dickey, Dickerson, Dillinger, Doran, Dunlop, Earle, Farelly, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Henderson, of Allegheny, Henderson, of

Dauphin, Hiester, Houp, Hyde, Jenks, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Long, Lyons, Magee, Mann, Martin, M'Cahen, M'Call, M'Dowell, Merrill, Merkel, Miller, Montgomery, Myers, Overfield, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Read, Riter, Ritter, Rogers, Royer, Russell, Saeger, Sellers, Seltzer, Serrill, Scheetz, Shellito, Sil, Smith, Smyth, Snively, Sterigere, Stevens, Stickle, Swetland, Taggart, Thomas, Todd, White, Woodward, Young—99.

NATS—Messrs. Baldwin, Biddle, Bigelow, Chauncey, Cleavinger, Cope, Cummin, Fleming, Hopkinson, Maclay, M'Sherry, Meredith, Scott, Sergeant, *President*—14.

So the question was determined in the affirmative.

Mr. EARLE then submitted the following amendment, to be called section two :

“SECT. 2. The citizens of each ward and township in this Commonwealth, shall on the \_\_\_\_\_ in each year, elect two persons to serve as Inspectors, and two to serve as Clerks of elections, for one year next ensuing their election : and in such election each qualified voter may vote for not more than one citizen for Inspector, and for not more than one citizen for Clerk; and the two citizens having the highest number of votes for Inspectors, and the two having the highest number for Clerks shall be chosen.

The Legislature may by law provide for the appointment of such judges of elections to assist the Inspectors if any, as it may deem necessary; and also, for deciding the election of Inspectors and Clerks in cases of an equal number of votes for two or more candidates for the same office, as well as for the filling of vacancies which may occur”.

Mr. Brown said, the gentleman from Adams the other day had told us that on all solemn occasions we ought to have an adjournment; and had cited the case of the House of Lords adjourning immediately after having passed to a second reading, a bill of pains and penalties against the QUEEN. He thought now, as we had inflicted such a deep and fatal wound upon this venerable Constitution, which the gentleman from Adams and other gentlemen held so dear, that it was an occasion of sufficient solemnity to have an adjournment. He would, therefore, move that the committee now rise.

The motion that the committee rise was decided in the negative.

Mr. EARLE said the amendment he had just submitted had several objects in view. In the first place, it contemplated the doing away altogether with the inspectors' election two weeks before the general election, and thus it diminishes the number of elections in the Commonwealth, which was a very desirable object to the people, inasmuch as it was a great saving of time and expense, and prevented a continued excitement. He would have these elections for inspectors and judges take place at the time of elections for constables and township officers in the spring, and he would have them serve during the whole year at all elections which were held by the people. This would do away with the practice of standing out for judges at some of the elections, which had been complained of here as leading to disturbances. Another object was, to prevent those frauds of which we have heard so much, such as the carrying off of the ballot boxes and changing the tickets, and the election officers throwing away handfuls of votes, as some gentlemen have asserted has been done. He had no doubt but frauds did exist to some extent, but nothing like that which some gentlemen had supposed, and he was opposed to the registry law because it did not prevent them; and in favor of the proposition he had just sub-

mitted, because it would prevent them. The registry law was a contested party matter, and so certain as parties changed, it would be repealed.— Then if gentlemen's sole object was to have justice and fairness in the elections, they ought to have some Constitutional provision to secure that justice and fairness, and he conceived that this proposition was the most proper mode of securing that desirable object. It has been said in the debates in this Convention, that difficulties have arisen at elections, owing to the partialities of inspectors and election officers. Now, this partiality was a weakness of human nature, from which it was at times almost impossible for the most honest men to divest themselves. We all know, when a vote is presented, that an election officer knows to be on his own side, which can generally be told by the artifice of colored tickets, and other means resorted to for that purpose, he does not scrutinize it so close as he would that of an opponent, and thus the vote of his political friend is received when he is not entitled to a vote, while that of his opponent may be rejected when he is clearly entitled to the right of voting. This provision then, will secure to the minority in almost every case, one inspector and one clerk. These inspectors and clerks of the minority party would have the opportunity of objecting to receiving the votes of voters who are not qualified, and persons, who it was supposed, had not resided in the district long enough, could be put upon oath, which would generally prevent such persons from voting; as he believed, the reason why most of the votes of persons who voted when they had not resided long enough in the district, were given without their being required to take an oath. Another object to be attained by this amendment, was, that it secured fairness and justice in the counting of the votes, as both parties would have the opportunity of counting them. Upon every principle of equity and justice, he considered this to be proper and correct. When one citizen sells an article of produce to another, both parties are always admitted to see the article measured or weighed. Then when two parties come together to try their strength, was it fair or just that one of those parties should have the sole privilege of counting the votes given, and of saying who was the strongest? Why, according to every principle of justice and common sense, it must be admitted, that both parties should have a voice in the counting and deciding upon this question. It was not only desirable that this should be the course pursued to preserve purity in our elections, but also to make both parties content with the result. It would be a very desirable object that the votes in the county of Philadelphia, and every other county, should be fairly taken; and when fairly taken, it was desirable to make the citizens content and satisfied that they were fairly taken and counted, and if a provision of this kind was introduced into the Constitution, the votes will be fairly taken, and the people will be content. It appeared to him, that if the party to which he belonged were in the majority, and should be unwilling to permit the party in the minority to witness the counting of the votes at an election, they would, by that act, be saying that they desired to commit a fraud: so with the other party, if they should be the strongest, they in effect would be saying, by refusing the minority to witness a count of the votes, that they desired to commit a fraud. But, he trusted neither party desired this as a general rule, although frauds might be committed by particular persons, on particular occasions, by both parties. There was no provision for judges, because, in some districts it

might be necessary to have three, while in others, one would be necessary, but the Legislature could provide for their appointment hereafter, in such manner as they deemed best, and provide for the appointment of the appropriate number in the different counties. Where there is but one judge to be appointed, the Legislature may give the appointment to the inspector having the highest number of votes, and then the strongest party would have three election officers, and the other party two; where there are two to be appointed, they could give the appointment of one judge to each inspector, which would generally give the parties an equal division of officers: and where three judges were to be appointed, the appointment of two of them might be given to the inspector having the highest number of votes, and one to the inspector having the next highest number, which would give the party in the majority four election officers, and the other party three. He had heard a good deal said in private conversation, as well as on this floor, against going into legislation upon the Constitution. Why, your, whole Constitution is legislation, and nothing but legislation. It was legislation upon the mode of organizing your Government, and it was legislation as to the manner of conducting your elections; and he considered it proper legislation here, where it went to guard against infringements upon the rights of the people. Wherever the matter related to the general organization of the Government, it was proper to insert it in the Constitution, and whenever it was intended to guard against evils to be apprehended from the Legislature, or from the improper discharge of the duties of an officer elected by the people, it was proper to insert it in the Constitution. He thought, this objection might as well apply to every other matter in the Constitution as to this. The simple question then ought to be, will this amendment prevent the evils which we have heard so much complained about here. He had no doubt it would; and he believed if an amendment of this kind was not adopted, there would be a continual contest between the friends of the registry law, and those opposed to it. One party will adopt it one year, and on the next it will be repealed if parties change. The gentleman from Allegheny, (Mr. FORWARD) the other day, had observed, that a few illegal votes in a county might turn the scale, not only of officers for that county, but also for Governor. This being the case, the people of the county must feel a great interest in the elections being conducted in a legal and proper manner, and this proposition would have the effect to preserve the purity of the elections. He could see no objections to this amendment, but if gentlemen had any, and would state them, he would argue the question with them.

Mr. DARLINGTON then moved to fill the blank in the amendment with "the fourth of July", which motion was disagreed to.

Mr. EARLE then moved to fill the blank with "the third Friday in March", which was agreed to.

The yeas and nays were then ordered on the motion to amend, on the call of Mr. EARLE.

The question was then taken on the amendment, and decided in the negative, as follows:

YEAS—Messrs. Bayne, Bigelow, Brown of Philadelphia, Butler, Coates, Cummin, Earle, Foulkrod, Gamble, Gearhart, Grenell, Hiester, Konigsmacher, Martin, M'Cahey, M'Dowell, Merkel, Miller, Montgomery, Read, Smith, Stickle, Thomas, Young—24.

NAYS—Messrs. Agnew, Ayres, Baldwin, Banks, Barndollar, Barnitz, Bell, Biddle, Brown of Lancaster, Chambers, Chandler of Chester, Chauncey, Clarke of Beaver,

Clark of Dauphin, Cleavinger, Cochran, Cope, Craig, Crain, Crum, Curl, Darlington, Darrah, Dickey, Dickerson, Dunlop, Farrelly, Fleming, Fry, Fuller, Giltmore, Hastings, Hayhurst, Helfenstein, Henderson of Allegheny, Henderson of Dauphin, Hopkinson, Houpt, Hyde, Jenks, Keim, Kennedy, Kerr, Krebs, Lyons, Maclay, Magee, McCall, M'Sherry, Meredith, Merrill, Myers, Pollock, Porter of Lancaster, Porter of Northampton, Purviance, Reigart, Ritter, Royer, Russell, Saeger, Scott, Sellers, Seltzer, Serrill, Schaeetz, Shellito, Sill, Smyth, Snively, Sterigere, Stevens, Swetland, Taggart, Todd, White, Woodward, Sergeant, *President*—78.

The report of the committee, recommending that no amendment be made, to the second and third sections, was agreed to.

Mr. DICKEY, of Beaver, wished to amend the report, by adding thereto the following new section, viz :

SECTION 4. Laws may be passed, excluding from the right of suffrage persons who may have been, or may be convicted of infamous crimes. Laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage, hereby established; and the Legislature shall provide, by law, that a register of all citizens entitled to the right of suffrage in every election district, or ward, shall be made at least ten days before any election, and shall provide, that no person shall vote, at any election who shall not be registered as a citizen qualified to vote at such election.

Mr. DARLINGTON, of Chester, asked for a division of the question, as he wished the question on the first paragraph, separately taken.

Mr. DICKEY briefly stated his reasons for pressing this amendment. The two first paragraphs, were from the New York Constitution, putting it in the power of the Legislature, to disqualify convicts for infamous crimes, and to ascertain the character of the proof of qualification. Believing it all-important, to secure the purity of elections, he had provided, in the amendment, that all persons should be registered, ten days before any election. The amendment agreed to, was not quite so extensive, as he wished it to be. By the enactment of a registry law, it would be made the duty of proper officers, to take every name, so that no one could be deprived of his vote, if he desired to exercise his right. He did not desire that the benefit of this mode should be confined to the city and county of Philadelphia. He would make it the duty of the Legislature to establish it as a general principle.

Mr. MARTIN, of Philadelphia, moved to amend the amendment, by inserting, after the word "crimes", the words "and black, and colored people."

Mr. M. said, he hoped the gentleman from Beaver, would not desire him, (Mr. M.) to be registered in company with blacks.

The question being taken on Mr. MARTIN's amendment, it was rejected.

Mr. HEISTER, of Lancaster, moved to amend the amendment, by inserting after the word "crimes," the words "and persons declared *non compos mentis*, lunatics, or habitual drunkards, so long, as they shall be under the guardianship, that is, or may be provided for by law, in such cases."

Mr. BANKS, of Mifflin, doubted the propriety of adopting the amendment. He thought the amendment of the gentleman from Beaver, (Mr. DICKEY) went far enough, and he had no objection to it, at all, in excluding from the right of suffrage, those who have, or may be, convicted of infamous crimes.

Mr. FORWARD, of Allegheny, said that the amendment offered by the gentleman from Beaver, and also that offered by the delegate from Lancaster, were very important, and should not be disposed of, without full, and deliberate consideration. He would therefore, move, that the committee now rise, report progress, and ask leave to sit again.

The question being taken, it was decided in the affirmative.

A division being demanded, there appeared—Ayes, 52—Noes, 35.

The committee then rose and reported progress; and the Convention then adjourned.

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WEDNESDAY, JUNE 23, 1837.

Mr. MEREDITH, of Philadelphia, presented a memorial from the citizens of the city of Philadelphia, praying for a Constitutional interdict against the passage of any laws creating lotteries, which was laid on the table.

Mr. MARTIN, of Philadelphia, submitted the following resolution, which was laid on the table:

*Resolved*, That the Convention do adjourn on Saturday, the first of July next, to meet again on Thursday, the twenty-seventh of July.

Mr. SILL submitted the following resolution, which was agreed to:

*Resolved*, That the use of this Hall be granted to-morrow evening, for the purpose of hearing a Lecture from Mr. HOLBROOK, on the best means of supplying the Schools in Pennsylvania, with qualified instructors.

Mr. MEREDITH submitted the following resolution, which was laid on the table:

*Resolved*, That the resolution passed on the 12th instant, rescinding so much of the twenty-third rule, as forbids the previous question in committee of the whole, be rescinded.

Mr. COPE presented a report from the committee of accounts, which was read twice, and agreed to.

THIRD ARTICLE.

The Convention again resolved itself into a committee of the whole, on the third article of the Constitution, Mr. KERR, of Washington, in the Chair.

The question pending, being on the motion of Mr. HEISTER, to amend the amendment of Mr. MARTIN, by inserting after the word "crimes", the words "and persons declared *non compos mentis*, lunatics, or habitual drunkards, so long as they shall be under the guardianship, that is, or may be, provided by law in such cases".

Mr. HEISTER modified his motion, so as to read as follows, viz:

"And also, persons declared to be *non compos mentis*, lunatics, or habitual drunkards".

Mr. DICKEY, of Beaver, said he had hesitated before he had offered his amendment, for he knew the committee were weary. But he was satisfied that something like a registry was necessary to ensure the purity of elections, and prevent frauds. That consideration induced him, yesterday,

to offer this amendment in the shape in which he did present it. But he now believed that it would take up too much of the time of the committee. He would, therefore, withdraw his amendment at this time, and offer it on the second reading.

The committee then rose, and reported the report of the committee, with amendments, as follows:

The first section was amended to read as follows:

“In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year, and if he had previously been a qualified elector of this State six months, and another two years, paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector: *Provided*, That freemen, citizens of the United States, between the ages of twenty-one and twenty-two, and having resided in this State one year before the election, shall be entitled to vote, although they shall not have paid taxes”.

The report of the committee of the whole, was then laid on the table.

Mr. FULLER, of Fayette, moved that the Convention resolve itself into a committee of the whole, on the sixth article of the Constitution.

Mr. EARLE, of Philadelphia, moved to amend the motion, by striking out the word “sixth”, and inserting the word “fifth”.

Mr. STEVENS, of Adams: The gentleman has a right to lecture his friends.

Mr. EARLE: I would make a point of order. Is not the fifth article a special order, which cannot be dispensed with, but by a vote of two-thirds?

The PRESIDENT; It was a special order, but was postponed.

[At the request of Mr. READ, of Susquehanna, that part of the journal which contains the record of the postponement of the special order, was then read.]

Mr. FULLER, said he had made the motion with a view to dispose of the subject, which was partly considered, wishing to get through that part of the Constitution. But he would now modify the motion, so as to make it read “fifth”.

Mr. DICKEY, of Beaver, moved to strike out “fifth”, and insert “sixth”.

This motion was decided to be not in order.

Mr. EARLE asked for the yeas and nays, on the motion of Mr. FULLER.

Mr. MEREDITH called for the order of the day, being the sixth article, which had the precedence.

Mr. EARLE moved to postpone the order of the day.

Mr. STERIGERE considered this to be a motion which did not necessarily require a vote of two-thirds. A majority was at all times sufficient to negative a motion.

Mr. DENNY, of Allegheny, suggested that a very important proposition, submitted by the gentleman from the county of Philadelphia, (Mr. INGER-SOLL,) was under consideration.

Mr. EARLE withdrew his motion to postpone the order of the day.

Mr. MANN, of Montgomery, asked for the yeas and nays on the motion to proceed to the order of the day, being the sixth article of the Constitution.

The question being on proceeding to the order of the day, it was decided in the affirmative, as follows :

**YEAS.**—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Bell, Biddle, Brown, of Lancaster, Chandler, of Chester, Chauncey, Clarke, of Beaver, Cleavinger, Cochran, Cope, Cox, Craig, Cunningham, Darlington, Denny, Dickey, Doran, Dunlop, Farrelly, Forward, Fry, Fuller, Gearhart Hastings, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Haupt, Konigsmacher, Krebs, Long, M'Sherry, Meredith, Merrill, Montgomery, Pollock, Porter, of Lancaster, Purviance, Reizart, Royer, Russell, Saeger, Scott, Serrill, Scheetz, Sill, Snively, Stevens, Thomas, Todd, Weidman, White, Young, Sergeant, *President*—59.

**NAYS.**—Messrs. Banks, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Chambers, Clark, of Dauphin, Clarke, of Indiana, Coates, Crain, Cummin, Curll, Darrah, Dickerson, Dillinger, Earle, Fleming, Foulkrod, Gamble, Gilmore, Grenell, Hayhurst, Helfenstein, Hoester, Hyde, Jenks, Keim, Kennedy, Kerr, Lyons, Maclay, Magee, Mann, Martin, M'Cahen, M'Call, M'Dowell, Miller, Myers, Overfield, Porter, of Northampton, Read, Riter, Ritter, Rogers, Sellers, Selzer, Shellito, Smith, Smyth, Sterigere, Stückel, Swetland, Taggart, Woodward—55.

#### SIXTH ARTICLE.

The Convention then resolved itself into a committee of the whole on the sixth article of the Constitution. Mr. CHAMBERS, of Franklin, in the Chair.

So much of the report of committee as relates to the first section being under consideration, as follows :

**SECTION 1.** Sheriffs and coroners shall at the times and places of election of Representatives be elected by the citizens of each county, one person shall be elected for each office. They shall hold their offices for a term of three years, and until a successor be duly qualified, but no person shall be twice elected sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid. The certificate of the return judges of the election of sheriff, or coroner, shall confer all the powers heretofore conferred on sheriffs and coroners by the commissions issued by the Governor.

Mr. BELL, of Chester, moved to amend the report of the committee, so as to make the same read as follows :

**SECTION 1.** Sheriffs and coroners shall at the times and places of elections of Representatives be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified, but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Mr. DUNLOP, of Franklin, suggested that the eleventh section embraced all necessary security.

Mr. BELL was aware of the provision in the eleventh section, but it did not meet his view according to the provision of the existing Constitution, the Governor is to appoint the sheriffs, and to take security, before the commission is issued. It was provided by the new Constitution that the certificate of the return judges should stand in the place of the commission. The moment the certificate is put into the hands of the Governor, that

instant the sheriff enters on his office. By the eleventh section he is to give security for the faithful discharge of his duties. His purpose might be reached in another way, and if so he would be willing to waive his motion at present.

Mr. FORWARD said the difficulty suggested by the gentleman from Chester, (Mr. BELL) would arise with regard to every officer. We had better introduce a general provision, that all officers shall give the requisite security before they enter upon the duties of their office. This provision ought to be general, and all officers should be required to give security before assuming their offices, except judicial officers.

Mr. BROWN, of Philadelphia county, moved an amendment which the CHAIR decided to be out of order.

Mr. READ, said with regard to the amendment of the gentleman from Chester, it was not worth while spending time upon it, because the object proposed to be attained is correct and proper, but, at the same time, it is fully provided for in the eleventh section as reported by the committee, which reads as follows: "all officers shall give such security for the faithful discharge of their respective duties as shall be directed by law". A difficulty which seems to have presented itself to gentlemen, is, that the moment the certificate of the return judges is signed, these officers become sheriffs or coroners, as the case may be. Now this did not appear to him to be the case, when it was provided in this same article that all officers, before they enter upon the duties of their offices, shall give security for the faithful discharge of the duties of their respective offices. The eleventh section, which he had just read, would have the same effect as the amendment suggested by the gentleman from Allegheny (Mr. FORWARD) and would in his opinion, cover every case which would arise. It was a pre-requisite that these officers must give such security, and it seemed to him to be a strange construction to suppose that they might enter upon the duties of their offices without fulfilling this provision. But, as the amendment of the gentleman from Chester could do no harm, and it was little difference whether it was agreed to or not, he would not take up the time of the committee arguing about it.

Mr. STERIGERE was gratified at the decision of the Chair, because it was bringing us back to something like order and regularity in business, which he hoped to see followed up through the remainder of the session. So far as regarded the amendment, he should vote against it; not because he was opposed to the principle contained in it, but because it was introducing too many provisions in relation to county officers. We might as well insert one general provision in the article, which will meet all the cases in relation to these county officers, and save the trouble of inserting a separate provision in every section. As to the number of taxable inhabitants in a county, being made a criterion for the number of officers to be appointed in that county, he was opposed to having any thing inserted in the Constitution in relation to it. All counties must have their officers, whether they have five thousand or two thousand taxable inhabitants, and he would leave the regulation as to the number of officers each county was to have, to be hereafter determined. He had given some attention to this subject, and had prepared an amendment, which he considered preferable to this, and would merely call the attention of gentlemen to it. It was to be found in resolution No. 86, and he would now give notice, that it was

his intention to submit it as an amendment, so soon as an opportunity offered. This amendment, which he proposed submitting, provided for all county officers, and he had merely risen to call the attention of gentlemen to it.

Mr. MEREDITH said, the amendment, as introduced, contemplates the election of one sheriff, in the place of two, as is the present practice, and leaving it with the Governor to commission one of these persons. As to this part of it, he did not know that he would have any particular objection, but he could not now say, whether he would vote for it, as he considered it a matter of very little importance whether there was an alteration made in the Constitution in this respect or not, because it was generally understood, that the Governor will appoint the person who stands highest as to the number of votes received. He had done so in almost every instance since the adoption of the Constitution, and he could see no evil to result from it. But it appeared to him that the committee had gone to an unnecessary extent in carrying out this principle, when they provided for the abolition of the commission of the Governor. Now, he liked the idea of having the certificate of the return judges, but, at the same time, he would not dispense with the commission of the Governor. It appeared to him to be highly proper that a record of the appointment of these officers should be kept in different parts of the State, so that persons at a distance may have the opportunity of enquiry, at the proper office, to ascertain to whom a process was to be sent, or on whom it was to be served, in case the officer did not discharge his duty faithfully. This record would be preserved by having the commission of the sheriff recorded in the Secretary's office here, and in the clerk's office of the county to which he belonged; and access could easily be had to these records, whereas, if persons had to hunt after the certificates of return judges, some three or four years after the election was held, it might lead to great difficulty. The matter, too, of the sheriff's giving security, was of the highest importance to the people. It was a matter which should receive the closest scrutiny of the Judges of the Court of Common Pleas, who were to pass upon the security, because it frequently happened that those securities were called upon for the payment of money which came into the sheriff's hands, and which he is unable to pay. We know, now, that a sheriff cannot receive a commission, and enter upon the discharge of the duties of his office, until he has complied with the provisions of the law, and given security which is satisfactory to the Judges of the court of his county, and the Governor of the State. But when you employ the certificate of the return judges of the election, in lieu of a commission by the Governor, it may be a question whether that certificate is not the crowning operation—and fixes him in office from that moment, without any regard to the security he may be able to give. We all know that the Governor refuses to give a commission until bond and security are given, and he is satisfied that it is good and sufficient. He trusted that part of the old Constitution, at least, would be permitted to remain, so that we might have the additional guard of a commission, duly recorded, and the check of the Governor in issuing it. There was another objection which he had to this amendment. Suppose the case of a contested election of a sheriff, were the people to be bound by the mere certificate of the return judges? Or suppose that the return judges make a mistake, what means will you have of correcting the error? Are

you to trust to them alone to re-examine the ballot boxes and make up a decision which is to be binding on the freemen of the county? Is their certificate to be final and conclusive, whether there may have been a mistake in counting the ballots, or illegal votes received at the election, or not? He did not believe that this matter had occurred to the committee at the time they made their report, as he had no doubt it was not their intention to introduce into the Constitution a clause calculated to produce embarrassment and confusion. He trusted that the gentleman from Chester would at least so modify his amendment, as to leave the commissioning of these officers with the Governor.

Mr. BELL then withdrew his amendment, and moved to strike out of the report of the committee all after the word "aforesaid", in the eighth line, which is that part of the report in relation to the certificates of return judges conferring all the powers heretofore conferred by commissions issued by the Governor.

Mr. MERRILL would request some members of the committee to state some of the reasons which induced the committee to make these changes in the Constitution.

Mr. READ said, he would answer the gentleman from Union in a very few words. His reason for inserting this clause in the report, which the gentleman from Chester had just moved to strike out, were these. It was a pretty good general rule, that when the reason for a thing ceased to exist, the thing itself should cease to exist. Now, the only reason why the Governor, under the present Constitution, issues a commission to a sheriff, was, that two persons were to be elected by the people, and the Governor had the option of appointing either. To be sure, in practice, he has generally conformed to the public sentiment, and appointed the person highest on the return, but he was under no obligation to do so, and in some instances he had not done so. Having taken the appointment of sheriff from the Governor, and having given his election to the people entirely, he could see no more reason why the Governor should issue a commission to him, than to the county commissioners, or any other county officers. Was there any reason why he should issue a commission to a county commissioner? No sir: and why? Because there was but one elected, and he is the officer, and the certificate of the return judges is all that is necessary to make him the officer. As to the evidence of his being the officer, which the gentleman from the city had spoken of, it would be an easy matter for the Legislature to provide, by law, that a record of the certificate of the return judges should be sent to the office of the Secretary of the Commonwealth, which would answer every purpose of the record of the commission of the sheriff. This would save the sheriffs considerable trouble and expense in coming to Harrisburg, from a distance, to get their commissions: and, when they were got, they gave the officers no more power than would be conferred upon them by the more simple, easy, and cheap mode of adopting the certificates of the return judges, as a substitute for commissions. To be leaving with the Governor the commissioning of these officers, would be conferring upon him the privilege of issuing commissions to officers over whom he had no power; and, this matter of allowing the Governor to select between two persons, to fill the office of sheriff, should be blotted from our Constitution; because, it was nothing more nor less than a relic of that

ancient principle, that the sheriff was the representative in fact of the king. Now, it seemed to him, that these reasons were sufficient for adopting this clause in preference to the old section in the Constitution; and, he hoped, as a matter of convenience to the public, and economy to the candidates, and justice to the citizens of the Commonwealth, that it would be adopted.

Mr. WOODWARD thought, that the reason given by the gentleman from Susquehanna, in support of the report of the committee, were the very best reasons why the amendment of the gentleman from Chester ought to prevail. It seemed to him, that the only practical evil which existed under the old Constitution, in this particular, was the Governor having the choice between the two persons who were returned to him, thus giving him the power of defeating the public will, by the appointment of the minority candidate. Now, the amendment proposed by the committee provides, that there shall be but one person elected to this office, so that there would be no means left with the Governor of defeating the public will, and the commissioning of the officer could now be left in his hands, without any of the dangerous consequences which heretofore have existed. It was, in fact, necessary that the Governor should commission these officers, so that a record might be preserved as official evidence of their holding and exercising the office. Some kind of a record was indispensably necessary, and he did not know of any one which would be more convenient than the record of the commission given by the Governor, which would be on record in the office of the Secretary of the Commonwealth, and in the office of the Clerk of the court of the county in which the sheriff resided. He would have the sheriffs commissioned precisely for the same reason for which the militia officers were commissioned, not because the Governor had any voice in their selection, but because he wished to have an authentic record of their commissions in some place, to which the public could have access. He concurred entirely in the suggestions of the gentleman from Philadelphia, (Mr. MEREDITH) as to the necessity of commissions being issued by the Governor to sheriffs, and he believed, if the amendment on this subject prevailed, that no evil would result from it. He was in favor of resigning to the Governor the commissioning of sheriffs, and if the 11th section, providing for the security of these officers be adopted, as he had no doubt it would be, these commissions will be an evidence that this security is given, and that it is sufficient. Thus, all the advantages of the old Constitution will be retained, and all the disadvantages he had ever understood to result from it, avoided. He knew there had been evils experienced under the old Constitution in this respect. In the county of Luzerne, they had an instance of two persons being returned to the Governor for the office of sheriff, and the Governor commissioned the one who had the smallest number of votes of the two, thus defeating the express will of the people; and, this may have been the case in other counties, and he believed he had heard of similar instances to this in some of the counties of the State. Now, he believed, this to be a great and serious evil, because he held that, when the people have deliberately chosen a sheriff for a particular county, they have the right to the services of that individual; and, he never would consent to give the Governor the power to defeat the public will, and give to the people an officer which was not their choice. Then, he would retain

the commission of the sheriffs, for the purpose of having official evidence of the existence of such officer, to which the people could, at any time, and on all occasions, refer, when they thought necessary so to do. He trusted the amendment would be agreed to, and that the Executive commission will be retained.

Mr. MERRILL was opposed to making changes in the Constitution, upon mere guess work. It was true, as the gentleman from Susquehanna said, he could see no evils to arise from this change, nor did he know, that any one now, could point out any evil, which would probably result from it; but, he knew of no evil results, which had arisen from the old Constitution, in this respect, and therefore, he would not change an old, and well established principle, for a new, and untried one. He then, objected to this, because it was a new principle, and there was no telling how it would work in practice; and any principle, the correctness of which could not already be demonstrated, he thought, ought not to be adopted. In looking through this report, he found the commissions of the Governor to the sheriffs, were to be dispensed with. Then the Legislature would have to provide some means, by which the evidence of the existence of such officers was to be preserved, in some office in the Commonwealth; and he could not see the necessity, of throwing away the highest evidence, which can be obtained, for some other, which may, or may not be, equally satisfactory. We do not know, that the certificate of the return judges, will answer as good a purpose, as the commission of the Governor. The commission of the Governor is recorded in the office of the Secretary of the Commonwealth, and in the office of the clerk of the court of the county in which the sheriff resides. Now, he knew of an instance, which came under his own notice, where the record, in the office of the clerk of the court, varied from the original record, which made it entirely useless; and the consequence was, that he could not sustain a suit, which he had brought, until he sent to the office of the secretary of the Commonwealth, and obtained a certified copy, from the original record. There cannot, then, be too much care taken, in matters of this kind, so that the public may not be made to suffer by it; and he would retain all the checks and guards, which he could. These officers ought to give the best security, and the evidence of their having done so, ought to be retained. If the practice of commissioning sheriffs should be dispensed with, men might get in to be sheriffs, who would not be able to obtain the necessary security, and if they did not conduct themselves properly, the community at large would be the sufferers by it. He hoped the amendment to strike out this provision would prevail, and that all these officers should receive commissions from the Governor.

Mr. BROWN had heard it suggested by some gentlemen, that the return judges might commit an error, in making out their returns, or that fraud might be practiced in the elections, and that there ought to be a power somewhere, to correct this. Now, he would ask the gentleman, who advanced that idea, whether it was intended to make the Governor a judge, in matters of this kind? Was it the certificate of the return judges, which was to be the evidence of the election of the officers, or was it the commission of the Governor, which was to be the evidence of his election? If the Governor was to take the certificate of the judges, as evidence of the election of the sheriff, and make out his commission upon that evi-

dence, he should not have any objection to go for it; but, if he was to have the power to disregard this certificate, and set himself up for a judge in the case, he must go against granting him any such power, as he apprehended, that greater evil would arise, from leaving with him a power of this kind, than allowing that section of the Constitution, to remain as at present.

Mr. BELL said, it was not intended to leave the Governor any such supervising power. He was not to have any control over the decision of the return judges at all, but was merely to have the power to issue a commission when satisfactory evidence was exhibited to him of the election of the sheriff. He had risen to say a few words in support of the amendment he had proposed, which he had found some difficulty in getting before the Convention in a proper shape. It seemed to him, however, that the course he was now pursuing, was the most appropriate means of reaching his object. At the outset of the Convention, it was avowed by gentlemen, that no alteration would be made in the Constitution unless for good and satisfactory reasons, and that no change would be made for the mere sake of change. Was there any reason why the Governor should, in the case of a sheriff, issue a commission before the officer enters upon the duties of his office? There was a reason particularly applicable to the office of sheriff. He is not only entrusted with the persons of the people, but he is entrusted with their property to a large amount, and if gentlemen will only turn their eyes to the acts of Assembly to be found in the digest which we have voted ourselves, they will find that sheriffs are obliged, by those acts, to give security to a very large amount, to be approved by certain judicial officers of the county; and, as an additional security to the public, this security is to be approved by the Governor of the Commonwealth. Now, one of the objects of the report of the committee, as it stood in the first instance, would be to take away from the community one of the securities they now have for their persons, and the protection of their property, to wit: the approbation of the Governor of the security given by those officers. It is in fact a repeal of an act of the Legislature on this subject. Now, gentlemen have here introduced in this report of the committee amendments never called for by the people, and amendments too, which had the extraordinary effect of repealing acts of the Legislature; because the Legislature, by an act passed in the year 1834, made it the duty of the Governor to approve of the security given by the sheriffs, and examine it before he issued their commissions. Then by the report of the committee, the Governor was not to issue a commission to these officers, and was not to interfere with the security they were to give. Now, if there was no other reason than this, he would consider it sufficient to induce him to oppose this part of the report of the committee. Do we not all know now, that notwithstanding the security we have now in the approval of the judges of the court and the additional supervision and approval of the Governor, both the sheriff and his securities, on many occasions, have become insolvent, and the community are defrauded. Then shall we take away a portion of this security? No sir, I would not take away any of the guards and checks which we now have. It seemed to him, that the object for which we have assembled here, was not to take from the people any of the securities which they now have for the faithful discharge of the duties of public officers, but to grant to them

greater security for their persons and their property, and to make the officers and servants of the people more responsible to them. He hoped, therefore, that this power might be left with the Executive as an additional security to the people.

Mr. STEVENS entirely approved of the object designed to be attained by the amendment of the gentleman from Chester. (Mr. BELL) and thought the report of the committee would be very mischievous in its operation if adopted, but he would ask the gentleman whether he reaches the object by his amendment. He would ask him if his object could not better be attained by withdrawing his amendment, and moving to strike out the whole report of the committee, and merely to amend the old Constitution, by striking out the words "two persons shall be chosen for each office, one of whom for each respectively, shall be appointed by the Governor", and inserting, that only one person should be voted for, for each of these offices. Then we would have all the benefits of the old section, with the improvement which we had suggested. We should then have the sheriffs commissioned by the Governor, have him examine the security, and have the usual record made in the office of the Secretary of the Commonwealth. If this was desirable, and he took it to be very desirable, then we should have all the benefits of it by a motion of this kind, if it should prevail.— This appeared to him, to be the plan best calculated to effect this object, and he hoped the gentleman from Chester would see the propriety of adopting it.

Mr. BELL said it did not now seem to him to be the better mode of getting along, to adopt the suggestion of the gentleman from Adams. There was always difficulties in the way in the outset on these matters. He knew there were several gentlemen who desired to bring forward propositions and he did not desire to shut them out. We must have a beginning somewhere, and he hoped gentlemen would grant him the privilege of having a vote taken on this amendment, and after it is disposed of they will have the opportunity of bringing forward their propositions. His only object now, was to get rid of this objectionable feature in the report of the committee, and he hoped the committee would indulge him so far as to allow the vote to be taken upon it.

Mr. BROWN said, if the motion of the gentleman from Chester to strike out prevails, it will then be competent for any gentleman to amend the report of the committee by adding a clause, that the Governor shall issue a commission to those officers, so soon as they have given the security required by law.

Mr. M'SHERRY thought that the most proper and least embarrassing mode of proceeding, would be to take the question first on the amendment proposed by the gentleman from Chester, and then we can move to amend, as suggested by his colleague (Mr. STEVENS), or in any other manner we see proper.

Mr. FORWARD said, if the amendment of the gentleman from Chester prevailed, then he apprehended there would be no substantial alteration in the section of the old Constitution, except so far as it went to change the words two sheriffs and coroners, to one of each. If this was the true state of the case, why not take the old section and make the alteration in it, as suggested by the gentleman from Adams. He would adopt this course because that section had been long practiced upon, and was

well defined. We have had legislation upon it, and laws have been passed on the subject. Then, if we adopt this course, these laws will not be disturbed, and the legislation had on the subject will remain unchanged and undisturbed; and we will have an amendment exceedingly simple in its character, whereas, if a new section is adopted, the question will immediately arise as to what effect it will have on the legislation of the country, and the whole of the legislation of the State on the subject, may be laid aside, and new legislation would have to be adopted to meet the case. He thought the simplest course was the best one.

Mr. STEVENS said, in order to have the whole question decided by one vote, he would move to strike out the whole report of the committee, and amend the first section by striking out of the second line, the words "two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the Governor. They", and inserting, "one person shall be chosen for each office, who".

Mr. BELL then accepted this amendment as a modification of his proposition.

Mr. BROWN proposed further to amend the amendment; but

The CHAIR decided the motion to be not now in order.

Mr. WOODWARD suggested, as these officers were now to be elected by the people, and not appointed by the Governor, that the word "appointed" in the section, should be changed to the word "commissioned".

Mr. BELL so modified his amendment.

Mr. READ did not consider it of the least importance whether this last amendment was agreed to or not, because we can make the report of the committee suit the views of the gentleman equally well, and he believed better than this section as now amended. The only difference between the two now, was as to the certificate of the return judges taking the place of the commissions of the Governor to those officers, and he thought he had sufficiently cleared up that matter in the remarks he made a short time ago; and he would say no more on that subject now. But the gentleman from the city of Philadelphia, (Mr. MEREDITH,) had raised a difficulty about the case of a contested election. He would, however, now ask that gentleman, who raised this difficulty, merely because the commissioning power was proposed to be taken from the Governor, whether it was his intention to give the Governor the power of deciding in a case of contested election of a sheriff. Was the certificate of the return judges to be the evidence of the election of the sheriff, or was the commission of the Governor to be the evidence of his election? As to this matter of contested election, the course of proceeding, in relation to it, was well settled and defined, and he apprehended there would be no difficulty in relation to it. With regard to the security to be given by the sheriffs, an objection was raised against the report of the committee, because it would take from the people the additional security of having it passed upon by the Governor before he issues the commission. Now, do not gentlemen know, that the judges of the court of the county in which the sheriff resides, have to pass upon the security and scrutinize it. They are the only judges of the responsibility of that security, and the Governor is obliged to depend altogether on what they say in relation to it, without having any knowledge of the matter himself. It is not in the nature of things that he should be competent to judge in every case of this kind, what security

would be sufficient, and what would not. What can the Governor know about the liabilities lying against the property of a set of persons in Erie county, who offer a security for the sheriff of that county. To be sure the law said that he was to revise the decision of the judges in the case, but it was all a mere matter of form. The only difference then, between the section as amended and the report of the committee, was that the report of the committee, if it was adopted, would save the sheriff the trouble and expense of coming to Harri-burg to obtain a commission, when no good effect was to be expected from this commission. This was a matter scarcely worth troubling the committee about, and he did not know that he cared much which way it was decided.

Mr. MEREDITH, of Philadelphia, remarked that the gentleman from Susquehanna had asked, whether it was proposed, to give to the Governor, the decision of a contested election. He, (Mr. M.) would say "no." He thought that the gentleman would find, on referring to the statistic laws of Pennsylvania, that in the case of the election of county commissioners, it was competent for the aggrieved party, to make complaint to the general court of sessions, if the returns were unduly made. He would not deprive a sheriff of the same right, which the last clause of the section, would have the effect of doing. He believed, that under the existing laws, there was a mode of contesting the election of a sheriff. He was opposed, on that ground, to making the certificate of the return judges, authorize the conferring of the powers of sheriff, upon a party, which had been heretofore conferred, by the commission signed by the Governor. He was very glad, that the gentleman from Chester, (Mr. BELL) had accepted the modification of the gentleman from Adams, for the reasons stated by the gentleman from Allegheny, (Mr. FORWARD.)

Mr. CHANCEY, of Philadelphia, observed, that the report of the committee, on this section, was not unanimous. A majority of the committee were satisfied with the Constitution, as it is, and a certain portion of the minority, were not inclined to make the changes, now proposed. The minority, certainly, did not agree to the propriety, of amending the first section, by adding to it the last sentence, and plainly for the reason, that there must be a provision of law, in relation to the certificate, and there would be no provision at all, by which it would be ascertained, in any proper mode, that the certificate was given *before* the officer entered on his *duties*. It was on this ground, that they objected to the insertion of the provision, proposed by the gentleman from Chester. The minority committee did not deem it necessary to make a report, but they concurred, that no amendment to this article of the Constitution was required.

Mr. SCOTT, of Philadelphia, felt satisfied, that the result of these changes, would be the adoption of Legislative measures, in reference to them. We had already some information, as to the course to be pursued on that subject, hereafter, in the case of the occurrence of a modification of the laws. For the last two or three years, there had been many instances of that kind. And, he was afraid the same fate awaited the Constitution of Pennsylvania. He was apprehensive of this, because the idea had been thrown out, that a provision should be incorporated in it, requiring that no one shall exercise the office of sheriff, unless he shall have given security for the due execution thereof, according to law. He thought it would be a mooted point in the courts of law, in this State, whether the existing

laws shall not require from that officer, the execution of those securities, as done under the old Constitution. He was of opinion, that, in case the proposed alteration should be made, the provision of the existing laws should be expressly extended to the sheriffs, appointed in the manner proposed by the amendment.

Mr. AGNEW, of Beaver, understood that the amendment of the gentleman from Chester, was on the report of the committee. He wished to call the attention of the committee, to the fact, that the standing committee had omitted a few words, in this section, which were rather material, and were in the old Constitution. The words were, "they shall hold their offices, if they shall so long behave themselves well." He did not know whether it was the object of the committee, to provide by a —

Mr. READ, (interrupted) he would refer the gentleman, to the tenth section, for the language he had just mentioned. The committee thought it better to insert it there, than to repeat it in every section.

Mr. AGNEW resumed. He did not know that the committee would be disposed to adopt it. It was a new provision. He had merely wished to call the attention of the committee to the fact, for he did not know, whether the omission was accidental, or intentional. With regard to the last clause of the amendment, he would state an objection, which had struck his mind, and which had not been noticed, by any gentleman, who had yet spoken on the subject. He alluded to the words, "powers heretofore conferred." Now, he apprehended, that in order to ascertain what the powers, heretofore conferred, were, we must have reference to an existing clause. "The certificate of the return judges, of the election of sheriff or coroner, shall confer all the powers heretofore conferred on sheriffs and coroners, by the commission signed by the Governor." Now, this provision, he thought loose, vague, and inexplicit, and calculated to give rise to doubtful constructions. If the intention of the framers of it, was to prevent the Legislature, hereafter, from altering the powers and duties of the sheriffs, they should introduce a provision, the language of which was more distinct and definite than this, and not calculated to induce doubts and differences of opinion, as to its precise meaning and intention. The only objection, ever made to this section, was the one mentioned by the gentleman from Luzerne, (Mr. WOODWARD) viz: that the Governor had the power to choose between two persons elected. The election of the officers, was left with the people, and of that they did not complain. They did not object to the term of office—to the restriction, that no man shall hold it more than six years—nor to the multiplying of vacancies. The only objection, he repeated, which he had heard, was the giving to the Governor the choice of two individuals. If, then, the modification which the gentleman from Chester had accepted, should be adopted, the people would be satisfied with it, as the effect of it, would be to prevent the Governor from acting unfairly, by choosing a minority sheriff, because he happened to be of the same politics as himself. A case of that sort had happened, in the county in which he, (Mr. AGNEW) resided; for a minority sheriff had been appointed, and the occurrence gave rise to a great deal of dissatisfaction, at the time. An instance had also arisen in the county of Allegheny, a few years ago.

He was opposed to the provisions in the latter part of the report, because, it would be impossible to legislate in reference to them, as they at

present stood. Every thing must be provided for by law. He presumed, that the objection urged, to making the Governor a judge in contested elections, was not understood. He apprehended, that the objection was, on account of the certificate of the return judges, being made out, immediately after the election—when the result was known. Hence, it was supposed, that as the certificate conferred all the powers, which were heretofore conferred, by the commission, signed by the Governor; that, therefore, the certificate took effect, from the moment the result of the election was *announced!* Now, there was the mistake, for an officer possessed no power, until he received the commission of the Governor; and so, with regard to the certificate of the return judges. In the interval, however, he was to give his security, and take the oath of office. No one, he, (Mr. A.) apprehended, objected to the provision in the amendment. In order to remove the inconvenience, which might arise, from giving the power to the Governor, to choose between two individuals elected, he would suggest, that the only alteration required, was simply to change the word “two,” into “one.”

Mr. READ, of Susquehanna, suggested, that the words “an appointment” should be substituted for “new appointment” in the eighth line.—He would vote for the amendment of the gentleman from Chester, if he would so modify it, because it was substantially the same as the proposition of the committee.

Mr. BELL, of Chester, accepted the modification.

Mr. HOPKINSON, of Philadelphia, said, that he had attentively listened to the observations of gentlemen in favor of altering the Constitution, in regard to the election of sheriff, and it appeared to him that the Constitution was better as it is, for it was practically what those gentlemen wished it to be. Although there had been five or six hundred elections for sheriffs since the adoption of the Constitution, yet gentlemen had only mentioned two or three cases in which the Governor had appointed minority sheriffs. No practical evil had resulted from the present provision, and many evils might arise under the alteration proposed. The office of sheriff was a high and important trust. It had been said, that the Governor had sometimes appointed minority sheriffs. Now, something might occur, between the time of holding the election, and the appointment of a sheriff, which might make it an act of prudence on the part of the Governor not to give his decision in favor of the highest on the list. Another thing, too, might happen, the individual chosen might not be able to find the requisite security. He knew that security was very high in Philadelphia.—And what, then, was to be done in the event of a man not being able to obtain security? Was there to be no appointment, or was the other person, he having it in his power to get security, to be chosen? or, were the people to go into another election? As to a certificate being sufficient evidence, the provision does not state where it is to be filed—where the evidence is to be found. He preferred the amendment to the report of the committee, and the present provision of the Constitution to either.

Mr. HUSTER, of Lancaster, said, that he was a member of the committee on the sixth article of the Constitution, and was in favor of depriving the Governor of the privilege of choosing one of two individuals to fill the office of sheriff. The object of the amendment was to prevent the Governor from overturning the will of the people. That had been done,

though he could not say how many times, and two instances had occurred in the county of Lancaster. With regard to the manner in which the officer should be commissioned, he had no particular views or feelings. From the arguments which had been advanced on that floor, he had been brought to the conclusion, that the amendment of the gentleman from Chester contained the same provision as was in the report of the committee. He was, therefore, in favor of the report. He thought, that the objections urged by the gentleman from the city, (Mr. HOPKINSON) in regard to the security to be given by a sheriff, were removed by the section as reported by the committee, as well as by the amendment proposed for adoption by the gentleman from Chester. If the person elected could not give security, the Governor could still appoint. And, the section further provides, that where vacancies occur, the Governor shall fill them until the next annual election. There was then, no weight or importance to be attached to the objection made by the gentleman. He would vote for the amendment of the gentleman from Chester, notwithstanding that he was one of those who agreed to the report of the committee.

The question was taken on the amendment, and it was agreed to.

The committee then proceeded to the consideration of the second section, which is as follows :

**SECTION 2.** In every county, having, for the time being, five thousand or more taxable inhabitants, one person shall be elected Clerk of each of the county courts of the proper county ; and, in every county, having for the time being less than five thousand taxable inhabitants, one person shall be elected, who shall be Clerk of all the county courts of the proper county. Clerks of county courts shall hold their offices for a term of three years, but no person shall be more than twice elected in any term of nine years.

Mr. STERIGERE, of Montgomery, moved to amend the report, by striking out all after the words " Section 2", and inserting as follows : " Prothonotaries of the Courts of Common Pleas, Registers of wills, Recorders of deeds, Clerks of the Orphans' Courts, Courts of Over and Terminer, and Courts of Quarter Sessions, in each county, shall, at the times and places of election of Representatives, be chosen by the citizens of such county, and commissioned by the Governor. One person shall be chosen for each office, unless the Legislature shall otherwise provide. They shall hold their offices for three years, and until successors be duly elected and commissioned, if they shall so long behave themselves well, but shall be removed by the Governor on the address of both branches of the Legislature. Vacancies in either of the said offices shall be filled by the Governor, by appointment, which shall continue until the next general election, and until a successor shall be chosen and qualified as aforesaid".

Mr. S. said, that his amendment, with a slight modification only, was contained in a resolution submitted by himself to the Convention, and was to be found on the twelfth page of the thirty-sixth resolution. It was intended to embrace all the county officers which were now appointed by the Governor, and they were designated by their appropriate names.—Entertaining the opinion that the several officers should be distinct, he had, therefore, drawn his amendment accordingly. He objected to the section as reported, because it designated no officers, was too general, and blended them together. All these officers were known by their distinct names,

and should be kept distinct. He had another objection also to the report of the committee, and that was the ratio of five-thousand taxables, making the officers separate when the number was greater, and blending them when less. Now, he could see no good reason why this should be done. For instance, in some counties, like Montgomery, the number of taxables might exceed five thousand, where some of the offices, such as the Clerk of Oyer and Terminer, and the Clerk of the Court of Sessions, would not be worth holding alone. He preferred to vote for all these offices together, because the election of each would apply to all. He regarded the provision in the third section as entirely unnecessary. He was of the opinion, which had been expressed by several gentlemen, that there ought to be as little alteration made as possible, in the phraseology of the Constitution. And, he wondered why the gentleman from Adams (Mr. STEVENS) should have made the objections he did, in reference to the sheriff and coroner.— He (Mr. S.) thought, the best way was to make the offices distinct; but, at the same time, allow the people to give, if they thought proper, more than one office to the same individual.

Mr. READ, of Susquehanna, observed that it was impossible, owing to the manner in which the committee were proceeding, to determine what ought to be done with this section. The committee having passed over the fifth article, relating to the Judiciary, without noticing it, it was, as he had already remarked, impossible to know what to do. The committee on that article, in drawing their report, did so, under the impression that the number of courts was to be reduced. And, therefore, it was that they denominated the officer “Clerk of the County Court”. Not having yet acted on the fifth article, we could not go on understandingly, and provide for the clerks of those courts. He would leave the article, in question, at the disposition of the committee. Foreseeing the difficulty that would arise, in passing over the article, with respect to county officers, he had this morning voted against adopting that course, for the purpose of considering the sixth before the fifth article. The Convention could not know what to do, as it was not known what officers were wanted. The fact was, that we had commenced our work wrong. We should have taken up the sections in numerical order. Under the circumstances, he was at a loss to say what was the best course to be pursued in regard to this article. He thought we had better postpone the present article, until the fifth was disposed of.

Mr. PURVIANCE, of Butler, would suggest to the gentleman from Montgomery (Mr. STERIGERE) that he had better modify his proposition, by striking out all that part of it, which relates to officers being commissioned by the Governor, and to insert two additional officers—“County Surveyor and County Treasurer”, to be elected by the people.

Mr. STERIGERE thought, that the County Surveyor was more properly appointable by the Surveyor General. With respect to the individual filling the office of the County Treasurer; he was the mere creature of the law, and should be under the commissioners of the counties. The office, too, was a very responsible one. It had been suggested to him, (Mr. S.) before, that the County Treasurer ought not to be an elective officer. He would acquiesce in the suggestion, if the committee thought proper.

Mr. PURVIANCE then moved to amend the amendment by striking out

of the fourth line, the words "and commissioned by the Governor." He said he could not see the necessity of retaining these words, inasmuch as we did not leave with the Governor any discretion in making an appointment. When it was left with the Governor to make a choice between two sheriffs elected by the people, then there was some reason for the distinction. But not now, when the whole power was given to the people. He thought that as the Governor was not to appoint these officers, there could be no reason why he should commission them. There was no propriety, then, in leaving in the Constitution, the words which he had just moved to strike out. He hoped that his motion would be carried, and that the amendment, as amended, would prevail. The report of the committee, now before the committee of the whole, contained fifteen distinct propositions, and the article of the Constitution to which this report was applicable, contained only five propositions, and the amendment of the gentleman from Montgomery, embraced no less than four of the propositions of the standing committee. If we could embrace all those propositions in one section, he thought it was our duty to do so. And, if we did not, confusion might ensue, and we should be presenting to the people four different sections, when one would answer the purpose. He was also opposed to the proposition in the report of the standing committee, because it fixes a ratio for the officers of a county. How, he would ask, was that to be ascertained? Was that to be done after the election of the county officers had taken place? For, according to the report, unless it were ascertained that a county contained five taxable officers, his right to office could not be known. He (Mr. P.) would, therefore, dispense with that proposition, and take that of the gentleman from Montgomery instead, which, in his (Mr. PURVIANCE'S) opinion, answered every purpose.

Mr. STEVENS, of Adams, said his opinion was that the amendment to the amendment ought not to prevail. It struck him that it was as necessary that the county officers should be commissioned by the Governor, as that the sheriff should. The county officers were obliged to give bonds for the faithful discharge of their duties. If they were not commissioned by the Governor, to whom were they to give those bonds? Who was to supervise them? Who was to judge of them? There was also another reason, and he thought it a powerful one, why the provision ought not to be stricken out. He had been told that the revenue to the State, derivable from granting commissions, amounted to upwards of ten thousand dollars, per annum. Then, why, he would ask, would gentlemen cut off this revenue? Those who hold the offices, were willing to take them and pay the tax. He could see no good reason why the provision should be stricken out, and he would therefore vote against it.

The question being taken on the amendment to the amendment, it was decided in the negative.

Mr. STEVENS then moved to amend the amendment, by striking out all after the word "prothonotaries", and inserting the following: "and clerks of the several courts (except the prothonotaries of the Supreme Courts who shall be appointed by the court for the term of three years, if they so long behave themselves well,) recorders of deeds and registers of wills, shall, at the times and places of the election of representatives, be elected by the citizens of each county, or district, over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They

shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law the number of persons in each county who shall hold said offices, and how many, and which of said offices, shall be held by one person. Vacancies in any of the said offices, shall be filled by appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid."

Mr. BELL, of Chester, moved to amend, by inserting the words, "and how many and which of said offices shall be held by one person."

The CHAIR said, it was not now in order to offer amendments—there being one already pending.

Mr. DUNLOP, of Franklin, moved to amend the amendment to the amendment, by striking out "three," and inserting "five."

The CHAIR decided the motion to be out of order.

Mr. DUNLOP said, that he proposed to change the word "three" to the word "five." The gentleman from Adams (Mr. STEVENS) and himself had had a conversation.

The CHAIR said, that the amendment was not in order at that time.

Mr. EARLE, of Philadelphia, remarked that he should be puzzled how to vote in reference to the amendment of the gentleman from Adams. He wished to learn from the Chair, whether the amendment, should it prevail, would be an amendment of the report of the committee?

The CHAIR declared that it would.

Mr. BROWN, of Philadelphia, remarked that he would be somewhat conservative on this question. He should vote against the amendment of the gentleman from Adams, as at present advised. We had just adopted an amendment to the old Constitution, providing for the election of sheriffs and coroners. He (Mr. B.) desired to put all the county officers on the same footing, and wished the same phraseology to be used in reference to all of them. He regarded the amendment of the gentleman from Adams, as too complex. If the amendment should be negatived, he would offer a section, in precisely the same words, so as to place them all on the same footing. He (Mr. BROWN) did not believe that there was any disposition on the part of the people, to fill offices in any other way, than by electing the officers. He trusted that the amendment would be rejected. He asked for the reading of the first section of the sixth article.

[The section was here read by the Secretary.]

Mr. B. resumed. Now, this was a section which the gentleman from Adams had taken, and by altering it, had rendered it ambiguous and complex, at least in his (Mr. B.'s) opinion. He saw no reason for making a distinction between one officer and another. The old Constitution was clear and explicit, as to the choosing of sheriffs, coroners, &c., and every body understood it.

Mr. STEVENS said it was true that, in speaking of the same officers, the same language ought to be used. But this was a new provision, as to which there was no settled language, and respecting which, no law existed. We have a Constitutional provision and language in relation to coroners and sheriffs. The election of the officers by the people, embraced in his amendment, was a new thing. What would be the effect of using the same language? Sheriffs were elected to perform a known duty. B

these officers would sometimes have to be combined. Several would have to be held by the same person in one county, while they would be separated in others. If, in such a county as M'Kean, different individuals were to be elected for the several offices, a man had better be a beggar at once than to fill one of them. Take Warren and Clearfield; would you have separate officers elected for each of those counties? It was certainly better to leave it to the Legislature to determine how many offices one man should fill. He was for leaving all detail to the Legislature, while we settled the principles.

Mr. BROWN said, the reply did not meet his objection, but was calculated by special pleading, to draw off the attention of the committee from it. In the first place, we have provided in a previous section, that sheriffs and coroners are elected by citizens of the respective counties. Why should not the prothonotaries, and other county officers be chosen by the same citizens, and at the same time? He asked what was the object of making a difference in the phraseology, and why the advantages of preceding provisions in the Constitution were not preserved here? The amendment provided that the elections should be made by the people. This was not the language of the Constitution, as used in the preceding articles. Our elections were not by the people, but by the citizens qualified to vote.—The language was altogether too loose—he hoped it would be modified and made in accordance with that of the first section, giving to the Legislature the regulating of the elections. The amendment then says that the Legislature shall regulate by law the mode of election, and the number of persons in each county who shall hold said offices, &c. What did this mean? This looked suspicious. It did not provide, that these officers should be elected by the citizens in like manner with other officers. The amendment in fact, did not provide who were to elect these officers, nor how they were to be elected. It did not say that they should be elected by the citizens qualified to vote at the general election. He was willing to leave all that was necessary for the Legislature to regulate, but he would certainly wish the provision to be made more definite, before he voted for it.

Mr. MERRILL asked the attention of the committee to the terms for which the offices were to be filled. Believing that it was the interest of the people to have the offices well filled, he asked if it was not advisable for that end, to fill them for a longer term than three years. There were many considerations of an urgent nature in favor of filling them for a longer term. Very frequent elections were not advantageous or desirable. The vacancies which occasionally occurred, and rendered special elections necessary, would be so frequent as to be very burdensome to the people, even if the officers were to be elected for a longer term than three years. The elections should not be more frequent than the perfect security of the people required. Was it probable also that the duties of the office would be better performed, if it was held for a sufficient number of years to make it the interest of the officer to perform it well, than if it was to be held only for a very short time? Many clerks of courts were well qualified for their situations, in consequence of long experience; but it would require a new clerk the same series of trouble and time to acquire the same degree of skill in the discharge of his duties. A man will have much less inducement to prepare himself thoroughly for the office, if he is to hold it for only three years, than if he was to hold it for five or six years. A clerk

of the court, who was accurate and skilful, not only saved the time of the court, but was important to secure a proper administration of justice. It was a matter of much consequence, that correct and proper entries were made. An unskilful clerk, by a single improper entry, would sometimes produce much confusion and difficulty. If three years was the time fixed, the election of these officers would take place at the election of Governor, and become connected with it. He did not think that officers, solely for the accomodation of the public, should be elected on party grounds, and thus embarrass the other elections. The office of prothonotary was not a political one. It was not an office in which the people, as a body, were interested. It was one, in which the suitors in court were more immediately concerned. To be sure, the public had an interest in the proper discharge of the duties of every office; but this was especially important to parties, to the counsel, and to the court. The office of Prothonotary, he thought, ought to be filled for a long term, so as to make it an object for the officer to attend to its duties, instead of employing some young man to do it at half the salary. The duties of the Recorder of deeds did not require so much experience. But the office of Register, was one of the greatest importance. Just as sure as that we live and have estates, just so sure it is that we shall die and leave estates to be settled. It was of the utmost importance, therefore, to every one, that the office of Register should not only be filled with a person of integrity, but of skill and ability, and one who is competent to give advice in matters relating to the interests of widows and orphans, and other persons who are concerned. If we wished men of skill and character to take this office, we must make the term longer than three years. The shortness of the term was an objection to this and every other proposition, relating to this subject, before the committee. He urged the objection now, because, if the amendment was adopted in this form, it would not be altered. He was in favor of electing these officers by the people, but he objected seriously to the term of three years. He hoped we should give the offices such stability and value as will induce men to take them, on whose skill and integrity we can confidently rely. He would greatly prefer the term of five years.

Mr. STEVENS modified the amendment by inserting after the word "shall", the following: "at the times and places of election of representatives".

Mr. PORTER, of Northampton, confessed, he said, that this was a subject in which he felt a great deal of interest; and it was one, concerning which, he professed to know something, having himself served as a clerk in a Prothonotary's office, where there was as much business as in any other in the State. He knew all about this matter, from personal observation and experience, and he would say, that there was no office in the Commonwealth in which the people were so much interested as in the office of Prothonotary. There was no man's estate which did not pass through the courts once in every thirty or forty years. These were offices of the highest importance, therefore, in reference to the rights and interests of the community, and the whole public were interested in having them filled with honest, faithful, and competent men. There was hardly any man who did not, at some time in his life, have business with the courts, and therefore ignorant and dishonest officers were an injury to every man. The clerks of the courts were once appointed for their com-

petency and honesty ; but of late years, they have oftener been appointed for their partizan services. He was acquainted with the clerk in a certain county who spelled writ, "*rit*", and write, "*rite*". To such a man was the business of the public intrusted, when no private man would employ him to do the most trivial business. The offices have become the rewards for partizan services, and both parties, (for he made no distinction) give them to those whose services had been most efficient in the election. There was another consideration which ought not to be overlooked. A great part of the fees of the lawyers, especially those taken for advice, arose out of the blunders of incompetent, care'ess, or dishonest officers, connected with the courts. What, then, is the remedy ? He was opposed to their appointment by the Governor, because, this mode has not worked well ; and he was also opposed to their election by the people, unless some provision against incompetency was adopted, like that in the Constitution of Ohio, requiring the candidates to first be examined, and declared qualified by the courts. This examination was necessary in order to protect the interests of the public. No lawyer is admitted to practice, unless he is examined and pronounced qualified. Why, then, should the Prothonotary and clerks of the courts, into whose hands the property of the community—of widows and orphans must pass, be subjected to the same ordeal. It was as important that a clerk should be well qualified, as that a lawyer should be. We have no right to commit the business of the public to the hands of bunglers. But even competent men should not hold the office too long. Three years was about the right time with the capacity of re-election ; five years he considered too long. He did not wish to see a Prothonotary continued *ad infinitum*. It was necessary that a man should be long enough in office to understand his business. If he is a competent man, he will soon understand it. He may better understand it the longer he is in office ; but he will also better understand the *fee bill*. If the proposition of the gentleman from Adams, (Mr. STEVENS) was agreed to, he should then offer an amendment, requiring an examination and approval of the candidates by the court. There was great propriety he thought, in leaving it to the Legislature to regulate the manner of appointment, and the number of offices to be held by the same person. In good old times, offices were not so much cut up and divided as they were now. Several offices were then held by the same person, which allowed the officer to keep a clerk and attend well to his duties. But now, in the smallest counties, each office is filled with a separate person, and the consequence is that the salary is not sufficient either to support him, or enable him to perform assistance in his office. If you have business with the officer, you cannot find him nor a clerk at his office ; but you must hunt him up in his garden or his field, where he is hoeing his corn and digging his potatoes. He has too much to do to provide for his own subsistence, to look after the interests of the public. It was better in these small counties, both for the officer and the public, that those offices should be consolidated and held by the same person. The discretionary power to allow this must be placed somewhere, and no where could it be reposed with more propriety than with the Legislature. In former times, when these offices were not so much cut up, they paid a revenue to the State Treasury, but now no office produced enough to pay a tax. Such was the insatiable thirst for office,

in these latter days, that for a three hundred dollar office, we always have thirty or forty applicants. He would like to see things restored to their former state. He was not willing that the term of office should be long, but he was anxious to receive better qualifications for offices, on which so much of the public and private interest depended.

Mr. READ said he believed that time would be saved if the committee would stop here, and correct their mode of procedure. He did not think the motion of the gentleman from Adams, (Mr. STEVENS,) to strike out both the amendment of the gentlemen from Montgomery, (Mr. STERIGERE,) and the report of the committee, was in order. It would leave the committee in the same situation that it was in on the third article, when it was both too early and too late to amend the proposition to be voted for. If the CHAIR decides that it is in order to strike out both, then, if the amendment is agreed to, no further alteration can be made. The effect of its adoption would be to cut off all other amendments; and, therefore, we may be compelled to vote for it, though we do not like it, in preference to the amendment of the gentleman from Montgomery. The proposition of the gentleman from Montgomery, provided separate offices for each county, which was wrong.

The CHAIR, said, the motion of the gentleman from Adams, was in order, as it was an amendment, to an amendment which had been submitted to the report of the committee. It would not be in order, after its adoption, to strike out any part of it, but additions to it could be made.

Mr. SERGEANT suggested, as a mode of getting rid of the difficulty, that the time in the proposition of the gentleman, from Adams, should be left blank, and, if the amendment was adopted, the gentleman from Susquehanna, whose objection to it, was the time proposed, would have an opportunity of moving any other time. If the gentleman from Adams would modify his amendment in that way, it would remove the difficulty, under which the gentleman from Susquehanna labored.

Mr. STEVENS said, this would not affect the question of order. There would not be any difficulty in the matter. If a majority of the committee, did not like the time, they could reject the whole proposition and bring up another. If a majority of the committee did approve of the amendment as it stood, then, there would be no necessity for the introduction of the amendment of the gentleman, from Susquehanna. He thought the term of three years, the proper term. If the committee thought otherwise, let them reject the whole proposition.

Mr. READ said, the decision of the CHAIR, left him in this predicament: he was obliged to vote for the proposition of the gentleman from Adams, although he did not like it, because he preferred it to the amendment of the gentleman from Montgomery. There must be something wrong in a decision, which led to such absurdities. Every gentleman ought to have an opportunity to offer amendments, but this course would cut them off entirely.

Mr. CLARKE, of Indiana, said that he preferred the proposition of the gentleman from Adams, to the other before the committee. As, however, he understood the CHAIR to decide the amendment of the gentleman from Adams in order, he would take an appeal from the decision, for the purpose of testing the question of order.

Mr. MEREDITH said, it was too late, after a motion had been received,

and after half a day had been spent in the discussion of it, to make an appeal. He made the question, whether the appeal could be received.

Mr. CLARKE wished, he said, to give his views, on the subject of the difficulty, which had arisen, having done which, very briefly, he withdrew the appeal.

Mr. DUNLOP agreed with the gentleman from Adams, that those who did not like the proposition offered by him, could vote against it, and, if it was rejected, another would be offered. He was in favor of electing officers by the people, but was opposed to the provisions of this amendment, in some respects. He objected to its phraseology; for he wished, as far as possible, to adhere to the original language of the Constitution, which was well settled and understood; neither did he consider the term of three years, as sufficiently long for those officers. If this proposition was rejected, as he hoped it would be, he would offer one preserving the language of the Constitution, and leaving the term of office blank.

Mr. BELL would prefer, he said, to settle the whole question. He should vote for the proposition of the gentleman from Adams, though he did not approve of the terms, in which it was worded.

Mr. AGNEW said, he had drawn out the proposition of the gentleman, from Adams, in the language of the Constitution, so far as it applied to the subject. He read the proposition, and offered it to the gentleman from Adams, as a modification.

Mr. STEVENS accepted the suggestion of the gentleman, and modified the amendment, accordingly.

The committee then rose, and the Convention took the usual recess.

#### WEDNESDAY AFTERNOON—4 o'clock.

##### SIXTH ARTICLE.

The Convention again resolved itself into committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

The question pending, being on the motion of Mr. STEVENS, to strike out the amendment offered by the gentleman from Montgomery, (Mr. STERIGERE) and the report of the committee, and inserting as follows:

To amend the amendment, by striking therefrom all after the word "Prothonotaries", and inserting in lieu thereof, as follows, viz: "and Clerks of the several courts (except the Prothonotaries of the Supreme Court, who shall be appointed by the court for the term of three years, if they so long behave themselves well,) Recorders of deeds and Registers of wills, shall, at the times and places of election of Representatives, be elected by the citizens of each county, or district, over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law, the number of persons in each county who shall hold said offices, and how many, and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointment, to be made by the Governor, to continue

until the next general election, and until a successor shall be elected and qualified as aforesaid”.

Mr. PURVIANCE, of Butler, asked for the yeas and nays on this motion, and they were ordered.

Mr. EARLE, of Philadelphia, stated his objections to both the amendment of the gentleman from Adams, and that of the gentleman from Montgomery. He would vote against both, because, if they were rejected, any necessary amendment could be made in the Convention. He thought the time unnecessarily long, a proposition of fewer words, and a better process, might be substituted for the present amendment. It was not so good as the report of the committee, because, by the amendment, officers could hold their offices without limit, while under the report of the committee, they were limited. Rotation in office was the order of the day; it was the popular sentiment, and ought to be carried out. The term for which the Governor could retain office, was reduced from nine to six years. There were some inconvenience attending the changing of a good officer for another, but a balance of advantage resulted to the people. A length of time in office was apt to beget aristocratical habits. Believing, that the length of time in office should not exceed six years, and that the people, in the election of a Governor, had established that principle, the report of the committee had assailed the unlimited term, and nothing was said in its defence. He had another objection to the amendment of the gentleman from Adams, and that was, that it placed it in the hands of the Supreme Court, to elect their own Prothonotaries. He was opposed to the investment of any patronage in the Judiciary. Much as he was against the conferring of power in the Executive, he would rather it was there than in the Judiciary. The Judiciary should be above suspicion, and they could not exercise this power without dissatisfaction. When judges had been called on to appoint commissioners, and other officers, they had given them, in many instances, to their near relations, sometimes to the disadvantage of parties, because, lawyers did not like to object to the decision of the officer, if the judge was his relation. This was a very considerable evil, and ought to be remedied. While speaking of these practices, he would say, that he meant no attack on the respectable judge who was a member of this Convention, and who had appointed a relation to office. But that relation was a very good officer, and whatever he had said had no reference to him. If patronage be vested in the Judiciary, it ought to be limited, so as to prevent the appointment of relations of the judges. It would be better not to give the power, but to let the citizens elect the officers; and, if that course was not approved, the Governor had better appoint them, by and with the advice and consent of the Senate.

Mr. READ, of Susquehanna, said, he held in his hand, ready to present to the Chair, an amendment which he had prepared, so to limit the terms of office, that an officer should not hold for more than six years out of nine, but the decision of the Chair cut him off from all chance of having his amendment placed before the committee.

Mr. STERIGERE, of Montgomery, was disposed to ask the attention of the committee for a few moments. Between his amendment, and that of the gentleman from Adams, as modified, there was no material difference. The language of both was now nearly alike. The only difference was

in this point. He had used the names of the officers as they stood in the old Constitution, while the language of the amendment deviated from that instrument. The terms which he (Mr. S.) had adopted, were such as are in common use, and in this report the phraseology of his amendment might have the advantage. There was also a difference in another point. The amendment of the gentleman from Adams, authorized the appointment of the Prothonotaries of the Supreme Court, by the Supreme Court. His (Mr. S's.) proposition was, that Prothonotaries, and Clerks of courts should be appointed in such manner as the Legislature might direct. On reflection, he thought it would be better to leave this to the Governor and Senate. Public opinion was opposed to the vesting of this patronage in the courts. Although the courts were the best judges of their own officers, yet public opinion had taken a stand against it. The courts, however, had such control over their officers, as to render this objection of little moment.— He then made some objections to the report of the committee, as loose in reference to the election of Sheriff's and Coroners, and as objectionable in other parts. In reference to the amendment of the gentleman from Susquehanna, to limit the terms of office to six years out of nine, it might be introduced as a proviso. Should the amendment of the gentleman from Adams be rejected, and the gentleman from Susquehanna would introduce his limitation as a proviso, he (Mr. S.) would vote for it again. There was no mode provided in the amendment of the gentleman from Adams, for the removal of officers, if they did not behave well. His (Mr. S's.) amendment provided, that such might be removed by the Governor, on an address from the Legislature. When there is a limitation to good behavior, it ought to be shewn how it should be determined, whether they behave well or not. He was not fastidious on this point. The objection of the gentleman from Union, (Mr. MERRILL) to the term of three years, he thought, would not weigh much with the committee. He did not believe, that a majority would agree to make the term five years. It was too long to make the officer feel a responsibility to the appointing power. With regard to the suggestions of another gentleman, that the Clerk of the Supreme Court should be elected by the people, he thought that it would be inconvenient, and had better be given to the Governor and Senate; some of the districts extend over about twenty counties. In regard to the county officers, he was indifferent. In some districts, the election of a Clerk of the Supreme Court, would be impracticable. He was in favor of the old Constitution, in this respect, rather than the amendment.

Mr. READ would be gratified, before he voted, if the gentleman from Montgomery would say how many officers it would be necessary to appoint. The arrangement of the courts might be changed in the fifth article, and it was possible, that the number of courts might be reduced. He did not wish to act in the dark.

Mr. STEVENS further modified his amendment.

Mr. BELL said, that every person appeared to have abandoned the report of the committee, except the gentleman from the county of Philadelphia (Mr. EARLE,) who raised a feeble voice in its support. That gentleman goes against the amendment of the gentleman from Adams, and against the amendment of the gentleman from Montgomery, and supports the report of the committee, upon the ground that it provides for rotation in office. It provides that no county officer should hold his office for

more than six years, in any term of nine years. This is the true republican doctrine, which he prefers to either of the other two amendments; and therefore the radical and reformer has made up his mind to vote against both the other propositions, acceptable as they may be, and go for this rotation principle alone. He had heard a great deal, here and elsewhere, with regard to rotation in office, and he must confess, he never had any faith in it. It only amounted to turning one man out, and putting another in his place, without any good resulting from it. What he understood to be the true principles of rotation in office, was to give the people the power of rotating the officers in such manner as they thought proper. That is, to give them the power of keeping the officers in during life, or of turning them out every few years; and he would beg leave here to say, that if he had not found this principle of limitation in the old Constitution, in some cases, he would have gone against it in every particular. Why, sir, what is this doctrine which is preached here by those who love the dear people more than they love themselves? It is directly in the teeth of the doctrine of democracy. It deprives the people of the exercise of a right which it is their highest duty to exercise. It is saying to the people, that although you may prefer a certain individual, and although that individual may have discharged his duties with the utmost fidelity and ability, you shall not elect him. This was not the doctrine of true democracy; but must be a doctrine of some spurious offspring from the democratic family. He would go against the report of the committee, for the reason that it placed this restriction upon the people, and none other. He would not go for any proposition which would prevent the people from electing whom they pleased, and when they pleased, and for what term they pleased.— Now, with respect to the merits of the propositions of the gentleman from Adams and the gentleman from Montgomery, he approved of the former, because it was more perfect, in many of its features and provisions, than the latter. It goes further than the proposition of the gentleman from Montgomery, and provides for more contingencies, and obviates greater difficulties. He approved of this proposition, for the very reason that he disapproved of the other. He approved of it, because it gave to the Supreme Court the appointment of its clerks. It is said it would be inconvenient to give the election of these officers to the people, because of the size of the districts. He had no doubt it would lead to inconvenience, and we must vest the power of appointment somewhere. Where, then, was this power to be vested? He was opposed to giving any appointments to the Executive, when we can place them elsewhere. He would not consent that the Governor should have the appointment of any officer, if there could be found any other convenient place to place it. There are some instances, to be sure, in which he must exercise this power, but the people have objected to its being exercised so extensively, for a long period of years, because of the numerous frauds it has given rise to, and the corruption it has introduced into the administration of the Government. Well, sir, where is there to be found a better place to vest these appointments, than in the Supreme Court, whose officers they are. But the gentleman from the county of Philadelphia (Mr. EARLE,) tells us he is opposed to giving this patronage to the courts, because of the tendency to have it abused. Now, he apprehended that gentleman spoke solely with reference to the city and county of Philadelphia, in relation to this matter, just as the

**PRESIDENT** did the other day, when he spoke of the practice of settling the claims of voters at the election windows, thus preventing others from getting the opportunity to vote. If he had gone to an election in the country, he would have found that these claims were not settled at the windows, but elsewhere. The gentleman has told us of the great evil to result from giving this patronage to the Judiciary; and among other things, tells us that the courts will have the appointment of the auditors. Why, in the country, it is a very difficult matter to get a man to fill this office. It actually goes a begging. There is no patronage exercised by the courts in the country, and there was no danger to be apprehended from giving them the appointment of these officers. If any gentleman could point out a more appropriate place for vesting these appointments, he would go for it; but if not, he would go for the proposition of the gentleman from Adams, because it placed the appointment in the Supreme Court. There was another particular in which the proposition of the gentleman from Adams was preferable to the other; which was, that it avoided a difficulty in vesting in the people the election of county officers in the different counties. Now, we all know that in some of the more wealthy and populous counties, such for instance, as Philadelphia, Lancaster, Chester, and Berks, several of the county offices, which were elective, were to be bestowed on different individuals, while in some of the smaller counties, you must combine them together, and confer them upon a single individual, because taking them separately, the fees would not be sufficient to pay for the services of any person. It was impossible, in the fundamental law, to provide for the different cases which must be regulated, in some measure, by the amount of population, and business to be done in the different counties. But the proposition of the gentleman from Adams was plain and simple, and we must leave something to the Legislature, because we cannot legislate for posterity, and provide for all the different cases which may arise in the long course of years. The Legislature must have the right of regulating these different offices and of saying how many offices shall be exercised by one man, and where they shall be separated. It must be left with it to provide, as the population of the counties increases, a due distribution of the offices; and no doubt they would be governed in their action by the desires of the people in those counties, and make provisions to suit their convenience. There was another feature in the proposition of the gentleman from Montgomery, which did not find a place in the proposition of the gentleman from Adams, which was, the provision for the removal of those officers upon the address of both Houses of the Legislature. Now, he knew there were several gentlemen who were in favor of the proposition of the gentleman from Adams, who were opposed to this kind of removal. Taking all these matters into consideration, he thought the proposition of the gentleman from Adams the best we could get, and he should give it his support.

**MR. EARLE** did not understand that this was a question merely between the proposition of the gentleman from Montgomery (**MR. STERIGERE**), and the proposition of the gentleman from Adams, (**MR. STEVENS**), as the gentleman from Chester (**MR. BELL**) considers it. If we disapprove of the amendment of the gentleman from Montgomery, it does not follow that we must adopt the proposition of the gentleman from Adams; and if we prefer this latter proposition to the other, it does not follow that we should adopt it, because,

if we reject it, we can then offer another amendment which will be more acceptable, perhaps, than either of those now before the committee. In fact, we ought to vote against the amendment of the gentleman from Adams, if it did not meet our views in every particular, and to his mind there were several objections to it. In relation to what had been said by the gentleman from Chester, it was a matter of opinion altogether. It was a matter of opinion as to what is democracy and what is not. He had heard a great deal about the distinctions between the people and the real people, and he supposed the real people were a better kind of democracy than the people generally. He, however, was disposed to legislate for the people generally, and not for the real people, as gentlemen were pleased to term them. He was opposed to perpetuating offices in the hands of any man or any set of men, and there was no democracy in any principle which went to carry out this matter. It was well known, that after a man has had an office for some considerable length of time, he begins to look upon it as his right, or his property, and he takes it as an offence for any one to oppose him. He looks upon it as his property through life, and considers that his children are the persons best entitled to it after he is gone. This was the origin of aristocracy, which he wished to see nipped in the bud. He did not desire to see any man bring up his children in idleness, with the expectation of having them placed in some office which would support them in that idleness, but he wished them to take the same chance of getting those situations with the rest of the community. One man is as much entitled to office as another, and there is no democracy in a principle which goes to perpetuate offices in the hands of the favored few. As to the objections to the amendment of the gentleman from Adams, he contended that the people should have the election of all the officers in the county. Now they had a Mayor's court of the Northern Liberties, established by that celebrated Legislature which has been so frequently spoken of here, and there was no provision made by the amendment for the election of the clerks to that court. All these officers should be elected by the people. He was opposed to allowing any patronage to their courts, or to the Supreme court, and for this reason he should oppose the amendment of the gentleman from Adams. The amendment of the gentleman from Montgomery was objectionable, because it went to provide for the election of a set of officers whose offices might not be in existence when the amendments to the Constitution are all made. He hoped that the distinction between courts of Quarter Sessions, Oyer and Terminer, and Orphans' court, all consisting of the same officers, would be done away with, and that we would have but two courts, a civil and a criminal. For this reason we should not provide for the election of the officers to these various courts, at present.

Mr. STEVENS said, if he was not desirous that the gentleman from the county of Philadelphia should not put upon the record a statement which was incorrect, he would not have risen to correct his error. That gentleman had said that this amendment does not provide for the appointment of the clerks to the Mayor's Court of the Northern Liberties. This was not a fact; because the amendment does provide for their appointment by saying that they shall be appointed by the Court. The gentleman from Montgomery, (Mr. STERIGERE) had enquired how these officers were to be removed from office, in case of misconduct. In reply to this, he

would ask the gentleman how the sheriffs were to be removed from office, if they did not behave themselves well. There was no provision in the Constitution to meet that case, any more than this, yet there was an easy and plain mode of proceeding in those cases. If those officers are convicted of malfeasance in office, they are removable at once, and there is no difficulty about it. Thus they were easily removed for misconduct, but he objected to this matter of having them removed upon the address of the Legislature, without any official misconduct. What was the use of allowing to the people the right of electing these officers, if the Legislature is to have the power of removing them at pleasure. The proposition he had submitted, contained the very principle for which gentlemen have been contending, ever since the meeting of the Convention, namely, the election of county officers, and he was of opinion it would be adopted by the Convention; therefore, he would warn gentlemen of the danger they would fall into by voting against it. He would caution them against putting their names on the record, against the principle of allowing the people to elect their county officers. They must recollect their names will stand there in opposition to one of the amendments which has been most loudly called for by the people, and for which they have been contending, and how are they going to explain away this inconsistency? He thought the better plan would be to go for his amendment.

Mr. BROWN, of Philadelphia, said that it might be that he was not so radical as some other gentlemen, but it had always been a matter of doubt with him whether the clerks of courts should be elected. He, however, yielded his opinion to the opinions of persons who knew more about this matter than himself. He was not tenacious with regard to the Mayor's Court, which had been spoken of. If it should hereafter be found expedient to elect all those clerks, we can leave it with the Legislature to provide for it; or if, when we get through with the Judiciary article, it shall be found most proper to provide for it in the Constitution, we can return to this article, and make the proper provision here. He should vote for the amendment of the gentleman from Adams, because he thought it as good a one as we could get, except, perhaps, the rotation principle; but he thought that had better be left to the people, to rotate them in and rotate them out, as suited the public interest best; and he did not think it necessary to have a Constitutional provision on the subject.

Mr. STERIGER said, in answer to the enquiry of the gentleman from Adams, he would ask him why there was such a provision in the old Constitution, as the removal of Judges by the address of both Houses of the Legislature. It was proper, there should be some mode of removing officers who were appointed for good behaviour, and that mode was provided for in the case of Judges and other officers by impeachment; but there was a still easier mode, and that was by address of the Legislature. This was considered the most easy mode of getting rid of officers under the old Constitution, and he thought it would be the most easy in the case in which he had introduced it.

Mr. DUNLOR, of Franklin, said that he now understood the amendment to the amendment, as being offered by the gentleman from Adams, (Mr. STEVENS,) and modified at the suggestion of the gentleman from Butler, (Mr. PURVIANCE,). He would ask whether the gentleman from Montgo-

mery, (Mr. STERIGERE,) had not added very considerably to his amendment, and if so, we should know what it was. He was about to say, that it must strike every one, that if the committee were going to vote for giving the election of county officers to the people, we were compelled by the course of proceeding pursued by the CHAIR and the committee, to adopt any proposition that a gentleman may choose to offer, whether we liked it, or not. We must either adopt the amendment of the gentleman from Adams, or that of the gentleman from Montgomery, or put upon the record that we were opposed to the election of county officers by the people. This was just the condition in which we were placed. He confessed that he did not like the amendment of the gentleman from Adams, nor would he vote for it if he could get any thing better. He desired that the people should have the election of their county officers, and yet we were obliged to take this nauseous dose, or appear before the people as hostile to the principle of giving to them the election of these officers.— He was at a loss to ascertain why we should not give to the courts the power of appointing their clerks, as well as to the Supreme court the right to appoint their Prothonotary. The gentleman from Adams, however, did not like to do that. He (Mr. D.) was not at all averse to the courts appointing their own officers. But what he objected to was the appointment of them for three years. If appointed by the courts, they ought to hold their offices at the pleasure of the courts. For, when a clerk was appointed for three years, he was perfectly independent of the appointing power. Why, then, should he not hold his office during the pleasure of the court? Did not gentlemen know that in a court in Philadelphia, a clerk had held his office for seven years, and during the whole time was never once in his office! He transacted the business by a clerk. There were some prothonotaries who could not spell *scire facias* to save their souls from perdition. One prothonotary he had heard of, who spelt *scire facias*, *scurry furry*. The gentleman from Northampton (Mr. PORTER.) said he had known a clerk in that county, who spelt “writ” *rit*, and “write” *rite*.

[Mr. PORTER said: Not in Northampton, but in]

Oh! not in the county of Northampton. The gentleman from the county near him (Mr. EARLE) then remarked, that it made no difference, as every one knew that *rit* must be “writ,” and *rite* “right.” But he would like to know how that gentleman would construe *scurry furry*.— What sort of a writ was that? How was it possible to designate such words? He had known the orthography of a document to be so bad that the court could not make it out, and the paper was sent back to be put into good English. It was evident that the mode of appointment by the Governor had not met the expectation of the framers of the Constitution.— Incompetent men were appointed on account of their political services. Political partizans, accustomed to wrangling, lying, cheating, and swearing, and who were totally unfit to discharge the duties of their office. He knew of several instances of men who could scarcely write their own names. He would maintain, then, that a court should have the power of appointing its own clerk. He was an officer of it, and was learned to record the decisions and decrees of the court, and in the manner in which they should direct. He (Mr. DUNLOP) had mentioned an instance of an officer who never had been in his office during the whole time he held the

appointment. Now, he had known such officers set themselves in opposition to their duty, and refuse to record the proceedings of the court at the time he was directed. What a predicament that was to be placed in, and that, too, without having the power to remove the clerk from his office! As he (Mr. D.) had already remarked, the officer was entirely independent of the court—as independent as though he had been appointed by the Governor himself. These clerks, at present, if inattentive to their duties, or not conducting themselves with propriety, could be removed by the Governor, and others appointed by him to fill their places. And, that was, perhaps, one reason why they conducted themselves as well as they did. There was a controlling power over them, and if they misbehaved themselves the Governor would certainly remove them. With regard to the proposition of the gentleman from Adams, it seemed we were to be compelled to take it; for, according to the decisions of the CHAIR we had no right to change it in any shape or form. When the yeas and nays were called, there appeared a great majority in favor of giving the election of the county officers to the people, and notwithstanding this, we were obliged to go for an amendment which we did not like. He really thought that the question should be reconsidered by the Convention. His opinion was that the gentleman from Adams had no right to move to strike out the report of the committee, and to insert his proposition. On the motion of the gentleman from Montgomery (Mr. STERIGERE) the report was stricken out, and his own proposition inserted in lieu of it, which covered the whole ground assumed by that report. But, here was an amendment to an amendment, the object of which was not to modify, or arrange, or change the amendment which was before the committee, but to strike out the report of the committee, and insert an amendment to an amendment. He (Mr. DUNLOP) would ask, if such was the Parliamentary usage, and if we should not be placed in the most awkward position imaginable?

The CHAIR here called the gentleman to order on the ground that he was taking too wide a range.

Mr. DUNLOP: The reason I have said what I have——

Mr. STEVENS explained what his motion was.

The CHAIR: It was acquiesced in by the committee.

Mr. DUNLOP would ask the CHAIR whether the gentleman from Adams had a right to move to strike out the amendment of the gentleman from Montgomery in order to insert his own? He would ask, if such a motion could be entertained, and if so whether he could not appeal from the decision of the CHAIR?

The CHAIR said that it was not now in order to present such a question. The time had gone by for raising a question of order. It should have been raised when the gentleman from Adams made his motion to amend.

The committee having already acceded to the decision of the CHAIR, no appeal could now be taken,

Mr. DUNLOP said that he would take an appeal from the decision of the CHAIR on the ground that it was not now too late to raise the question of order. It had been decided by the CHAIR once, and the committee twice, that a motion to strike out an entire amendment with a view to insert one in its place, was not in order. The Parliamentary rule was that an amendment to an amendment could not be modified or amended, otherwise there

would be no end to alterations: they might be proposed *ad infinitum*.— But, the proposition of the gentleman from Adams, was not an amendment to an amendment; and so the committee had decided. They ought not, then, to persist in their present decision, but should correct the error into which they had fallen. He had no hesitation in taking the appeal, and he hoped it would be sustained, in order that the matter should be set right. He was glad to hear the gentleman from Susquehanna (Mr. READ) and others take the view they had on the subject, for we had most certainly violated a solemn decision of the committee made on a former occasion.

Mr. BROWN, of Philadelphia, hoped that the gentleman from Franklin would withdraw his appeal. The question of order was not as to the rule itself, but as to what was the real state of business before the CHAIR.

Mr. DUNLOP remarked, that the only way in which the question could be reached, was, by the committee deciding that the CHAIR was wrong in its decision.

Mr. BROWN, said he most fully and heartily coincided with the gentleman from Franklin and others, as to the arbitrary and unjust operation of the rule. We had all seen its operation in regard to the two propositions of the gentleman from Chester, which were obliged to be voted down. He (Mr. B.) then made a motion such as the gentleman from Chester had brought in. The gentleman from Adams (Mr. STEVENS) pursued the same course as the gentleman from Chester had done, and contended that no other amendment could be offered. He (Mr. BROWN) then withdrew his amendment and offered it to his (Mr. STEVENS). Now, that was a trick which no gentleman liked to resort to, but it was the only chance he had of getting a vote on it. When an amendment to an amendment was offered, the question should be on that amendment. It ought not to be allowed to be stricken out in order that another might be introduced. —

The CHAIR (interrupted). The question of order lay within very narrow limits—it was whether the appeal was made in time? Whether it should not have been made immediately after the decision of the CHAIR was announced.

Mr. STERIGERE, of Montgomery, thought with the gentleman from Adams, that the rules were simple and easily understood, and no difficulty could occur, if they were strictly adhered to. But, the principles which governed them not having been observed, hence the dilemma into which the committee were now thrown. He maintained that the decision of the Chair was correct, and therefore, he would vote to sustain it.

Mr. READ would, with deference, say, that the decision of the Chair was clearly and palpably erroneous. The motion of the gentleman from Adams was to strike out, not only the amendment, but also what was now before the committee, the report of the standing committee. It was clearly an error, and an important one; for, the consequence of it was to confine us to the propositions of these two gentlemen, cutting off all others. The Chair did say, that, if the amendment of the gentleman from Adams was adopted, it would not be in order to strike out one word of it. If this course was followed out, members would be prevented from bringing forward their propositions, and we should be fattened and pampered in every

stage of our proceedings. He knew of no rule which prohibits an appeal at any time. In no book was there any such rule, and the Chair had no right to manufacture one.

Mr. MEREDITH contended, that it was too late to receive the appeal.— Those who objected to a single word of the amendment of the gentleman from Adams, could vote against it, and, if it was negatived, the proposition of the gentleman from Montgomery (Mr. STERIGERE) would be before us.

Mr. DUNLOP: Suppose it is not negatived: can it be amended then?

Mr. MEREDITH: Why, then, the majority of the committee will have decided to retain every line and letter of it.

Mr. EARLE rose to correct an error into which he had fallen. There was not a single word left of the amendment of the gentleman from Montgomery.

Mr. MEREDITH: The Chair, as a matter of form, always retains a word.

Mr. EARLE said that, as it stood, the amendment struck out the whole. He could not see the logic of the argument of the gentleman from Montgomery. If a thing was not strictly in order, he could not see how it could be in order.

Mr. SERGEANT said, the question of order here was a common one, though important. The question was, whether a decision of the House might be brought into dispute. When the Chair decides that a motion is in order, if the House does not object to it, it is tacitly received. If any member thinks it ought not to be received, that is the time for him to make his objection. If it is received by the House, then there is an end of the question of order. If the objection be not made to the Chair, how can it be made to the House? Can this question be turned out of the House after the committee has received it, and after it has been defeated? Gentlemen may say that this is a very strict rule, but they cannot complain of it, though it may be regreted. Every thing would be thrown into confusion, if we did not follow the rules. Mr. S. went on to illustrate his position by a reference to former cases and decisions, and contended, that the decision of the Chair was correct. Liberty, he continued, was a thing of great value; it was inestimable, and he was not sorry to see a man make a struggle for it. It was in the order of God's providence, that it should be maintained by constant struggles; but, there was always a danger that man would want too much liberty, and that his demands would go beyond the line of justice towards his fellows. It was, therefore, that laws were made, and therefore, rules of order were made.

Mr. CLARKE, of Indiana, only rose to correct an impression which might go abroad. It had been said this morning, by a gentleman, that he had no desire to clean his own skirts. Nor have I, (said Mr. C.) The chairman of the committee of the whole on the first article, had decided, and correctly too, that the question was on the report of the committee.— The gentleman from Montgomery put the question. The Chair decided that both were under consideration, and might be amended. We had got into a difficulty before we were aware. But it did not begin with him, (Mr. C.) He did not wish it to go abroad as originating with him. He had only followed in the track. He would say to the gentleman behind, he knew of no rule to prevent an appeal from being made. When he dis-

covered his error, he did not know that he had only to go back to the forks of the road, and take the right track? What were the rules? They were made by ourselves, and might be changed? We are all here, and all subject to change our opinions. If the rules do not work well, we can alter them. We may as well decide this thing at once. He did not like to take the error on himself.

Mr. POKER, of Northampton, said he had a broad back, and was ready to bear all which could be laid on it. He did not know if he was the first to commit the error. He was sure he should not be the last, nor (said Mr. P.) will you. In matters of order, Governor SNYDER said, take common sense as your guide, and you may be sure you will decide right. When an amendment was moved to the report of the committee, I decided that the amendment could be amended, and that we could go no further till that question was disposed of. The report of the committee is received as a bill is received from the committee. As gentlemen moved to amend, another moved to amend the amendment, and then a motion was made by the gentleman from Montgomery further to amend. The Chair decided the last motion to be out of order, and the gentleman appealed from the decision. But an explanation; he said, he did not know there was an amendment pending to the amendment, and withdrew the appeal? If there was any thing wrong in this, he did not know it. He saw no difficulty in the course to be pursued. He believed the Chair was right in his decision. SOLOMON said, there is a time for all things. The appeal should have been taken before there was any action or decision in the question. The opportunity for appeal had now gone by.

Mr. DUNLOP explained.

The CHAIR (being filled by Mr. CHAMBERS,) said it was important, in all deliberative bodies, that there should be rules for facilitating and despatching business, and it would be a relief to him as Chairman, if there was a rule upon him on this occasion, equal to every difficulty; yet, from the question of order which has been, and which may be hereafter raised, he has no reason to believe that such a rule can be furnished by the committee. The question now presented, is, whether the decision of the Chair was not in order in rejecting the motion of the gentleman from Franklin, (Mr. DUNLOP) with respect to the amendment of the gentleman from Adams, (Mr. STEVENS.) The opinion of the CHAIR was, that it was not then in order to raise the question, for the reason, that the amendment of the gentleman from Adams had been submitted to the committee some time before, and had been the subject of debate for some considerable time, without any question of order being raised in relation to it at the time it was presented. There is no rule with respect to the time at which an appeal shall be taken, yet the Chairman did suppose there must be some limit as to time, and it was his opinion that the appeal should have been taken immediately before the committee proceeded to the consideration of the subject; and if it was not done then it must be considered as acquiesced in, not only by the gentleman himself, but by the whole committee. This reason for the decision seemed to impress itself on the mind of the Chairman with some force and propriety, for without it the time of the House might be occupied for a considerable time in the discussion of a subject which would immediately be decided by the House, if the decision of the Chair was not sustained; and when that decision should be

reversed the House would immediately proceed to other business. It is, therefore, necessary that there should be some limit, and it is always for the committee to impose this limit. It was now for the committee to decide, whether or not this question of order was raised in time. With respect to the other question which had been raised, in deciding it he decided it as he conceived in conformity with what has been the parliamentary usages, and what has been the practice in the Legislature of Pennsylvania, and what has been the repeated decision of the Chair in this Convention, sustained from time to time by the body. In order to prevent perplexity and confusion in doing business, there is a limit upon the number of amendments to be submitted, and this limit, according to parliamentary usage, has been not to allow more than an amendment to an amendment to be submitted, thus preventing the body from having its time and attention occupied upon a number of different propositions at the same time. This was the rule of all parliamentary bodies, is the rule of the Legislature of the State, is the rule of this Convention, and has been acted upon in this committee. If the Chairman in this decision is in error, he is in error in common with the Chairman who preceded him, and the committee itself was not exempt from error in having encouraged it in their different Chairmen. The Chairman, in this matter, has no pride of opinion to support, because he was only carrying out the opinion of other Chairmen, and of the committee itself. The question then will be, will the committee sustain the appeal from the decision of the Chair.

The question being then taken, the appeal was not sustained, and the decision of the Chairman was affirmed.

Mr. STEVENS said, believing that it would be right enough to leave the clerks of the Mayor's Court in the hands of the people, he would modify his amendment by striking out the words "or Mayors", and insert after the word "county" the words "or the districts over which the jurisdiction of said courts extends", so as to make the proposition read as follows :

"Prothonotaries and clerks of the several courts, (except the clerks of the Supreme courts, who shall be appointed by the respective courts for the term of three years,) Recorders of Deeds and Registers of Wills shall at the time and places of election of Representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many, and which, of said offices, shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be elected, and qualified, as aforesaid".

The committee then rose, reported progress, and obtained leave to sit again to-morrow, and

The Convention adjourned.

THURSDAY, JUNE 29, 1837.

The **PRESIDENT** laid before the Convention a communication from the **Secretary** of the Commonwealth, accompanied with a statement of the whole number of institutions for banking and other purposes, incorporated by the Legislature of Pennsylvania, since 1776, as follows, viz :

SECRETARY'S OFFICE,  
Harrisburg, June 29, 1837. }

SIR:—In compliance with a resolution of the Convention, I have the honor to transmit a detailed statement of the whole number of institutions for banking and other purposes, incorporated by the Legislature of the State, since 1776; together with the date of incorporation, the amount of capital authorized to be employed, the quantity of land owned, the amount of annual income, and the place of transacting the business of each company respectively, so far as could be ascertained.

A more strict compliance with the terms of the resolution, would be a matter of great difficulty, if at all practicable. This department is not in possession of information showing the amount of capital *actually* employed, or of the number of companies that have forfeited their charters by misuse or disuse. Neither has it been deemed necessary to attempt its collection, as it was understood that a continuation, down to the present time, of the report of the subject made by the Secretary of the Commonwealth to the Legislature in 1823, was all that was required. That document therefore forms a part of this report, and with the continuation of like statements to the close of the last session of the Legislature, will present a full view of the whole matter of legislative incorporation.

It was not supposed to be the desire of the Convention to be furnished with a similar list of all the literary, charitable and religious societies, chartered under the act of 1791. The resolution requires "the dates of the several acts of incorporation" of the companies to which it relates.—These words seem to limit it to corporations created by *special* acts of the Legislature. Charters obtained under general law are therefore omitted. They will, however, be furnished if desired, as speedily as the other duties of the department will admit.

Annexed will be found a re-capitulatory statement of the whole number of each kind of legislative corporations, with the aggregate of capital, land and income, of each class. Also an abstract from the returns of all the banks of the State in operation in November, 1836, and laid before the Legislature at its late session, by the Auditor General. This document, it is believed, contains in a condensed form, all the information possessed by any of the departments on the subject.

I am, sir, very respectfully,

Your obedient servant,

THO. H. BURROWES,

*Secretary of the Commonwealth.*

Hon. JOHN SERGEANT,

President of Convention.

*List of all the Acts of Incorporation passed by the Legislature since 1776, showing the amount of capital, quantity of land, or extent of income which the corporations are respectively authorized to hold, &c.*

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to re-establish the ancient corporation of the burgesses and inhabitants of the borough of Lancaster, in the county of Lancaster,	June 10, 1777.				Lancaster.
An act incorporating the Scots Presbyterian church, in the city of Philadelphia,	March 31, 1779.			£1,000,	Philadelphia.
An act incorporating the trustees of the University of Pennsylvania,	Nov. 27, 1779.			£1,381 5s. 7d. act of Sept. 22, 1782.	Philadelphia.
Act confirming and amending the charter of the German Lutheran congregation, in and near the city of Philadelphia,	March 3, 1780.	Income not to exceed the value of one thousand bushels of good merchantable wheat for each church.			Philadelphia.
Act re-establishing the charter of the second Presbyterian church in the city of Philadelphia.	March 3, 1780.	do.	do.	do.	Philadelphia,
Act incorporating the society formed for the relief of poor, aged and infirm masters of ships, their widows and children,	March 4, 1780.				Philadelphia.
Act incorporating the American Philosophical society, held at Philadelphia, for promoting useful knowledge.	March 15, 1780.			Not to exceed the value of 10,000 bushels good wheat.	Philadelphia.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of Income.	Place where corporation transact their business.
Act to incorporate the German Society, contributing for the relief of distressed Germans in the State of Pennsylvania,	Sept. 20, 1781.	\$10,000,000 act of March 21st, 1825; capital only \$1,000,000.		Not to exceed £2,500.	Philadelphia.
Act to incorporate the subscribers to the bank of North America,	April 1, 1782.				Philadelphia.
Act for erecting the town of Carlisle, in the county of Cumberland, into a borough,	April 13, 1782.				Carlisle.
Act incorporating the Dutch Reformed Church, in the townships of Northampton and Southampton, in the county of Bucks,	Sept. 20, 1782.			1,000	Bucks county.
Act incorporating the Presbyterian Church in the township of Warwick, in the county of Bucks,	Sept. 20, 1782.			1,000	Bucks county.
Act incorporating the Presbyterian congregation of Newtown, in the county of Bucks,	March 12, 1783.			500	Bucks county.
Act to re-establish the corporation of the Juliana Library company, in Lancaster, in the county of Lancaster,	Sept. 6, 1783.				Lancaster.
Act for the establishment of a college at the borough of Carlisle, in the county of Cumberland,	Sept. 9, 1783.	Income not to exceed in the whole the yearly value of £10,000, valuing a half Johannes weighing nine penny weight, at £3.			Carlisle.

Act for erecting the town of Reading, in the county of Berks, into a borough, &c.,	Sept. 12, 1783.		Reading.
Act for incorporating St. Paul's church, in the city of Philadelphia,	Sept. 23, 1783.	£1,000	Philadelphia.
Act for incorporating the Baptist church in the township of Montgomery, and county of Philadelphia,	Sept. 26, 1783.	1,000	
Act for incorporating the Presbyterian church in Hanover township, Lancaster county,	March 15, 1784.	500	
Act for incorporating the United Presbyterian church, in Lower Paxton, Lancaster county,	April 1, 1784.	500	Dauphin county.
Act to establish and incorporate a public school at Germantown, in the county of Philadelphia,	Sept. 15, 1784.	1,000	Philadelphia Co.
Act for incorporating the Presbyterian congregation of Pequea, in the township of Salisbury and county of Lancaster,	Feb. 5, 1785.	500	Lancaster county.
Act to alter and confirm the charter of the corporation for the relief of the widows and children of clergymen in communion of the church of England in America,	Feb. 9, 1785.		
Act to incorporate the Presbyterian congregation in Abington township, in the county of Montgomery,	Feb. 22, 1785.	500	Montgomery Co.
Act for incorporating the Presbyterian church of Falling Spring, in the county of Franklin,	March 25, 1785.	350	

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act for incorporating the German Lutheran congregation of Germantown township, in the county of Philadelphia,	Aug. 31, 1785.			£650	Philadelphia co.
Act to re-establish the ancient corporation of the borough of Bristol, in the county of Bucks,	Sept. 16, 1785.				Bristol.
Act for incorporating the mutual assurance company, for insuring houses from loss by fire, &c.,	Feb. 27, 1786.				Philadelphia city.
Act for the incorporating the congregation of the Protestant Episcopal church, commonly called Bangor church, and school, in Churchtown, Carnarvan township, and county of Lancaster,	March 1, 1786.			1,000	Lancaster county.
Act to incorporate the Episcopal congregation, belonging to St. Peter's church, in the Great Valley, in the township of Tredifin, and county of Chester,	March 4, 1786.				Chester county.
Act for incorporating the German Reformed congregation in the borough of Reading, in the county of Berks,	Aug. 25, 1786.			1,000	Reading.
Act to incorporate the Presbyterian con-					

gregation in the borough of Carlisle, in the county of Cumberland,	August 25, 1786.	£500	Cumberland co.
Act for incorporating the Presbyterian congregation of Brandywine, in the township of West Nantmill, in the county of Chester,	Sept. 1, 1786.		Chester county.
Act for incorporating the Baptist church in the township of New Britain, and county of Bucks,	Sept. 6, 1786.	500	Bucks county.
Act to incorporate the Presbyterian congregation in Donegal township, in the county of Lancaster,	Sept. 11, 1786.	500	Lancaster do.
Act for incorporating the Presbyterian congregation of Bensalem, in the county of Bucks,	do.	500	Bucks do.
Act to incorporate the Presbyterian church of Silver Spring, in the county of Cumberland,	Sept. 25, 1786.	500	Cumberland.
Act for incorporating the German Lutheran congregation, in or near the borough of Lancaster, in the State of Pennsylvania,	March 5, 1787.	500	Lancaster.
Act to incorporate the congregation of Seventh-day Baptists, residing within the township of East Nantmill, and places adjacent, in the county of Chester,	do.	500	Chester.
Act to incorporate the Presbyterian congregation of the township of Leacock, in the county of Lancaster,	March 10, 1787.		Lancaster.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act incorporating the United Episcopal churches of Trinity church, in Oxford township, Philadelphia county,	March 10, 1787.			£500	Philadelphia co.
All Saints' church, in Lower Dublin township, in Philadelphia county,	do.			500	do.
Saint Thomas' church, in Whitemarsh township, in Montgomery county,	do.			500	Montgomery.
Act to incorporate and endow the German college and charity school, in the borough and county of Lancaster, in this State,	do.		10,000 acres.	10,000	Lancaster.
An act to revive the incorporation of the subscribers to the bank of North America,	March 17, 1787	} \$2,000,000 See act 21st March, 1825.			Philadelphia city.
Act to incorporate the Presbyterian church in the township of Londonderry, in the county of Dauphin,	March 28, 1787,				500
Act to incorporate the Presbyterian congregation in Tincum township, in the county of Bucks,	do.			500	Bucks.
Act for incorporating the Presbyterian congregation of New London, in the county of Chester,	do.			500	Chester.
Act to incorporate the Union library com-					

pany of Hatborough, in the manor of Moreland, and county of Montgomery,

An act to incorporate the Baptist church and congregation in Lower Dublin township, in the county of Philadelphia, in the State of Pennsylvania,

Act to incorporate and endow the academy of the Protestant Episcopal church in the city of Philadelphia,

Act to incorporate the German Lutheran congregation in the borough of Reading, in the county of Berks,

Act to confirm and amend the charter of incorporation of the United Swedish Lutheran churches of Wicacoa, Kingsessing and Upper Merion, called Gloria die St. James and Christ church,

Act to incorporate the Upper Presbyterian congregation of Marsh creek, in the county of York,

Act to incorporate the Protestant Episcopal church of St. John, at York town,

Act for erecting the town of York, in the county of York, into a borough,

Act to incorporate and endow an academy or public school, in the town of Washington,

Act for incorporating the German Re-

do.

do.

March 29, 1787.

Sept. 10, 1787.

do.

Sept. 13, 1787.

Sept. 20, 1787.

Sept. 21, 1787.

do.

10,000 acres.

5,000 acres,

£500

500

500

500

1,000

Montgomery.

Philadelphia co.

Philadelphia city.

Reading.

York county.

York town.

do.

Washington.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
formed congregation of Frankford, in the township of Oxford, and county of Philadelphia,	Sept. 29, 1787.			£500	Philadelphia.
Act to incorporate the Presbyterian congregation in the town of Pittsburg, and the vicinity thereof,	do.			Unknown	Pittsburg.
Act to incorporate the society for propagating the gospel among the heathen, formed by members of the Episcopal church of the United Brethren, or unitus fratrum,	Feb. 27, 1788.			£2,000	
Act to incorporate the first Presbyterian congregation of the Big Spring, in Newtown township, in Cumberland county,	Feb. 27, 1788. Revived per act 24th March, 1817.			500	Cumberland co.
Act to incorporate and endow an academy or public school in the borough of Reading, in the county of Berks,	March 10, 1788.		5,000 acres,		Reading.
Act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia,	Sept. 13, 1788.			500	Philadelphia.
Act to incorporate the Presbyterian church					

of Middle Octorara, in Bart township, in the county of Lancaster,

Sept- 20, 1788.

Act to incorporate the Episcopal congregation of St. James, at Perkiomen, in the township of New Providence and county of Montgomery,

October 3, 1788.

Act to incorporate the members of the religious society of German Roman Catholics, of the church called the Holy Trinity, in the city of Philadelphia,

October 4, 1788.

Act to incorporate the Presbyterian congregation of Tredyfflin township, in the county of Chester,

Nov. 22, 1788.

Act to incorporate the city of Philadelphia,

March 11, 1789.

Act to incorporate the college of physicians of Philadelphia,

March 26, 1789.

Act to incorporate the Newtown library company in Bucks county,

March 27, 1789.

Act erecting the town of Easton, in the county of Northampton, into a borough,

Sept: 23, 1789.

Act incorporating the society formed for the relief of distressed and decayed pilots, their widows and children,

Sept. 29, 1789.

Act for incorporating the German Lutheran congregation worshipping at the church called St. Peters, in Pikeland township, in the county of Chester,

Sept. 29, 1789.

500 Lancaster county.

500 Montgomery co.

500 Philadelphia.

500 Chester county.

Philadelphia city.

500 Philadelphia.

500 Newtown, Bucks  
county.  
Easton.

Philadelphia.

500 Chester county.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act for incorporating the German Lutheran congregation worshipping at the church called Zion, in Pikeland township in the county of Chester,	Sept. 30, 1789.			£500	Chester county.
Act to incorporate the Pennsylvania society for promoting the abolition of slavery, and for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race,	Dec. 8, 1789.			1,500	Philadelphia.
Act for incorporating the Methodist Episcopal church, known by the name of St. George's church, in the city of Philadelphia,	do.			500	do.
Act for founding and endowing a public school in the town and county of Huntingdon,	Feb. 19, 1790.			Not to exceed 2,000 bushels wheat or value thereof.	Huntingdon.
Act to incorporate the Carpenters' company of Philadelphia,	April 2, 1790.			£1,000	Philadelphia.
Act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of the Tulpehocken, Qui-					

tapehills and Swatara, in the counties of Berks and Dauphin.

Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia to the borough of Lancaster,

Act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned,

Act to enable the Governor of this Commonwealth to incorporate a company for the purpose of promoting the cultivation of the vine, and for other purposes mentioned,

Act to incorporate the subscribers to the bank of Pennsylvania,

Act to incorporate the Conewago canal company,

Act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation on the waters of Brandywine creek.

Act to authorize the Governor of this Commonwealth to incorporate a company for building a bridge over the river Susquehanna, at or near the Blue Rock, about four

Sept. 29, 1791.

\$400,000

April 9, 1792.

300,000

April 10, 1792.

400,000

March 22, 1793.

20,000

March 30, 1793.

3,000,000

April 16, 1793.

1,000,000

April 10, 1793.

300,000

Philadelphia.

Philadelphia.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
miles below Wright's ferry, in the county of Lancaster,	April 11, 1793.	\$105,000			.
Act to incorporate the subscribers of the Insurance company of North America.	April 14, 1794.	600,000			Philadelphia.
Act to incorporate the Insurance company of the state of Pennsylvania,	April 18, 1794.	500,000			Philadelphia.
Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the borough of Lancaster, to the river Susquehanna, at or near Wright's ferry,	April 22, 1794.	51,000			
Act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes mentioned,	March 5, 1795.				Delaware county.
Act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, at the borough of Easton, in the county of Northampton.	March 13, 1795.	25,000			Easton.
Act to erect the town of Bedford, in the county of Bedford, into a borough.	March 13, 1795.				Bedford.

Act to erect Lewistown, in the county of Mifflin, into a borough,	April 11, 1795.		Lewistown, Mifflin county.
Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from Lancaster through Elizabethtown and Middletown, to Harrisburg,	March 23, 1796.	180,000	Lancaster.
Act to erect the town of Huntingdon, in the county of Huntingdon, into a borough,	March 29, 1796.		Huntingdon co.
Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from an intersection of the Philadelphia and Lancaster turnpike road, near the Gap tavern, in Lancaster county, to Newport and Wilmington, in the State of Delaware,	April 4, 1796.	160,000	
Act to erect Uniontown, in the county of Fayette, into a borough,	April 4, 1796.		Fayette county.
Act to erect the town of Sunbury, in the county of Northumberland, into a borough,	March 24, 1797.		Northumberland county.
Act to incorporate the citizens of this State, members of the aggregate corporation for the relief of the widows and children of clergymen of the Protestant Episcopal church in the United States of America, &c.,	March 28, 1797.		
Act to authorize the Governor of the Commonwealth to incorporate a company for erect-			

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of incorp.	Place where corporation transact their business.
ing a bridge over the river Lehigh, near the town of Northampton,	March 28, 1797.	Not given.			
Act to enable the Governor of this Commonwealth to incorporate a company for the purpose of improving the navigation of the river Lehigh,	Feb. 27, 1798.	40,000			
Act to authorize the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia,	March 16, 1798.	150,000			Philadelphia.
Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia, through Germantown, by the route of Chesnut Hill, to the twelve mile stone, on the Reading road, and thence to Reading, in the county of Berks,	March 29, 1798.	500,000			
Act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, at or near Trenton,	April 4, 1798.	200,000			

Act to erect the town of Greensburg, in the county of Westmoreland, into a borough,

Feb. 9, 1799.

Act to incorporate and endow an academy or public school, in the town of York, &c.,

March 1, 1799.

Act for incorporating the trustees of the ministers and elders constituting the general assembly of the Presbyterian church, in the United States of America,

March 28, 1799.

Act to incorporate the town of West Chester, in the county of Chester, into a borough,

March 28, 1799.

Act to erect the town of Lebanon, in the county of Dauphin, into a borough,

March 28, 1799.

Act for incorporating the congregation of the Protestant Episcopal church, of St. John, in Westcaln, in the county of Chester, &c.,

April 5, 1799.

Act to incorporate the town of Frankford, in the county of Philadelphia,

March 7, 1800.

Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia, through Germantown, to the ten mile stone, on Chesnut Hill, and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery,

Feb. 12, 1801.

\$50,000

Westmoreland co.

York borough.

\$10,000  
yearly

West Chester.

Lebanon.

4,000

Chester county.

Philadelphia co.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and Chesapeake bay, &c.,	Feb. 19, 1801.	\$500,000		{ Not to exceed in the whole the yearly value of \$6,000.	Philadelphia.
Act for the establishment of a college at Canonsburg, in the county of Washington, in the Commonwealth of Pennsylvania,	January 15, 1802.				Washington co.
A supplement to the act, entitled an act to erect the town of Sunbury, in the county of Northumberland, into a borough,	January 22, 1802.				Northumberland county.
A further supplement to the act, entitled an act to incorporate the district of South-wark,	Feb. 13, 1802.			Philadelphia co.	
An act to erect the town of Canonsburg, in the county of Washington, into a borough,	Feb. 22, 1802.			{ Not to exceed the yearly value of \$3,000.	Washington co.
A supplement to the act, entitled an act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware at the borough of Easton, in the county of Northampton,	March 12, 1802.				Northampton co.

An act to revive and continue an act, entitled an act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned; and also an act to enable the Governor to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehockon, Quittapahilla and Swatara, in the counties of Berks and Dauphin,

March 23, 1802.

An act incorporating the Magdalen Society in the city of Philadelphia,

March 23, 1802.

An act for erecting the town of Beaver, in the county of Beaver, into a borough, and for other purposes,

March 29, 1802.

A supplement to an act, entitled an act to erect the town of Lebanon, in the county of Dauphin, into a borough.

January 17, 1803.

An act to enable the Governor of this Commonwealth to incorporate a company for opening the navigation of Conicocheague creek, from the mouth of the Falling Spring, in the town of Chambersburg, to the Maryland line,

February 7, 1803. \$4,800

Yearly income not to exceed \$10,000.

Philadelphia co.

Yearly income not to exceed \$3,000.

Beaver co.

Dauphin co.

Chambersburg.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
<p>A supplement to the act, entitled an act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia, through Germantown, to the ten mile stone on Chesnut Hill, and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery,</p>	February 7, 1803.				
<p>An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road by the best and nearest route, from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne,</p>	Feb. 11, 1803.	\$60,000			
<p>A supplement to an act, entitled an act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and Chesapeake bay,</p>	Feb. 28, 1803.				
<p>A further supplement to the act, entitled an act to erect the town of Sunbury, in the county of Northumberland, into a borough,</p>	March 16, 1803.				
<p>An act to erect the town of Chambers-</p>					Northumberland county.

burg, in the county of Franklin, into a borough,

An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the Rising Sun tavern, through Shoemakerstown to the Red Lion, on the Old York road,

An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware,

An act to enable the Governor to incorporate a company for making an artificial road, beginning at or near Downingtown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburg,

An act to incorporate that part of the township of the Northern Liberties, lying between the west side of sixth street and the river Delaware, and between Vine street and the Cocksink creek,

An act to incorporate the Union insurance company of Philadelphia,

March 21, 1803.

March 24, 1803.

do.

do.

March 28, 1803.

Feb. 6, 1804.

50,000

50,000

180,000

500,000

Not exceeding  
yearly value of  
\$5,000.

Chambersburg.

Not to exceed  
\$10,000 per  
annum.

Philadelphia co.

Philadelphia city.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to incorporate the Phœnix insurance company of Philadelphia,	Feb. 6, 1804.	\$600,000 reduced by act 7th Feb. 1814, to \$480,000,		Not to exceed \$10,000 per annum.	Philadelphia city.
An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from Erie to Waterford,	Feb. 13, 1804.				
An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from Lancaster, through Elizabethtown to Middletown,	March 5, 1804.	150,000			Lancaster city.
An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial or turnpike road from the intersection of Bristol and Newtown roads, at the rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern, in Southampton, in the county of Bucks,	do.	60,000			
An act authorizing the Governor of this Commonwealth to incorporate a company for making an artificial road from the wes-					

tern side of Laurel hill, near Uniontown, to the State line, in a direction towards Cumberland, in the State of Maryland,	March 5, 1804.	25,000		
An act to erect Somerset town, in the county of Somerset, into a borough,	do.			Somerset county.
An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the top of Chesnut hill, through Flour town, to the Spring-house tavern, in Montgomery county,	do.	70,000		
An act to incorporate the Philadelphia bank,	do.		Not to exceed two millions of dollars.	Philadelphia.
An act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford in the county of Wayne,	March 12, 1804.	22,500		
An act to incorporate the Delaware insurance company of Philadelphia,	do.	500,000		Philadelphia.
An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York,	March 19, 1804.	35,000		
An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road by the best and				

Income of real estate not to exceed 10,000 dollars.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of Income.	Place where corporation transact their business.
nearest route from the north-eastern branch of the Susquehanna, between the Lower Whopehawly and Nescopeck creeks, in Luzerne county, to the north side of Nesquehoning creek, near its entrance into the river Lehigh,	March 19, 1804.	\$25,000			
An act to incorporate the Philadelphia Insurance company,	March 26, 1804.	400,000	Capital stock reduced one half per act of February 19, 1828.		Philadelphia.
An act authorizing the Governor to incorporate a company for making an artificial road in Wayne and Luzerne counties,	March 29, 1804.	50,000			
An act to incorporate an academy or public school in the town of Norris, and county of Montgomery, and for other purposes therein mentioned,	do.				Not to exceed the yearly value of \$10,000.
An act altering and extending the powers of the corporation of the borough of Bristol,	do.				Bristol.
An act to erect the town of Morrisville into a borough,	do.			\$5,000	Bucks county.
A supplement to an act entitled, An act to authorize the Governor of this Common-					

wealth to incorporate a company for erecting a bridge over the river Delaware, at or near Trenton,

April 2, 1804.

A supplement to the act entitled, An act to incorporate the Philadelphia Bank,

Jan. 8, 1805.

An act establishing an academy in the town of Bellefonte, in Centre county,

do.

Centre county.

A further supplement to the act entitled, An act to incorporate the city of Philadelphia,

Feb. 18, 1805.

Philadelphia.

An act perpetuating and enlarging the corporate powers of the borough of Uniontown, in the county of Fayette,

March 2, 1805.

Fayette county.

An act authorizing the Governor to incorporate a company for making an artificial road from the river Schuylkill, at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin,

do.

\$105,000

A supplement to an act entitled, An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware,

March 7, 1805.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
<p>An act to enable the Governor of this Commonwealth to incorporate a company for the purpose of obtaining slate from quarries within the county of Northampton, suitable for roofing houses, and for other purposes,</p>	March 14, 1805.	\$20,000	Not to exceed 1,000 acres,	\$4,000	Franklin county.
<p>An act to erect the town of Greencastle in the county of Franklin, into a borough.</p>	March 24, 1805.				
<p>An act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks,</p>	March 25, 1805.	100,000			
<p>A supplement to an act entitled, An act to incorporate the Presbyterian congregation in Donegal township, in the county of Lancaster.</p>	March 29, 1805.				
<p>An act to enable the Governor to incorporate a company to make an artificial road from the Springhouse tavern in Montgomery county, through Strawnstown, in Bucks</p>					

county to Bethlehem, in Northampton county,

April 4, 1805.

\$70,000

An act to erect the town of Erie, in the county of Erie, into a borough, and for other purposes,

March 29, 1805.

An act to alter the limits of the borough of Beaver,

Jan. 27, 1806.

An act authorizing the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Piusburg,

Feb. 24, 1806.

An act establishing an academy in the town of Griersburg, in Beaver county.

do.

An act to extend the charter of the Philadelphia bank,

March 1, 1806.

An act to erect the town of Connellsville, in Fayette county, into a borough,

do.

An act to erect the town of Williamsport, in the county of Lycoming, into a borough,

do.

A supplement to an act entitled, An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quitappahilla and Swatara, in the counties of Berks and Dauphin,

do

Not to exceed the yearly value of \$3,000.

Erie county.

Beaver county.

do.

Philadelphia.

\$5,000

Fayette county.

Not to exceed the yearly value of \$3,000.

Lycoming co.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to incorporate the town of Gettysburg, in the county of Adams,	March 10, 1806.			Not to exceed the yearly value of \$5,000.	Adams county.
An act to authorize the Governor of this Commonwealth to incorporate a company for the purpose of erecting a permanent bridge over the river Schuylkill, at or near the place usually called Gray's ferry,	do.	\$60,000			
An act authorizing the Governor to incorporate a company for making the river Conestoga navigable from its confluence with the river Susquehanna, to Abraham Hostetter's mill,	March 17, 1806.	50,000			Never went into operation.
A supplement to the act entitled, An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned,	do.				
An act to authorize the president, managers and company, of the Susquehanna and Lehigh turnpike road, to extend the same, and also to construct a branch therefrom,	do.				

A supplement to the act entitled, An act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks,

March 17, 1806.

An act to erect the town plot of Wilkesbarre and its vicinity, in the county of Luzerne, into a borough,

do.

\$5,000

Luzerne county.

An act for the establishment of a college at the town of Washington, in the county of Washington, in the State of Pennsylvania,

March 28, 1806.

Washington co.

Act authorizing the Governor to incorporate a company for the purpose of making an artificial road from the village of Maytown, in the county of Lancaster, to Nicholas' tavern or cross roads, intersecting the Lancaster and Middletown turnpike,

do.

\$17,500

Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road by the best and nearest route, from Trewig's tavern, in Bucks county, by way of Samuel Seller's tavern, Quakertown meeting house, and Cooper's tavern, in Northampton, in Northampton county,

do.

30,000

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
<p>An act to incorporate the Pennsylvania Academy of Fine Arts,</p>	<p>March 28, 1806.</p>			<p>Not to exceed the yearly value of \$2,000.</p>	<p>Philadelphia.</p>
<p>An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road by the best and nearest route from Berwick, on the north-east branch of Susquehanna, or from the mouth of the lower Wopchawly, to that point on the north line of the State which is nearest Newtown, on the river Tioga, in the State of New York,</p>	<p>do.</p>	<p>\$60,000</p>			
<p>An act to erect the town of Bellefonte, in centre county, into a borough,</p>	<p>do.</p>				<p>Centre county.</p>
<p>An act to revive and amend an act, entitled an act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the Lehigh, near the town of Northampton,</p>	<p>do.</p>				
<p>An act to authorize the Governor to incorporate a company for making an artificial road, by the nearest and best route, through the counties of Wayne and Lu-</p>					

<p>zerne, beginning at the river Delaware, where the proposed bridge is to be built, near the town of Milford, thence through the said town and the counties aforesaid, to or near to the forty-third mile stone on the north line of the state,</p>	<p>Jan. 26, 1807.</p>	<p>\$50,000</p>		
<p>A supplement to an act entitled an act to enable the Governor of this Commonwealth, to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of the Tulpehocken, Quitapahilla and Swatara, in the counties of Berks and Dauphin,</p>	<p>March 4, 1807.</p>			
<p>An act authorizing the Governor to incorporate a company for making an artificial road from Harrisburg, through Lewistown and Huntingdon to Pittsburg,</p>	<p>do.</p>	<p>\$10,000 not to exceed</p>	<p>Income of real estate not to exceed \$,5000</p>	<p>Philadelphia.</p>
<p>An act to incorporate the Philadelphia society for the encouragement of domestic manufactures,</p>	<p>March 11, 1807.</p>	<p>\$100,000</p>	<p>Not to exceed the yearly income of \$5000</p>	<p>Lancaster.</p>
<p>An act to incorporate the Lancaster and Susquehanna insurance company,</p>	<p>March 19, 1807.</p>	<p>\$100,000 may be increased to \$300,000</p>		
<p>An act establishing an academy in the borough of Wilkesbarre, in the county of Luzerne, and granting a sum of money thereto,</p>	<p>do.</p>			<p>Luzerne co.</p>

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	A'mt. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to incorporate trustees for the Meadville academy, and to establish the same,	March 31, 1807				Crawford county.
A supplement to an act entitled an act to erect the town of Canonsburg, in the county of Washington, into a borough,	do.				Washington co.
A supplement to an act entitled an act authorising the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg,	do.				
An act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the borough of York to the Maryland line, at the place the present York road passes the same or as near thereto as the commissioners shall find expedient,	do.	\$75,000			
A supplement to an act entitled an act to enable the Governor of this Commonwealth to incorporate a company for making					

an artificial road from Lancaster, through Elizabethtown and Middletown,

April 4, 1807.

An act to authorize the Governor of this Commonwealth to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike road, in Lancaster county, at or near the Gap tavern, to the line of the State of Delaware,

April 7, 1807.

An act to enable the Governor to incorporate a company to make an artificial road from the court house, in the borough of Gettysburg, through Petersburg, to the Maryland line, near Biddle's mill,

do.

A supplement to an act, entitled an act to erect Somerset town, in the county of Somerset, into a borough,

April 9, 1807.

§ An act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Wilkesbarre, in the county of Luzerne,

April 9, 1807.

\$30,000

An act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the Falls of Nescopeck, in the county of Luzerne,

do.

An act to render perpetual a certain act respecting the Philadelphia and Lancaster turnpike road,

April 10, 1807.

Somerset county.

Wilkesbarre.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to incorporate the trustees of the second Baptist church and congregation in Philadelphia,	January 8, 1808.			Not to exceed the yearly value of \$3,000.	Philadelphia.
An act to alter the act, entitled an act to erect the town of Harrisburg, in the county of Dauphin, into a borough,	Feb. 1, 1808.			\$5,000	Dauphin county.
An act to incorporate the Evangelical Lutheran congregation of St. John's church, in the city and vicinity of Philadelphia,	do.			\$3,000	Philadelphia.
An act establishing an academy in the borough of Uniontown, in the county of Fayette,	Feb. 4, 1808.			Not to exceed the yearly value of \$5,000.	Fayette county.
An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the State line, towards Hanover, will strike the same,	Feb. 22, 1808.	\$35,000			
An act incorporating the Roman Catholic congregation of Christ church, in the bo-					

rough of Westchester, and for other purposes therein mentioned,

March 24, 1808.

An act to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chadsford on Brandywine, to the line of the State, in a direction towards Baltimore,

March 24, 1808.

\$75,000

A supplement to an act, entitled An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York,

March 26, 1808.

An act supplementary to an act, entitled An act to erect the town of Canonsburg, in the county of Washington, into a borough,

do.

Canonsburg.

A supplement to an act, entitled An act to incorporate trustees for the Meadville academy, and to establish the same,

March 28, 1808.

Crawford county.

An act supplementary to an act, to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chadsford on Brandywine, to the line of the State, in a direction towards Baltimore,

Feb. 14, 1809.

An act to incorporate the Philadelphia society for promoting agriculture,

Not to exceed yearly \$4,000

Chester county.

Not to exceed yearly \$3,000.

Philadelphia.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to enable the Governor to incorporate a company to make an artificial road by the best and nearest route, from the north end of George street in the borough of York, to the canal ferry on the river Susquehanna; and from thence up the said river, to the head of the Conewago falls,	March 2, 1809.	\$60,000			
An act allowing the Philadelphia bank to establish branches,	March 8, 1809.				
An act to incorporate the Farmers' and Mechanics' bank,	March 16, 1809.	1,250,000			Philadelphia.
An act to enable the Governor to incorporate a company for the purpose of making an artificial road from the Philadelphia and Lancaster turnpike road, between the twenty-third mile stone and the Admiral Warren tavern, to the point where the Reading road intersects the Morgantown road, to the west of Jones' tavern, in Berks county,	do.	15,000			
An act to incorporate the marine insurance company of Philadelphia.	March 17, 1809.	\$300,000		Not exceeding yearly value of \$6,000.	Philadelphia.

A supplement to the act, entitled an Act to enable the Governor to incorporate a company to make an artificial road by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike road from Baltimore to the State line, towards Hanover, will strike the same,

March 17, 1809.

An act to authorize and direct the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, opposite the Flatrock, in the county of Philadelphia,

March 22, 1809.

\$10,000

Philadelphia.

An act to incorporate the president and directors of the water pipes, in Aaronsburg,

March 25, 1809.

Centre county.

An act to enable the Governor to incorporate a company to make an artificial road from the town of Hanover, in the county of York, to the borough of Carlisle,

March 25, 1809.

150,000

An act to authorize the Governor of this Commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the north east branch of the river Susquehanna, in the county of Northumberland, from the public highway, opposite the plantation of Thomas Grant, to Shamokin island, through the public highway of Shamokin island, to the shore opposite Northum-

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
berland, and from thence to the town of Northumberland,	March 25, 1809.	\$80,000			
An act authorizing the Governor to incorporate a company for making an artificial road from Safe Harbour, at the mouth of Conestoga creek, through the village of Strasburg, to intersect either the Gap and Newport turnpike, or the Philadelphia and Lancaster turnpike road, as near the former as possible,	March 28, 1809.	50,000			
An act to authorize the Governor of this Commonwealth, to incorporate a company for the purpose of making and erecting a bridge over the Susquehanna, in the county of Lancaster, at or near the town of Columbia,	do.	400,000			Columbia.
An act to authorize and direct the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or Near Pawling's ford, in the counties of Montgomery and Chester,	April 3, 1809.	10,000			
A supplement to an act, entitled An act					

to authorize the Governor to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike road in Lancaster county, at or near the Gap tavern, to the line of the State of Delaware,

An act to authorize the Governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburg, in the county of Dauphin,

An act to extend the powers of the Gettysburg and Petersburg turnpike company, and to enable the Governor to incorporate a company to make an artificial road from a point near Gallagher's saw mill, in the borough of Chambersburg,

An act authorizing the Governor to subscribe to one hundred shares of stock of the Downingtown, Ephrata and Harrisburg turnpike road,

An act to authorize Samuel Ray, Jr., to erect a toll bridge over French creek, opposite Buck street, in the town of Franklin,

An act to establish an academy in the borough of Harrisburg, in the county of Dauphin,

April 3, 1809.

do.

April 4, 1809.

do.

April 4, 1809.

do.

Empowered to open subscription for 1,200 additional shares

\$400,000

50,000

Dauphin county.

Venango county.

Dauphin county.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
A supplement to an act, entitled an act in aid of the company for erecting a bridge over the river Delaware, at the borough of Easton,	Jan. 30, 1810.				
An act to incorporate the Bible society of Philadelphia,	do.			Not to exceed yearly value of \$10,000.	Philadelphia.
A supplement to the act, entitled an act to erect the town of Connelsville, in Fayette county, into a borough, and also a supplement to the act entitled an act to erect Uniontown, in the county of Fayette, into a borough,	Feb. 6, 1810.				Fayette county.
An act to authorize Ulrich Kissinger, of Berks county, to erect a toll bridge over the river Schuylkill, at his mill, where the road leading from the borough of Reading, through Bern township to Sunbury, crosses the said river,	Feb. 12, 1810.				
An act to erect the town of Washington, in the county of Washington, into a borough,	do.				Washington co.

An act to continue an act entitled an act to incorporate the subscribers to the bank of Pennsylvania, and for other purposes,

Feb. 14, 1810.

A supplement to the act, entitled an act to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes,

Febr 21, 1810.

An act supplementary to the act, entitled an act to enable the Governor of this Commonwealth to incorporate a company for making an artificial or turnpike road from the intersection of the Bristol and Newtown roads, at the rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern in Southampton, in the county of Bucks,

do.

An act to incorporate the subscribers to the American Fire Insurance company,

Feb. 28, 1810.

\$500,000

A supplement to an act entitled an act to enable the Governor of this Commonwealth to incorporate a company for the purpose of improving the navigation of the river Lehigh,

March 7, 1810.

An act establishing an academy in the borough of Greensburg, in the county of

Philadelphia co.

Beaver county.

Yearly income  
not to exceed  
\$10,000.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Westmoreland, and to grant a sum of money thereto.	March 7, 1810.			\$4,000	Westmoreland co.
A supplement to the act entitled an act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the borough of York to the Maryland line, at the place the present York road passes the same, or as near thereto as the commissioners shall find expedient,	March 10, 1810.				
An act to incorporate the United States insurance company,	do.	\$400,000	Not to exceed the yearly value of \$4,000.		Philadelphia.
An act supplementary to an act entitled an act relating to the association of individuals for the purpose of banking,	March 19, 1810.				
An act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, at the ferry of Adam Romig, in Durham township, Bucks county,	do.	\$0,000			
An act enlarging and altering the char-					

ter of the rector, church wardens, and vestrymen of the United Episcopal churches of Christ church, and St. Peter's church, in the city of Philadelphia, in the province of Pennsylvania, for the purposes therein mentioned,

An act to authorize the Governor to incorporate a company for erecting a bridge over the river Monongahela, opposite Pittsburg, in the county of Allegheny,

An act to enable the Governor to incorporate a company for making an artificial road, beginning at the west end of the Lancaster, Elizabethtown and Middletown turnpike road, at or near Middletown, and thence to the line of William Maclay's land, adjoining the upper boundary of the borough of Harrisburg, in Dauphin county,

An act to enable the Governor to incorporate a company to make an artificial road from Sunbury, in the county of Northumberland to Aaronsburg, in Centre county, passing through Northumberland, Derrstown, and Youngmanstown,

An act to enable the Governor to incorporate a company for making an artificial road from the bridge on Conewago, through

March 19, 1810.

do. \$50,000

do. 30,000

do. 80,000

\$5,000 Philadelphia.

Pittsburg.

Harrisburg.

## LIST—CONTINUED

Lists of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Falmouth, to intersect the Lancaster and Middletown turnpike road, at or near Elizabethtown,	March 19, 1810.	\$17,500			
An act to enable the Governor to incorporate a company for making an artificial road from Anderson's ferry, on the Susquehanna, to intersect the turnpike road from the borough of Lancaster to Columbia, at or near the five mile stone,	do.	35,000			
An act establishing an academy in the borough of Somerset, in the county of Somerset,	do.				Somerset county.
An act establishing an academy in the borough of Gettysburg, in the county of Adams, and granting a sum of money there-to,	do.			Not to exceed the yearly value of \$4,000.	Adams county.
An act to enable the Governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove, and passing by the White					

Horse tavern in Amity township, in Berks county, to the borough of Reading,

March 20, 1810.

\$100,000

An act authorizing the Governor to incorporate a company for erecting a bridge over the Monongahela river, at or near where the road leading from Brownsville to the town of Washington crosses the same,

March 20, 1810.

\$15,000

Act to authorize the Governor of this Commonwealth to incorporate a company for making a toll bridge over Big Beaver creek, opposite the town of Brighton,

do.

\$5,000

A supplement to an act entitled, An act authorizing the Governor to incorporate a company for making an artificial road from Safe Harbor, at the mouth of Conestoga creek, through the village of Strasburg, to intersect either the Gap and Newtown turnpike, or the Philadelphia and Lancaster turnpike road, or as near the same as possible,

do.

An act incorporating the Bedford academy, and granting a sum of money thereto.

do.

Bedford county.

A supplement to an act entitled, An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the intersection of

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol to the ferry at Morrisville, on the river Delaware, and the several acts supplementary thereto,	March 20, 1810.				
An act establishing an academy in Carmichaelstown, in the county of Greene,	do.				
A supplement to an act entitled, An act to incorporate a company for making an artificial road from Harrisburg, through Lewistown and Huntingdon to Pittsburg.	do.	\$65,000			
An act to incorporate the Western Missionary society,	do.			\$5,000	Carmichaelstown, Greene county.
An act to authorize the Governor to incorporate a company for erecting a bridge over the Allegheny river, opposite Pittsburg, in the county of Allegheny,	do.	\$35,000			
An act to enable the Governor to incorporate a company to make an artificial road from the Blue Ball tavern, on the Downing-					

town, Ephrata and Harrisburg turnpike, through New Holland to Binkley's bridge, from thence to the borough of Lancaster,

March 20, 1810.

\$30,000

An act to amend the act entitled an act for incorporating the society known by the name and style of the Philadelphia Contributionship for the insuring of houses from loss by fire, to ratify and confirm the articles of agreement of the contributors, and to enable them to make suitable bylaws for the better management and prosecution of their said design.

do.

Philadelphia.

A supplement to an act entitled an act for incorporating the society formed for the relief of distressed and decayed pilots, their widows and children,

January 5, 1811.

An act to incorporate the Governor's creek Meadow company,

January 23, 1811.

An act to enable the Governor to incorporate a company for making an artificial road from the court house in the borough of Gettysburg, to Black's tavern, in Adams county,

Feb. 6, 1811

\$30,000

An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the south side of Michael Geiselman's mill, adjoining

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
the town of Berlin, the county of Adams, through Abbottstown to Hannover, in York county.	Feb. 6, 1811.	\$20,000			
An act to establish an academy in the town of Butler, in Butler county, and granting a sum of money thereto,	do.			Not to exceed the yearly income of 4000 dollars.	Butler county.
An act altering and amending an act to erect Lewistown, in the county of Mifflin, into a borough,	do.			\$3,000	Mifflin county.
A supplement to an act entitled, An act to enable the Governor to incorporate a company for making an artificial road from the town of Hanover, in the county of York, to the borough of Carlisle,	do.				
An act supplementary to an act entitled, An act to enable the Governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove, and by the White Horse tavern, in Amity township, to the borough of Reading, in Berks county,	Feb. 13, 1811.				

An act to erect the town of Northampton, in the county of Northampton, into a borough,

March 18, 1811.

\$5,000

Lehigh county.

A supplement to the act entitled, An act to enable the Governor to incorporate a company for making an artificial road from the court house, in the borough of Gettysburg, to Black's tavern, in Adams county,

do.

An act supplementary to an act entitled, An act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Wilkesbarre, in the county of Luzerne,

March 20, 1811.

Act establishing an academy in the town of Meadville, in Crawford county, and granting a sum of money thereto,

do.

4,000

Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the court house in the borough of York, to end at or near Wolf's tavern, in a direction towards Gettysburg,

March 23, 1811.

\$20,000

An act to enable the Governor to incorporate a company for making an artificial road from the Portage branch of the Allegheny river, at Smethport, by the way of Instanter and Rich valley, to the Portage

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
branch of the river Sinnemahoning, in the county of M'Kean, An act to authorize and direct the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge of Abraham Sheredan is at present situate, known by the name of "The Upper Ferry," in the county of Philadelphia,	March 28, 1811.	\$20,000			
Act to authorize the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster,	do.	40,000			
An act to enable the Governor to incorporate a company for making an artificial road from Anderson's ferry, on the Susquehanna, to intersect the turnpike leading from Columbia to the borough of York, at or near the three mile stone,	March 30, 1811.	100,000			
An act establishing an academy in the county of Chester,	do.	10,000			
	do.				

A supplement to an act entitled, An act to incorporate that part of the township of the Northern Liberties, lying between the west side of sixth street and the river Delaware, and between Vine street and the Cobocksink creek, passed 29th March, 1803.

March 30, 1811.

A supplement to an act entitled, An act to authorize the Governor of this Commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the north-east branch of the river Susquehanna, in the county of Northumberland, from the public highway opposite the plantation of Thomas Grant, to Shamokin island, through the public way of Shamokin island to the shore opposite Northumberland, and from thence to the town of Northumberland,

do.

An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Wilmington post road, near John M'Ilvaine's, to intersect the Philadelphia, Brandywine, and New London turnpike road, on the land of George Davis, in Delaware county,

do

12,500

An act establishing an academy in the

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
town of Mercer, in Mercer county, and to grant a sum of money thereto,	March 30, 1811.			Not to exceed the yearly value of \$4,000.	
An act to enable the Governor to incorporate a company for making an artificial road beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen bridge, in the county of Montgomery.	do.	\$75,000			
An act to enable the Governor to incorporate a company for making an artificial road from the northern boundary line of this State, at the most suitable place near the twenty-eight mile stone, to the place where the seat of justice is established for the county of Susquehanna, and thence by the best and nearest route to the borough of Wilkesbarre, in the county of Luzerne.	do.	22,500			
An act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the place where the Wilkesbarre road intersects the Coshecton and Great Bend turnpike					

road, in the township of Clifford and county of Susquehanna, to the borough of Wilkesbarre, in the county of Luzerne,

April 1, 1811.

\$22,500

A supplement to an act entitled, An act to enable the Governor to incorporate a company for making an artificial road from Ar-derson's ferry, on the Susquehanna, to inter-ect the turnpike road from the borough of Lancaster to Columbia, at or near the five mile stone,

do.

An act to establish an academy in the bo-rough of Williamsport, in the county of Lycoming, and to grant a sum of money there-to,

April 2, 1811.

Not to exceed  
yearly \$2,000.

Lycoming county.

An act to incorporate an academy or public school in the borough of Erie, and for other purposes therein mentioned,

do.

Not to exceed  
yearly \$4,000.

Erie county.

A further supplement to an act, entitled an act to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia to Chad's ford, on the Brandywine, to the line of the State, in a di-rection towards Baltimore,

do.

An act authorizing the Governor to incorpo-rate a company for making an artificial road from Mount Pleasant, by Bethany and the Narrows of Lackawaxen, to Dingman's Ferry, in Wayne county,

do.

40,000

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
An act to incorporate an academy or public school in the town of Waterford, and for other purposes therein mentioned.	April 2, 1811.			Not to exceed the yearly value of \$4,000.	Erie county.
An act incorporating the Schuylkill Falls bridge company, and for other purposes.	do.				
An act to incorporate the Union canal company of Pennsylvania,	do.				
An act to incorporate the Bucks county contributionship, for insuring houses and other buildings from loss of fire,	do.			Not to exceed yearly \$3,000	Philadelphia.
An act to enable the Governor to incorporate a company to make an artificial road by the best and nearest route, from the confluence of the Yellow breeches with the river Susquehanna, to intersect the York and Conewago canal turnpike road, at any point the managers may think most suitable,	do.	60,000			
An act to enable the Governor to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike road, commencing at or near the twenty-six					

mile stone, thence through the borough of West Chester, and passing by or near Darlington's inn and Dilworth's town to the line of the State, in a direction to the borough of Wilmington,

January, 17 1812.

\$30,000

<sup>182</sup> A supplement to an act, entitled an act to enable the Governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburg, in the county of Dauphin,

do.

Dauphin county.

A supplement to the act, entitled an act to incorporate the subscribers to the American fire insurance company,

January 28, 1812.

Philadelphia.

An act supplementary to an act, entitled an act establishing an academy in the town of Meadville, in Crawford county, and granting a sum of money thereto,

do.

Crawford county.

A further supplement to the act, entitled an act to authorize the Governor to incorporate a company for the purpose of making and erecting a bridge and road over the north east branch of the river Susquehanna, in the county of Northumberland, from the public highway opposite the plantation of Thomas Grant, to Shamokin island, through the public highway of Shamokin island, to the shore opposite Northumber-

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
land, and from thence to the town of Northumberland,	Feb. 3, 1812.				
An act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the Great Bend, where the ferry is now kept, opposite the houses of Abraham Dubois and Sylvanus Hatch, in the district of Wilingborough and the county of Susquehanna,	do.	10,000			
A supplement to an act, entitled an act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from Berwick, on the north east branch of the Susquehanna, or from the mouth of the lower Wopchawly, to that point on the north line of this State which is nearest to Newton, on the river Tioga, in the State of New York.	Feb. 7, 1812.				
A supplement to an act, entitled an act establishing an academy in the town of					

Mercer, in the county of Mercer, and to grant a sum of money thereto,

An act to incorporate Lollar academy, in the village of Hatborough, in the county of Montgomery,

An act supplementary to an act, entitled An act to incorporate the Western Missionary society,

An act to enable the Governor to incorporate a company for making an artificial road, by the best and nearest route, from Waterford, in the county of Erie, through Meadville and Franklin, to the river Susquehanna, at or near the mouth of Anderson's creek, in Clearfield county; and also to incorporate a company for making an artificial road from the town of Northumberland, by the best and nearest route, to the west branch of the Susquehanna river, at or near the mouth of Anderson's creek, passing through Derrstown, Youngmans-town, Aaronsburg, Bellefonte and Millsburg,

A supplement to an act entitled an act for erecting the town of York, in the county of York, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares,

February 7, 1812.

do.

Feb. 22, 1812.

do.

\$50,000

Mercer county.

Montgomery co.

Meadville.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
streets, lanes and alleys of the same, and for other purposes therein mentioned,	March 3, 1812.				York county.
A supplement to the act entitled an act to incorporate the Lancaster and Susquehanna insurance company,	March 6, 1812.				Lancaster.
An act to erect the towns of Waterford and New Haven, in the county of Lancaster, into a borough,	do.			\$5,000	Marietta.
An act to incorporate the Pennsylvania company for the insurance of lives, granting annuities and other purposes,	March 10, 1812.	\$500,000		Yearly income not to exceed \$10,000.	Philadelphia.
A supplement to an act entitled an act to incorporate the Philadelphia society for the encouragement of domestic manufactures,	do.				Philadelphia.
An act to authorise the Governor to incorporate a company for making an artificial road from, at, or near the village of Belmont in the county of Wayne, in a southerly direction, along or near the route of the north and south state road until it shall intersect the Easton Wilkesbarre turnpike road, in Northampton county.	March 13, 1812.	60,000			

A supplement to the act entitled, An act to authorize the Governor to incorporate a company to make an artificial road from the bank of the river Susquehanna opposite the borough of Harrisburg to Pittsburg,

March 13, 1812.

An act to incorporate the township of Moyamensing, in Philadelphia county,

March 24, 1812.

A further supplement to the act entitled, An act authorizing the Governor to incorporate a company for making an artificial road from the borough of Harrisburg, through Lewistown and Huntingdon to Pittsburg,

do.

A further supplement to an act entitled, An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the intersection of Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol to the ferry at Morrisville, on the Delaware,

do.

An act to extend the powers of the Gettysburg and Black's tavern turnpike road,

March 30, 1812.

An act to revive and continue the act entitled, An act to authorize the Governor to incorporate a company for making an artificial road from the river Schuylkill at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin,

do.

\$105,000

## LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity (and authorized to be held.	Extent of income.	Place where corporation transact their business.
<p>An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Lancaster turnpike road, at or near Kennedy's tavern, in the county of Lancaster, through Littits to the town of Manheim, in said county,</p>	March 31, 1812.	\$20,000			
<p>A further supplement to an act entitled, An act to enable the Governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove and by the White Horse tavern, in Amity township, to the borough of Reading, in Berks county.</p>	do.				
<p>An act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the town plot of New Baltimore, in the county of Bradford, to the New Milford turnpike, at or near the first mile stone of said turnpike,</p>	do.	\$12,500			
<p>An act supplementary to an act entitled,</p>					

an act to authorise and direct the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge of Abraham Sheridain is at present situate, known by the name of the "Upper ferry," in the county of Philadelphia,

March 31, 1812.

Authorized to increase the capital stock.  
\$12,000

An act to incorporate the president and directors of the streets, lanes and alleys in the town of Lewisburg, in the county of Northumberland.

do.

Northumb'd. co.

An act to authorise the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Tioga, at the village of Athens, or Tioga point,

do.

An act to enable the Governor to incorporate a company to make an artificial road from Gettysburg to the western end of Millerstown, in Adams county,

do.

\$20,000

An act to incorporate the Monongahela manufacturing society,

do.

20,000

\$2,000

A supplement to an act entitled an act establishing an academy in the borough of Gettysburg, in the county of Adams, and granting a sum of money thereto,

do.

Adams county.

An act to erect Norristown in Montgomery county, into a borough,

do.

Montgomery co.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the subscribers to the New Hope Delaware bridge company,	Dec. 12, 1837.	\$50,000			Bucks county.
Act to enable the Governor to incorporate a company for making an artificial road from the Spring House tavern in Montgomery county, and thence to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton.	Jan. 16, 1813.	150,000			
Act authorising the Governor to incorporate a company for making an artificial road from the narrows at Big Eddy, by Bethany, to the intersection of the Milford and Owego turnpike, with the Clifford and Wilkesbarre turnpike, in Luzerne county,	Jan. 21, 1813.	40,000			
Act authorising the Governor to incorporate a company to make an artificial road from the Centre turnpike road, near the Bear Gap, to the north-east branch of the Susquehanna, at the end of the Blue Hill, near Danville in the county of Northumberland,	do.	6,750			

Act establishing an academy in the town of Franklin, in Venango county, and granting a sum of money thereto,	Jan. 28, 1813.		\$4,000	Venango county.
Act to enable the Governor to incorporate a company to make an artificial road from the Anderson's ferry, Waterford and New Haven turnpike road, along Elbow lane or Pleasant valley, past Henry Shares' mill, thence through Christian Leib's lane to the north end thereof, thence in two branches to intersect the Lancaster, Elizabethown, and Middletown turnpike road, at the town of Richland and Mountjoy,	do.	\$12,500		
Act to incorporate the society of artists of the United States, by the name of "The Columbian Society of Artists",	Feb. 16, 1813.		2,000	Philadelphia.
Act to incorporate the trustees of Hughesian free school, in Buckingham township, Bucks county,	Feb. 25, 1813.			Bucks county.
Act to enable the Governor to incorporate a company to make an artificial road from the court-house in the borough of Lewistown, to Alexander Reed's, in Kishacoquillas valley,	do.	20,000		
Act establishing an academy in the borough of Beaver, in the county of Beaver,	do.		5,000	
Act to enable the Governor to incorporate a company to make an artificial road				

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
<p>from the town of Manheim to the town of Richland, to meet New Haven Street, at the point where the same intersects the Lancaster and Middletown turnpike, in the county of Lancaster,</p>	<p>March 4, 1813.</p>	<p>\$27,500</p>			
<p>Act establishing two public schools or academies in the county of Wayne,</p>	<p>do.</p>				
<p>Act to erect the town of Orwigsburg, in the county of Schuylkill, into a borough,</p>	<p>March 12, 1813.</p>				
<p>Act to enable the Governor to incorporate a company for making an artificial road, beginning at or near John Guthrie's, on the Downingtown, Ephrata, and Harrisburg turnpike road, thence by or near George Ligget's Mill, thence by or near the Barley Sheaf, thence by or near the Compass to Nathaniel Lightner's, on the old Pennsylvania road, in Lancaster county,</p>	<p>March 22, 1813.</p>	<p>20,000</p>			
<p>Act authorizing the Governor to incorporate a company to make an artificial road from the town of Manchester, in the county of York, to intersect the York, Conewago,</p>					

and canal turnpike road, between the fifth and seventh mile stones,

Act to incorporate the district of Spring Garden,

Act incorporating the trustees of Franklin school,

Act establishing an academy in the town of Athens, in Bradford county,

Act to establish an academy in the borough of Orwigsburg, in the county of Schuylkill, and to grant a sum of money thereto,

Act to enable the Governor to incorporate a company to make an artificial road from Millerstown, through M'Kessonsburg, and thence by Daniel Sprenkler's, to the Franklin county line,

Act to authorize the Governor to incorporate a company for opening a canal and lock navigation on the eastern side of the Susquehanna, opposite the Conewago falls,

Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from the Philadelphia and Lancaster turnpike road, through the village of Strasburg, in Lancaster county, to

March 22, 1813.

\$11,000

do.

do.

do.

March 29, 1813.

do.

10,000

do.

55,000

Philadelphia co.

Greene county.

Bradford county.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
the Susquehanna bridge at M'Call's ferry, and from thence to the city of Baltimore,	Dec. 22, 1813.	\$200,000,			
Act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown, in the county of Montgomery, and thence to Pawling's ford bridge over the river Schuylkill,	Jan. 15, 1814.	22,500			
Act to enable the Governor to incorporate a company for making an artificial road from the Milford and Owego turnpike, where Broad street, in the town of Milford, intersects the same, thence by the nearest and best route to Carpenter's ferry, on the river Delaware,	Jan. 21, 1814.	10,000			
Act to authorize the Governor to incorporate a company to erect a toll bridge over Big Beaver creek, at or near Wolf lane, in the county of Beaver,	do.				Beaver county.
Act authorizing the Governor of this Commonwealth to incorporate a company					

for the purpose of making an artificial or turnpike road from the Lancaster and Susquehanna turnpike road, near the river shore in the town of Columbia, from thence up the river shore to the intersection of Front street in the borough of Marietta, thence along said Front street to the intersection of Bridge street in the said borough,

Act to incorporate the Washington steam mill and manufacturing company,

Act authorizing the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at or near the borough of Marietta, in the county of Lancaster,

Act to incorporate the German religious society of Seventh day Baptists, of Ephrata, in the township of Cocalico, in the county of Lancaster, and for other purposes,

Act to enable the Governor to incorporate a company to make an artificial road, beginning at the end of the Little Conestoga turnpike road in the county of Berks, thence through Morgantown and Churchtown to the Blue Ball Tavern, in Lancaster county,

Act to incorporate the town of Columbia, in the county of Lancaster,

January 21, 1814. \$30,000

January 13, 1814. 50,000

February 7, 1814. 150,000

Feb. 21, 1814.

Feb. 25, 1814. \$40,000

do.

\$5,000

Lancaster county.

5,000

Lancaster county.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to erect the town of Bridgeport, in the county of Fayette, into a borough,	March 9, 1814.			\$5,000	Fayette county.
Act authorizing the incorporation of the Harrisburg and Chambersburg turnpike road company,					
Chambersburg and Bedford turnpike road company,					
Bedford and Somerset turnpike road company,					
Somerset and Greensburg turnpike road company,					
Greensburg and Pittsburg turnpike road company,					
Act to enable the Governor to incorporate a company to make an artificial road from the Valley Forge, in Montgomery county, to intersect the Philadelphia and Lancaster turnpike road at or near the eighth mile stone,	March 14, 1814.	\$50,000			
Act to enable the Governor to incorporate a company for making a turnpike road from the Harrisburg bridge to the head of					

the York and Conewago canal and turnpike road,	March 14, 1814.	\$50,000		
Act establishing an academy in the borough of Northampton, in Lehigh county, and granting a sum of money thereto,	March 18, 1814.		\$4,000	Northampton co.
Act to enable the Governor to incorporate a company for making a turnpike road from the Harrisburg bridge to Berlin, in Adams county,	do.	80,000		
Act incorporating the borough of Bellefonte,	do.		3,000	Centre county.
Act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near Harrisburg,	do.	200,000		
Act authorizing the incorporation of forty-one banks,	March 21, 1814.	12,425,000		
Act enabling the Governor to incorporate a company for making a turnpike road from Pawling's ford bridge, to the Little Conestoga turnpike road,	March 22, 1814.	80,000		
Act to enable the Governor of this Commonwealth to incorporate a company for improving the navigation of the river Lehigh,	do.	100,000		
Act to authorize the Governor to incorporate a company for opening a lock navigation on Neshamony creek, in Bucks coun-				

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
ty, from the tideway, to Bridgetown, on said creek.	March 26, 1814.	\$40,000			
Act to authorize the Governor to incorporate a company for erecting a bridge over the West Branch of the river Susquehanna, from the east end of Market street, in the town of Lewisburg, in the county of Union, to the opposite shore,	do.	50,000			Union county.
Act to erect M'Connellsburg, in the county of Bedford, into a borough,	do.			\$3,000	Bedford county.
Act to incorporate the York Haven company,	do.	1,000,000			York county.
An act to authorize the Governor to incorporate a company for making an artificial road from the Lancaster, Elizabethtown and Middletown turnpike road, to the ferry on the Swatara creek, near the mill formerly owned by James Wallace,	March 28, 1814.	40,000			
Act authorizing the Governor to incorporate a company for making an artificial road from the borough of Marietta, through Portsmouth, towards Harrisburg,	do.	15,000			

Act to erect the town of Mercer, in the county of Mercer,, into a borough,

March 28, 1814.

Act establishing an academy in the town of Indiana,

do.

\$3,000 Mercer county.

5,000 Indiana county.

Act to enable the Governor to incorporate a company for making an artificial road from Pawling's ford bridge, on the river Schuylkill, to intersect the Little Conestogo turnpike road, at or near the western line of Herman Pennepacker's land, in the county of Chester,

do.

\$40,000

An act to enable the Governor to incorporate a company to make an artificial road from the river Susquehanna, at M'Calls' ferry permanent bridge, on the State road, by Nathan Thomson, Jr., and William Noble's store, to John G. Park's; thence to the Philadelphia and Lancaster turnpike, between the thirty-seventh and thirty-eighth mile stone on said road,

do.

30,000

Act to incorporate the Gettysburg steam mill and manufacturing company,

do.

40,000

5,000 Adams county.

Act to incorporate Stroudsburg Academy, in the village of Stroudsburg, in the county of Northampton,

do.

Northampton co.

Act to enable the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware,

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
near the town of Milford, in the county of Wayne, Act to authorize the Governor to incorporate a company to erect a toll bridge over Juniata river, at or near Millerstown, in the county of Cumberland,	March 28, 1814.	\$22,500			
Act to incorporate the town of Brownsville, in the county of Fayette,	do.	20,000			
Act to incorporate the manufacturing company of Lancaster,	Jan. 9, 1815.			\$5,000	Fayette county.
Act to incorporate the manufacturing company of Waterford, in Susquehanna county,	Jan. 16, 1815.	500,000		10,000	Lancaster county.
Act to erect the town of Stroudsburg, in Northampton county, into a borough,	do.	100,000			Susquehanna co.
Act to erect Pottstown, in the county of Montgomery, into a borough,	Feb. 6, 1815.			3,000	Northampton co.
Act to incorporate a manufacturing company at Stroudsburg, in Northampton county,	do.			5,000	Montgomery co.
Act incorporating the Presbyterian congregation of the Three Ridges, in the county of Washington,	Feb. 8, 1815.	50,000			Northampton co.
	Feb. 21, 1815.				Washington co.

Act authorizing the Governor to incorporate the president, managers and company of the Smithfield turnpike road,	March 1, 1815.	\$20,000	
Act to erect Kutztown, in the county of Berks, into a borough,	do.		\$5,000 Berks county.
Act to erect the town of Hanover, in the county of York, into a borough,	March 4, 1815.		5,000 York county.
An act to incorporate the Penns' Manor Meadow company, in the county of Bucks,	do.		Bucks county.
Act authorizing the Governor to incorporate a company to make a lock navigation on the river Schuylkill,	March 8, 1815.	500,000	Philadelphia.
Act to enable the Governor to incorporate a company for manufacturing hemp, flax, wool and cotton, at or near Milford, in the county of Pike,	do.	62,500	Pike county.
Act establishing an academy in Lewistown, in the county of Mifflin,	March 11, 1815.		5,000 Mifflin county.
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, opposite the borough of Sunbury, in the county of Northumberland,	do.	110,000	
Act to incorporate the Pennsylvania and New Jersey steam boat company,	do.	50,000	5,000 Northumberland county.
Act authorizing the Governor to incorporate a company for erecting a bridge over the river Schuylkill, opposite the bo-			

## LIST—CONTINUED

Lists of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
rough of Pottstown, in the county of Montgomery,	March 11, 1815.	\$20,000			
Act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the west end of the borough of York to the borough of Gettysburg, in the county of Adams,	do	90,000			
Act authorizing the Governor to incorporate a company for making an artificial road from the south end of Market street in the borough of Lebanon, to Cornwall Furnace,	do.	15,000			
Act to authorize the Governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the borough of Norristown, in the county of Montgomery, and for other purposes,	do.	20,000			
Act to authorize the Governor to incorporate the president, managers and company of the Mill creek turnpike road,	March 13, 1815.	12,000			

An act to enable the Governor to incorporate a company to make an artificial road, commencing where the Flatrock bridge road intersects the Ridge turnpike road, near Robinson's mill, from thence up the river Schuylkill to said bridge, from the west end of the bridge up the river Schuylkill to the Gulph Creek, thence the shortest and best route to the Gulph road, near the bridge, below the Bird-in-hand tavern in Montgomery county.

Act to enable the Governor to incorporate a company for making an artificial road from the State line, near the town of Emmetsburg in the state of Maryland, through Waynesburg, Greencastle and Mercersburg, to intersect the Chambersburg and Bedford turnpike road, at or near the east end of McConnellsburg,

Act to incorporate the Whitestown Manufacturing company,

Act to incorporate the town of Waynesburg, in the county of Greene.

Act to incorporate the Orphan society of Philadelphia,

Act to incorporate the Bridgeport manufacturing company,

March 13, 1815.

\$45,000

Jan. 29, 1816.

150,000

do.

70,000

do.

\$10,000

do

5,000

Greene county.

8,000

Philadelphia.

Feb. 8, 1816.

200,000

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act authorizing the Governor to incorporate the York Water company,	Feb. 8, 1816.	\$20,000			York.
Act establishing an academy in the borough of Lebanon,	do.			\$5,000	Lebanon.
Act authorizing the incorporation of the president, managers and company of the Loudontown turnpike road,	Feb. 13, 1816.	150,000			
Act authorizing the Governor to incorporate the Northampton water company,	do.	10,000			
Act to enable the Governor to incorporate a company for making an artificial road from Jersey Shore, in the county of Lycoming, to Coudersport in the county of Potter,	Feb. 20, 1816.	70,000			
Act to enable the Governor to incorporate a company for making an artificial road from Henry Hews' in the county of Lycoming to Aaron Bloss' in the county of Tioga,	Feb. 26, 1816.	30,000			
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Schuylkill, at or near Lewes' ferry, in the county of Berks,	Feb. 28, 1816	20,000			

Act to erect the town of Indiana, in the county of Indiana, into a borough,	March 11, 1816.		\$5,000	Indiana.
Act to incorporate the Greensburg manufacturing company, in Greene county,	March 13, 1816.	\$100,000		
Act to incorporate the town of Strasburg, in the county of Lancaster,	do.		5,000	Lancaster county.
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Juniata, at the town of Huntingdon,	do.	Not given.		
Act to authorize the Governor to incorporate a company for erecting a bridge over the north-east branch of the river Susquehanna, between the town of Catawissa and the mouth of Fishing creek,	March 15, 1816.	25,000		
Act to authorize the Governor to incorporate a company for erecting a permanent bridge over the river Delaware, at Stockport in Wayne county,	March 18, 1816.	6,000		
Act to incorporate the city of Pittsburg,	do.			Pittsburg.
Act authorizing the incorporation of the Washington and Williamsport turnpike road company,	do.	75,000		
Act authorizing the incorporation of the Robbstown and Mountpleasant turnpike road company,	do,	do.		
Act authorizing the incorporation of the				

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Mountpleasant and Somerset turnpike road company,	March 18, 1816.	\$75,000			
Act authorizing the incorporation of the Somerset and Bedford turnpike road company,	do.	do.			
An act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the town of Danville,	March 19, 1816.	50,000			
Act establishing an academy in the borough of Huntingdon, in the county of Huntingdon; and one in the town of Montrose, in the county of Susquehanna,	do.			\$5,000	
Act relative to the incorporation of a company for erecting a bridge over the river Delaware, at Columbia glass manufactory,	do.	35,000			
Act to authorize the Governor to incorporate a company to erect a bridge over the river Schuylkill, at or near Hamburg, in the county of Berks,	do.	10,000			Berks county.
Act to incorporate the Kennet and Downingtown turnpike company,	January 9, 1817.	60,000			

<p>Act to incorporate a company for making an artificial road from Danville, in the county of Columbia, by the best and nearest route, to Pennsborough, in the county of Lycoming,</p>	<p>February 3, 1817.</p>	<p>\$60,000</p>		
<p>Act to incorporate the president, managers and company of the Bethany and Canaan turnpike road,</p>	<p>February 5, 1817.</p>	<p>20,000</p>		
<p>Act to authorize the Governor to incorporate a company for improving the navigation of the Lackawana creek,</p>	<p>do.</p>	<p>6,000</p>		
<p>Act to erect the town of Bedford, in the county of Bedford, into a borough,</p>	<p>February 26, 1817</p>		<p>\$5,000</p>	<p>Bedford.</p>
<p>Act to incorporate the town of Newville, in the county of Cumberland,</p>	<p>do.</p>		<p>do.</p>	<p>Cumberland co.</p>
<p>Act to erect the town of Milton, in the county of Northumberland, into a borough,</p>	<p>do.</p>		<p>do.</p>	<p>Northumberland county.</p>
<p>Act to erect the town of Butler, in the county of Butler, into a borough,</p>	<p>do.</p>		<p>do.</p>	<p>Butler county.</p>
<p>Act to incorporate the Bellmont and Oghquaga turnpike road company,</p>	<p>do.</p>	<p>20,000</p>		
<p>Act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the village of Meansville, the seat of justice in the county of Bradford,</p>	<p>March 3, 1817.</p>	<p>40,000</p>		
<p>Act incorporating the West Newton bridge company,</p>	<p>March 22, 1817.</p>	<p>10,000</p>		

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to authorize a permanent bridge to be built over the Swatara, from State street, in the town of Portsmouth, in the county of Dauphin,	March 22, 1817.	\$5,000			
Act to authorize the Governor to incorporate the Lackawana turnpike road company,	do.	12,000			Crawford county.
Act incorporating a school at Meadville,	do.				
Act incorporating the subscribers to the Pennsylvania Botanic Garden,	March 24, 1817.			\$3,000	Philadelphia.
Act to authorize the Governor to incorporate the Wind Gap, Nazareth, and Hellerstown turnpike company,	do.	100,000			
Act to authorize the Governor to incorporate a company to erect a bridge over French creek, at the town of Franklin, in Venango county,	do.	6,500			Venango county.
Act authorizing the Governor to incorporate a company to make a turnpike road from Berwick, in Columbia county, by the best and nearest route to Williamsport, in Lycoming county,	do.	50,000			

Act to incorporate the academy of natural sciences of Philadelphia,	March 24, 1817.		\$8,000	Philadelphia.
Act authorizing the Governor to incorporate the Chambersburg water company,	do.	\$20,000		Franklin county.
Act to incorporate the Mercer and Meadville turnpike company,	do.	22,500		
Act authorizing the Governor to incorporate a company for erecting a bridge over Big Beaver, at or near the ferry occupied by Charles Morrow,	do.	50,000		
Act to authorise the Governor to incorporate the president, managers and company of the Beaver and Greensburg turnpike road,	do.			
Act authorising the Governor to incorporate the Easton water company,	do.	10,000		Northampton co.
Act establishing Allegheny college, in the township of Mead and county of Crawford,	do.		15,000	Crawford county.
Act to authorize the Governor to incorporate a company to make a lock navigation on the river Monongahela.	do.	48,000		
Act to incorporate the Gloucester and Greenwich Point Ferry company,	do.	50,000		
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Lehigh, at the Water Gap in Northampton county,	March 25, 1817	10,000		

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Amt of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act authorizing the Governor to incorporate the Washington and Pittsburg turnpike road company.	March 25, 1817.	\$100,000			
Act to incorporate an academy or public school in the borough of Erie,	do.			\$4,000	Erie county.
Act establishing an academy in the town of Wellsborough, in the county of Tioga,	do.			5,000	
Act to authorize the Governor to incorporate the president, managers and company of the New Milford and Montrose turnpike,	Jan. 12, 1818.	10,000			
Act authorizing the Governor to incorporate the Berwick water company,	Jan. 27, 1818.	20,000			Columbia co.
Act to erect the town of Borwick, in the counties of Columbia and Luzerne, into a borough,	Jan. 29, 1818.			5,000	do.
Act for establishing a board of health, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, &c.,	do.				
Act authorising the Governor to incorporate the president and managers of the					

Armstrong, Indiana, and Cambria turnpike road company,	Feb. 7, 1818.	\$100,000		
Act to incorporate the Presbyterian congregation of Salem, in Derry township, in the county of Westmoreland.	do.		\$1,200	Westmoreland co.
Act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough,	Febr 17, 1818.			Delaware co.
Act authorizing the incorporation of the Pittsburg and Steubenville turnpike road company,	March 3, 1818.	125,000		
Act to change the branch bank of Philadelphia, at Washington, into an original institution,	March 7, 1818.	226,000		
Act incorporating the first Presbyterian congregation in the borough of Easton, in the county of Northampton,	March 10. 1818.		3,000	Easton.
Act authorizing the incorporation of the Gettysburg and Hagerstown turnpike road company,	do.	100,000		
Act to incorporate the trustees of the Newtown common, in the county of Bucks,	do.			
Act incorporating the Roman Catholic congregation of Christ's church in the borough of Chambersburg, in the county of Franklin,	do.		6,000	Chambersburg.
Act authorizing the Governor to incorpo-				

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
rate a company for the purpose of erecting a bridge over the west branch of the river Susquehanna, at or near Dunnsburg, in Lycoming county.	March 14, 1818.	\$40,000			
Act to improve the navigation of the river Lehigh,	March 20, 1818.				
Act to incorporate the city of Lancaster,	do.				Lancaster.
Act to incorporate the Philadelphia and Pittsburg transporting company,	March 23, 1818.	100,000			
Act authorizing the incorporation of the Mercersburg and Hancock turnpike road company,	do.	100,000			
Act establishing an academy at Danville, in the county of Columbia,	do.			\$5,000	
Act authorizing the Governor to incorporate a company to make a turnpike road from Tunkhannock in Luzerne county, to Wysox, in Bradford county.	do.	25,000			
Act to authorize the Governor to incorporate a company for the purpose of making					

and erecting a permanent bridge over the river Susquehanna, in the counties of Dauphin and Cumberland, at or near Clark's ferry,

Act authorizing the incorporation of the Brownsville, Connelville, and Somerset turnpike company,

Act to incorporate the town of Waynesburg, in the county of Franklin, into a borough, &c.,

Act to erect the town of Shippensburg, in the county of Cumberland, into a borough, &c.,

Act authorizing the incorporation of the Strasburg and Mannetsburg turnpike road company,

Act authorizing the Governor to incorporate the Beaver canal company,

Act incorporating the Western University of Pennsylvania,

Act to incorporate the Conestoga manufacturing company of Lancaster,

Act authorizing the incorporation of the Pittsburg and Butler turnpike road company,

Act authorizing the incorporation of the Butler and Mercer turnpike road company,

March 23, 1818. \$40,000

March 24, 1818. 75,000

Dec. 21, 1818.

January 21, 1819.

do. 15,000

January 27, 1819. 40,000

Feb. 18, 1819. 20,000

do. 200,000

Feb. 25, 1819. 22,500

do. 22,000

Franklin county.

\$5,000 Cumberland co.

Pittsburg.

do.

Butler.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act incorporating the Philadelphia Saving fund society,	Feb. 25, 1819.				Philadelphia.
Act to authorize the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road,	March 16, 1819,	\$75,000			
Act authorizing the incorporation of the Washington and West Middletown turnpike company,	do.	50,000			
Act authorizing the Governor to incorporate the Reading water company,	do.	10,000			Reading.
Act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth street and the river Delaware, and between Vine street and Cohocksink creek,	do.				
Act to incorporate the indigent widows and single woman's society of Philadelphia,	March 23, 1819.			\$8,000	Philadelphia,
Act to authorize the Governor to incorporate the president, managers, and com-					

pany of the Newville and Roxbury turnpike road.	March 23, 1829.	\$100,000			
Act authorizing the incorporation of the Pittsburg and Uniontown turnpike road company,	March 27, 1819.	100,000			
Act to incorporate the M'Connellsburg English school, in the county of Bedford,	do.				
Act authorizing the incorporation of the Indiana and Ebensburg turnpike road company,	do.	50,000			
Act authorizing the incorporation of the Armstrong and Indiana turnpike road company,	do.	50,000			
Act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant turnpike road in the county of Westmoreland,	do.	60,000			
Act establishing an academy in the town of Ebensburg, in Cambria county, &c.	do.		\$5,000	Cambria county.	
Act to incorporate the Philadelphia society for promoting agriculture,	do.		6,000	Philadelphia.	
Act authorizing the incorporation of the Northampton and Wilkesbarre turnpike road company,	do.	\$25,000			
Act to incorporate the town of Stoystown, in the county of Somerset,	March 29, 1819.		5,000	Somerset county.	
Act authorizing the incorporation of the					

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Meansville and Wilkesbarre turnpike road company, Act authorizing the Governor to incorporate the Pittsburg and Beaver turnpike road company,	March 29, 1819.	\$20,000			
Act authorizing the Governor to incorporate a company to make a lock navigation on the west branch of the river Schuylkill,	do.	60,000			
Act authorizing the Governor to incorporate the Octorara navigation company,	do.	62,000			
Act supplementary to an act entitled an act to incorporate the Union canal company of Pennsylvania,	do.	100,000			Philadelphia.
Act authorizing the incorporation of the Northumberland and Youngstown turnpike company,	do.	500,000			
Act authorizing the incorporation of the Youngmanstown and Aaronsburg turnpike company.	do.				
Act authorizing the incorporation of the					

Bellefonte and Philipsburg turnpike company,

March 29, 1819.

Act authorizing the incorporation of the Philipsburg and Susquehanna turnpike company.

do.

Act authorizing the Governor to incorporate the president, managers and company of the Warfordsburg and Juniata turnpike in the county of Bedford,

Feb. 17, 1820.

\$60,000

Act to incorporate the president, managers and company of the Luzerne and Wayne county turnpike road,

Feb. 24, 1820.

30,000

Act to incorporate the Kensington district of the Northern Liberties,

March 6, 1820.

Kensington.

Act to incorporate the president, directors and company of the Pennsylvania and New Jersey communication company,

do.

60,000

Act to incorporate the Pittsburg Manufacturing association,

March 11, 1820.

30,000

Income of real estate not to exceed \$5,000

Pittsburg.

Act incorporating the trustees of the fire association of Philadelphia,

March 27, 1820.

Philadelphia.

Act to incorporate the president, managers and company of the Wilsonsville turnpike road,

do.

75,000

Act authorizing the Governor to incorporate the president, managers and company of the Conemaugh bridge company,

March 28, 1820.

15,000

Bellefonte.

Philipsburg.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the York county manufacturing company,	March 28, 1820.	\$25,000			York county.
Act to erect the town of Greensburg, in the county of Beaver, into a borough,	do.				Beaver county.
Act to incorporate the Beaver Falls water company,	do.				
Act to incorporate the proprietors of the Philadelphia museum,	Feb. 1, 1821.	100,000			Philadelphia.
Act to incorporate and endow the Pennsylvania institution for the deaf and dumb,	Feb. 8, 1821.			\$30,000	Philadelphia.
Act to erect the town of Lebanon into a borough,	Feb. 20, 1821.			5,000	Lebanon.
Act to erect the town of Berlin, in Somerset county, into a borough,	Feb. 27, 1821.				Somerset county.
Act to incorporate the Centre and Kishacoquillas turnpike road company,	March 7, 1821.	75,000			
Acts to incorporate the widow's society of Bethlehem,	do.			6,000	Northampton co.
Act authorizing the incorporation of the Harrisburg and Millerstown turnpike road company,	March 31, 1821.				

Act authorizing the incorporation of the Millerstown and Lewistown turnpike road company,

March 31, 1821.

Act authorizing the incorporation of the Lewistown and Huntingdon turnpike road company,

do.

Act to erect the town of Bethany, in the county of Wayne into a borough,

do.

\$3,000

Wayne county.

Act to incorporate the Loudontown water company, in the county of Franklin,

do.

Act to incorporate the Old Columbia water company,

do.

Lancaster county.

Act to incorporate the apprentices' library company of Philadelphia,

April 2, 1821.

3,000

Act to erect the town of Kittanning, in the county of Armstrong, into a borough,

do.

5,000

Armstrong county.

Act establishing an academy in the town of Kittanning, in Armstrong county,

do.

4,000

do.

Act to incorporate the Lehigh coal and navigation company,

Feb. 13, 1822.

\$1,600,000

Not to invest more than \$60,000 in land.

Act to incorporate the Philadelphia chamber of commerce,

March 6, 1822.

\$10,000

Philadelphia.

Act incorporating the Presbyterian congregations of Norristown and Lower Providence, in the county of Montgomery,

March 18, 1822.

2,500

Montgomery.

Act incorporating the town of Lewisburg, in Union county, into a borough.

March 21, 1822.

3,000

Union county.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act incorporating the German Reformed and German Lutheran congregations of Whitemarsh township, in the county of Montgomery,	March 30, 1822.			\$2,500	Montgomery.
Act to incorporate the trustees of the proprietors of Kingston, in Luzerne county,	do.	\$10,000			Luzerne county.
Act to incorporate the Philadelphia college of Pharmacy,	do.			5,000	Philadelphia.
Act authorizing the Governor to incorporate the Kimberton and Yellow Springs turnpike company,	do.	18,750			
Act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning.	April 2, 1822.	37,500			
Act to incorporate the widow and orphan assurance society of the city and county of Lancaster,	do.			\$4,000	Lancaster.
Act to incorporate an academy or public school, in the town of Warren,	do.		500 acres.	4,000	Warren.
Act to incorporate a company for making a turnpike road from Butler to Franklin,	do.	37,500			

Act to incorporate the Gettysburg water company,	Jan. 29, 1823		Yearly income not to exceed \$5,000.	
Act authorising the incorporation of the Abington and Waterford turnpike road company,	Feb. 1, 1823,	\$15,000		
Act to incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster,	Feb. 13, 1823.			Lancaster county.
Act authorising the incorporation of a company for the making of a turnpike road from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of Coal hill, in a direction towards Brownsville,	Feb. 19, 1823.	10,000		
Act to incorporate the musical fund society of Philadelphia,	Feb. 22, 1823		Not to exceed the yearly value of \$2,000.	Philadelphia.
Act to improve the navigation of the river Lackawaxen,	March 13, 1823.			
Act to authorize the Governor to incorporate the Juniata bridge company, in the county of Huntingdon,	March 25, 1823.	5,000		Huntingdon co.
Act authorising the incorporation of the Harrisburg canal, fire insurance and water company,	March 27, 1823.	100,000		
Act to erect the town of West Middletown, in the county of Washington, into a borough,	do.		\$3,000	Washington co.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to extend the charter of the Philadelphia Bank,	March 28 1823.	\$2,000,000			Philade lphia.
Act to erect the town of Meadville and its vicinity, in the county of Crawford into a borough,	March 29, 1823.			3,000	Crawford county.
Act authorising the Governor to incorporate the Columbia water company,	do.	10,000			Lancaster co.
Act authorizing the incorporation of the president, managers and company for erecting a bridge over the Allegheny river, at the place where the Susquehanna and Waterford turnpike road crosses the same,	do.	71,500			
Act to authorize the Governor to incorporate the president, mangers and company of the Ararat turnpike road,	March 31, 1823.	13,000			
Act to incorporate the Columbia, Chiques and Marietta road and bridge company,	do.	5,000			Lancaster co.
Act to extend the charter of the bank of the Northern Liberties, in the county of Philadelphia,	do.	500,000			Philadelphia.
Act incorporating the Pennsylvania Agricultural Society,	do.			\$1,500	

<p>Act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant free road, in the county of Westmoreland,</p>	<p>March 31, 1823.</p>	<p>\$6,000</p>		<p>Westmoreland,</p>
<p>Act to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county,</p>	<p>do.</p>	<p>600,000</p>		
<p>Act authorizing the Governor to incorporate the Shenango canal company,</p>	<p>April 1, 1823.</p>	<p>16,000</p>		
<p>Act to authorize the Governor to incorporate the president, managers and company of the Mount Pleasant turnpike road, of Wayne county,</p>	<p>January 24, 1824.</p>	<p>7,500</p>		<p>Wayne county.</p>
<p>Act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Lehigh, near Bier's mill, in the county of Lehigh,</p>	<p>March 5, 1824.</p>	<p>3,750</p>		<p>Lehigh county,</p>
<p>Act to recharter the            Carlisle bank,            Bank of Chambersburg,            Bank of Chester county,            Commercial bank of Pennsylvania,            Bank of Delaware county,            Easton bank,            Farmers' bank of Bucks county,            Farmers' bank of Lancaster,            Bank of Germantown,</p>	<p>March 25,            1824.</p>	<p>The capital stock of each of the banks created in pursuance of the said act, shall be the same as fixed for</p>		<p>Carlisle,            Chambersburg.            West Chester.            Philadelphia.            Chester.            Easton.            Lancaster.            Germantown.</p>

## LIST—CONTINUED

Lists of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporations transact their business.
Bank of Gettysburg, Harrisburg bank, Bank of Pittsburg, Lancaster bank, Mechanics' bank of the city and county of Philadelphia, Monongahela bank of Brownsville, Bank of Montgomery county, Northampton bank, Schuylkill bank in the city of Philadelphia, Westmoreland bank of Pennsylvania, York bank, Farmer's bank of Reading, Farmers' and Mechanics' bank,	March 25, 1824.	said banks, respectively, by the act of 21st March, 1814, and act of 16th March, 1809.			Gettysburg. Harrisburg. Pittsburg. Lancaster. Philadelphia. Brownsville. Norristown. Northampton. Philadelphia. Greensburg. York. Reading. Philadelphia.
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Lehigh, at or near Siegfried's ferry, in the county of Northampton,	March 27, 1824.	\$2,500			Northampton co.
Act to erect the town of Montrose, in the county of Susquehanna, into a borough,	March 29, 1824.			\$5,000	Susquehanna co.

Act to incorporate the Presbyterian church at Norristown,

March 29, 1824.

The trustees of the German-Mennonist congregation of Doylestown township, in Bucks Chamberscounty,

do.

And the clergyman and trustees of the Methodist Episcopal church, in the borough of burg,

do.

Act to authorize the Governor to incorporate a company for the purpose of erecting a permanent bridge over the river Susquehanna, in the county of Dauphin, where the turnpike road crosses the same near Clark's ferry,

do.

\$100,000

Act granting banking privileges to the Columbia bridge company,

do.

150,000

Act to incorporate the Franklin Institute of Pennsylvania, for the promotion of the mechanic arts,

March 30, 1824.

Act to erect the town of Ebensburg, in the county of Cambria, into a borough,

Jan. 15, 1825.

Act to incorporate the Presbyterian congregation of Cross creek, in the county of Washington,

Jan. 19, 1825.

Act to incorporate the Pennsylvania fire insurance company,

Jan. 25, 1825.

400,000

Act to incorporate the Atlantic insurance company of Philadelphia,

Feb. 23, 1825.

300,000

\$2,000

Montgomery co.

2,500

Bucks county.

2,000

Franklin county.

Yearly income not to exceed \$2,000.

Philadelphia.

3,000

Cambria county.

Not to exceed yearly \$3,000.

Washington co.

Philadelphia.

do.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act establishing a bank in the district of Southwark, in the county of Philadelphia,	Feb. 25, 1825.	\$250,000			Philadelphia.
Act to authorize the Governor to incorporate the Conestoga navigation company,	March 3, 1824.	60,000			Lancaster county.
Act authorizing the Governor to incorporate the Huntingdon and Philipsburg turnpike road company,	do.	20,000			
Act to incorporate the Presbyterian congregation of Cross Roads, in the county of Washington,	March 21, 1825.			Not to exceed yearly \$2,000.	Washington co.
Act to re-charter the bank of North America, <del>1825</del>	do.	1,000,000			Philadelphia.
Act to incorporate the town of New Castle, in the county of Mercer,	March 25, 1825.			\$5,000	Mercer county.
And the town of Blairsville, in the county of Indiana,	do.			5,000	Indiana county.
Act authorizing the president, managers and company of the Delaware and Hudson canal company, to improve the navigation of the river Lackawaxen,	April 1, 1825.				
Act to erect a bank within the district composed of the counties of Bradford,					

Wayne, Luzerne and Susquehanna, to be called "The Northern Bank of Pennsylvania",

Act to authorize the incorporation of the Greensburg and Robbstown turnpike road company

And the Greensburg and New Alexandria turnpike road company,

Act authorizing the incorporation of the Bellefonte, Aaronsburg and Youngman'stown turnpike road company,

And of the Ebensburg and Conemaugh turnpike company,

Act authorizing the Governor to incorporate the Milesburg and Smethsport turnpike road company,

An act to authorize the Governor to incorporate the Codorus navigation company,

Act to incorporate the Pennsylvania infirmary for diseases of the eye and ear,

Act incorporating the Chesapeake and Ohio canal company,

Act authorizing the Governor to incorporate the Tioga navigation company,

Act authorizing the Governor to incorporate a company to make a lock navigation on the east branch of the river Schuylkill, called Little Schuylkill,

April 11, 1825.

\$150,000

do.

10,000

do.

10,000

do.

do.

6,250

do.

25,600

April 12, 1825.

60,000

Jan. 11, 1826.

Yearly income  
not to exceed  
\$1,000.

Philadelphia.

Feb. 9, 1826.

6,000,000

Feb. 20, 1826.

125,000

do.

250,000 5,000 acres.

LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act for the establishment of a college at Easton, in the county of Northampton,	March 9, 1826.			Not to exceed the yearly value of \$40,000,	Easton.
Act authorizing the Governor to incorporate the Lackawana and Susquehanna railroad company,	March 11, 1826.	\$150,000 may be increased to \$1,000,000	2,000 acres.		
Act authorizing the incorporation of a company to make an artificial road from Philipsburg, in Centre county, to Ebensburg, in Cambria county,	do.	6,000			
Also, of the president and managers of the Indiana and Pittsburg turnpike road company,	do.	30,000			
Act to incorporate the town of Jersey Shore, in Lycoming county,	March 15, 1826.			\$3,000	Lycoming county.
And the village of Pennsborough, in Lycoming county,	do.			3,000	do.
Act to incorporate the president, managers and company for erecting a bridge over the river Lehigh, at Kuntz ford,	March 18, 1826.	7,500			
And to incorporate the Lehigh Water Gap bridge company,	do.				
Act to incorporate the House of Refuge,	March 23, 1826.			5,000	Philadelphia.

Act to incorporate the Susquehanna and Lehigh canal company,	March 25, 1826.	\$600,000	
Act to incorporate the Susquehanna and Delaware canal and rail road company,	April 3, 1826.	1,500,000	
Act to enable the Governor to incorporate the Northumberland canal and water right company,	April 5, 1826.	25,000	
Act to incorporate the Dauphin and Susquehanna coal company,	do.	300,000	
Act to incorporate the Columbia, Lancaster and Philadelphia rail road company,	do.	650,000	\$10,000
Act giving the assent of this State to an act of the general assembly of Maryland, entitled "an act to incorporate the Susquehanna and Patapsco canal company,"	April 7, 1826.	2,500,000	
Act to incorporate the Danville and Pottsville rail road company,	April 8, 1826.	100,000	10,000
Act establishing a bank in the borough of Erie, in the county of Erie,	do.	200,000	
Act to incorporate the Kensington bank of the county of Philadelphia,	do.	250,000	Kensington, Philadelphia county.
Act authorizing the incorporation of the Penns' valley turnpike road company,	do.	25,000	
Aud of the Spruce creek turnpike road company,	[do.	25,000	
Act to enable the Governor to incorporate the Sunbury canal company.	April 10, 1826.	20,000	

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act authorizing the Governor to incorporate a company to make an artificial road, commencing where the Schuylkill canal road intersects the ridge turnpike road, near Robinson's mill, thence along the bed of said road to the Flat Rock bridge,	April 10, 1826.	\$10,000			
Act to incorporate the Erie and Chatauque steamboat company,	do.	75,000			
Act authorizing the incorporation of the Northumberland and Derrstown turnpike company,	do.				
Act incorporating the Derrstown and Youngmanstown turnpike company,	do.				
Act authorizing the Governor to incorporate the Womelsdorf water company,	do.	4,500			Berks county.
Act authorizing the incorporation of the Milesburg and Snow Shoe turnpike road company,	do.				
Act authorizing the incorporation of the president, managers and company of the Loudon and Drake's ferry turnpike road company,	do.	15,000			

Act authorizing the incorporation of the President, managers and company of the Clearfield and Jefferson turnpike road,	April 10, 1826.	\$10,000	
Act authorizing the incorporation of the President, managers and company of the Roseburg and Mercer turnpike road,	do.	15,000	
Act erecting the town of Birmingham and its vicinity, in the county of Allegheny into a borough,	do.		\$3,000 Allegheny county.
Act to incorporate the Presbyterian congregation of Athens, in Bradford county,	do.		2,000 Bradford county.
Act authorizing the Governor to incorporate the Warren and Jefferson turnpike road,	do.	30,000	
An act to incorporate the borough of Mnney, in Lycoming county,	Jan. 19, 1827.		10,000 Lycoming co.
Act establishing an academy in the town of Clearfield,	Feb. 12, 1827.		5,000
Act establishing an academy in the town of Milford, in the county of Pike,	March 2, 1827.		4,000
Act for the establishment of a college at Uniontown, in the county of Fayette,	March 7, 1827.		Fayette county.
Act to incorporate the Franklin Library Company, of Ten Mile, in Washington county,	do.		2,000 Washington co.
Act authorizing the Governor to incorporate the Schuylkill valley navigation company,	March 12, 1827.	150,000	

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act authorizing the Governor to incorporate the Mahanoy navigation company,	March 22, 1827.	\$60,000			
Act authorizing the incorporation of the Lehigh bridge company at Bethlehem,	March 27, 1827.				Northampton co.
Act to enable the Governor to incorporate a company to make a turnpike road, from the northern termination of the York and Conewago turnpike road to the west end of the Harrisburg bridge,	do.	20,000			
Act to authorize the Governor to incorporate a company for erecting a bridge over the river Susquehanna, near the north line of Pennsylvania, in Harmony township, Susquehanna county,	March 29, 1827.				
Act to incorporate the Delaware towing boat company.	do.	100,000			
Act authorizing the incorporation of the President managers and company of the Wilkesbarre, Mauch Chunk and Northampton turnpike road,	April 9, 1827.	25,000			
Act to erect the town of Alexandria, in Huntingdon county, into a borough,	April 11, 1827.			\$1,000	Huntingdon co.

Act to incorporate the Oxford Railroad company of Chester county,	April 11, 1827.	\$30,000		
Act to establish a bank in the county of Lebanon,	do.	200,000		
Act to erect the town of Elizabethtown, in the county of Lancaster, into a borough,	April 13, 1827.		\$5,000	Lancaster county.
And the villages of Washington and Charleston, in the county of Lancaster,	do.		5,000	do.
Act to incorporate the borough of Selinsgrove, in Union county,	do.		10,000	Union county.
And the town of Berlin, in the county of Somerset,	do.			Somerset county.
Act to authorize the Governor to incorporate the Shippenville and Foxbury turnpike road company,	do.	6,000		
Act to incorporate the Philadelphia railway dock company,	do.	100,000		
Act to incorporate the town of Mifflinburg, in Union county,	April 14, 1827.		5,000	Union county.
Act to incorporate the rector, church wardens and vestrymen of the Episcopal church of St. Paul's, in Beaver county,	do.		2,000	Beaver county.
Act establishing an academy in the town of Mifflinburg, in the county of Union,	do.		6,000	Union county.
Act to incorporate the Union academy at Doyles town,	do.		4,000	Bucks county.
Act to incorporate the towns of Jefferson				

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capita authorized to be held.	Quantity land authorized to be held.	Extent of in- come.	Place where corpora- tion transact their busi- ness.
and Hamilton, in Greene county, into a borough,	April 14, 1827.				Greene county.
Act authorizing the incorporation of the Mercer and Vernon turnpike road company,	do.	\$6,250			
Act to incorporate the female hospitable society,	do.	2,000			Philadelphia.
Act incorporating the Lancaster county academy,	do.			\$10,000	Lancaster.
Act incorporating the Trindle Spring German Reformed Calvinist and German Lutheran congregations of Cumberland county,	do.			2,000	Cumberland co.
Act to incorporate the Pennsylvania and Ohio canal company,	do.				
Act to improve the Norwegian creek, in Schuylkill county,	o.				
Act authorizing the incorporation of the president, managers and company of the Mercer, Greenville and Kinsman turnpike road,	do.	5,000			
Act authorizing the Governor to incorporate the Shamokin canal company.	do.	60,000			

Act authorizing the Governor to incorporate the Allegheny and Conewango canal company,

April 16, 1827.

\$250,000

Act to authorize the Governor to incorporate a company to erect a bridge over the north-east branch of the Susquehanna river, at or near the village of Athens, in the county of Bradford,

April 17, 1827.

10,000

Act incorporating the Theological Seminary of the General Synod of the Evangelical Lutheran church in the United States,

do.

\$6,000

Adams county.

Act to incorporate the Pittsburg gas light and coke company,

Dec. 21, 1827.

20,000

Pittsburg.

Act to incorporate the president, managers and company of the Lackawaxen turnpike road,

Jan. 17, 1828.

25,000

Wayne county.

Act to incorporate the Methodist congregation in the borough of Columbia, in the county of Lancaster,

do.

2,000

Columbia.

Act to incorporate the Bethany water company,

do.

Not given.

Bethany.

Act to incorporate the Presbyterian congregation of the borough of Columbia, Lancaster county,

Jan. 21, 1828.

2,000

Columbia.

Act to incorporate the Theological Seminary of the Associate Reformed synod of the west,

do.

2,000

Pittsburg.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the bank of Penn township, in the county of Philadelphia,	February 2, 1828.	\$250,000			Spring Garden district.
Act to incorporate the town of Mount Pleasant, Westmoreland county, into a borough,	February 7, 1828.			\$5,000	Mount Pleasant.
Act to incorporate the Pittsburg and Coal Hill turnpike road company,	do.	1,250			Pittsburg.
Act to incorporate the Miners' bank of Pottsville, in Schuylkill county,	do.	200,000			Pottsville.
Act to incorporate the Mill Creek and Mine Hill navigation and rail road company,	do.	50,000			
Act to incorporate the Peters' mountain turnpike road company,	Feb. 16, 1828.	10,000			Harrisburg.
Act to incorporate the borough of Williamsport, in Huntingdon county,	Feb. 19, 1828.			10,000	Williamsport.
Act erecting Middletown, Dauphin county, into a borough,	do.			5,000	Middletown.
Act to erect the town of Pottsville, Schuylkill county, into a borough,	do.				Pottsville.
Act to incorporate the Springfield Presbyterian church, Erie county,	March 5, 1828.			1,000	Springfield township.

Act to incorporate the Associate Reformed congregation of Mercer,	March 5, 1828.	150 acres.	\$2,000	Mercer county.
Act to incorporate the Pede Baptist congregational society, Smithfield township, Bradford county,	do.	150 acres.	3,000	Smithfield tp.
Act to incorporate the Presbyterian congregation of Fairfield, Westmoreland county,	do.	150 acres.	3,000	Fairfield tp.
Act to incorporate the German Reformed congregation of Christ church, Germany township, Adams county,	do.	150 acres.	2,000	Germany tp.
Act to incorporate the Methodist congregation in the city of Pittsburg, Allegheny county,	do.	150 acres.	8,000	Pittsburg.
Act to erect the town of Dundaff, Susquehanna county, into a horough,	do.		1,000	Dundaff.
Act to erect the village of Towanda, Bradford county, into a borough,	do.		3,000	Towanda.
Act to incorporate a company to erect a bridge over the Juniata river, at the town of Mifflin, in the county of Mifflin,	do.			Mifflin.
Act to alter an act to erect the town of Easton, in the county of Northampton, into a borough,	March 19, 1828.		5,000	Easton.
Act to incorporate the Mine Hill and Schuylkill Haven railroad company,	March 24, 1828.			
Act to incorporate the stockholders of the Philadelphia Arcade,	March 31, 1828.			Philadelphia.

\$10,000  
with power to  
increase the  
same, if ne-  
cessary.

25,000

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Lyeoming navigation, railroad and coal company,	April 9, 1828.	\$250,000			
Act to incorporate the Columbia, Washington and Port Deposit road company, in Lancaster county,	April 10, 1828.	60,000			Lancaster county.
Act to incorporate the Monongahela and Coal Hill turnpike road company,	do.	1,250			Allegheny co.
Act to incorporate the Mount Pleasant free road company in Westmoreland county,	do.	4,000			Westmoreland county.
Act to incorporate the Dundaff and Tunkhannock turnpike road company,	do.	12,500			Luzerne county.
Act to incorporate the Carbondale and Blakely turnpike road company,	do.	7,500			do.
Act to incorporate the Snow Shoe and Packerville turnpike road company,	do.	12,500			
Act to incorporate the Willow Grove and Doylestown turnpike road company,	do.	10,000			Bucks county.
Act to incorporate the Delaware and Schuylkill canal company,	April 12, 1828.	350,000			Philadelphia.
Act to erect the town of Mechanicsburg, Cumberland county, into a borough,	do.	May purchase land for introducing water into the borough.		\$5,000	Mechanicsburg.

	Act to incorporate the Tioga Railroad and coal company,	April 17, 1828.	\$50,000		Tioga county.
VOL. III.	Act incorporating Union church of McKeausburg,	do.		3,000	Schuylkill co.
	Act to incorporate the Presbyterian congregation of Montrose, Susquehanna county.	do.		2,000	Montrose.
	Act to incorporate the Faulkner's Swamp, and Bucks county turnpike road company.	do.	50,000		
2	Act to incorporate the owners of the Weaco and Moyamensing meadows, Philadelphia.	do.		2,000	Philadelphia co.
	Act erecting the town of Allegheny, Allegheny county, into a borough.	April 14, 1828.		5,000	Allegheny co.
	Act erecting the town of Franklin, Venango county, into a borough.	do.		5,000	Venango county.
	Act erecting the town of Birmingham, Huntingdon county, into a borough,	do.		5,000	Huntingdon co.
	Act erecting the town of Northumberland, into a borough.	do.		10,000	Northumb'd co.
	Act to incorporate the Orwigsburg Railroad company,	do.	50,000		
	Supplement to act of incorporation of the Danville and Pottsville Railroad company, capital increased.	do.	700,000		
	Act to establish the Smethport Academy in M'Kean county.			5,000	Smethport.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act supplementary to the act to incorporate and endow the Pennsylvania institution for the deaf and dumb,	Jan. 23, 1829.				Philadelphia.
Act to incorporate St. James church, Philadelphia,	Feb. 5, 1829			\$5,000	do.
Act declaring Christ church and St. Peter's church, in Philadelphia, a body corporate and politic,	do.			4,000	do.
Act erecting the village of Fallston, Beaver county, into a borough,	March 19, 1829.			5,000	Beaver county.
Act to incorporate the Wyoming bank at Wilkesbarre,	March 30, 1829.	\$150,000			Wilkesbarre.
Act to incorporate the Wilsonville and Lackawaxen turnpike road company,	April 3, 1829.	25,000			
Act to incorporate the Salem and Dyberry turnpike road company,	April 16, 1829.	15,000			
Act to incorporate the Athens and Troy turnpike road company,	do.	25,000			
Act to incorporate the Spring House and Summeytown turnpike road company,	do.	10,000			
Act to incorporate the Pittsburg Farmers' and Mechanics' turnpike road company,	do.	1,250			

Act to incorporate the Reading, Reamstown and Ephrata turnpike road company,	April 16, 1829.	\$25,000		
Act to incorporate the Union and Pittsburg turnpike road company,	do.	100,000		
Act to incorporate the first Turkeyfoot Baptist society of Somerset county,	do.	150 acres.	\$2,000	Somerset county.
Act incorporating the Presbyterian congregation at the mouth of Juniata, Perry county,	do,	do.	2,000	Perry county.
Act incorporating the Presbyterian congregation of Shearman's creek, Perry county,	do.	do.	2,000	do.
Act incorporating Presbyterian congregation of the Middle Ridge, Perry county,	do.	do.	2,000	do.
Act incorporating the Presbyterian congregation of Dickinson, of the township of Dickinson, Cumberland county,	do.	do.	2,000	Cumberland co.
Act incorporating the Associate Reformed church in Butler, Butler county,	do.	do.	2,000	Butler county.
Act to incorporate the German Evangelical Lutheran congregation of St Matthews, in and near the city of Philadelphia,	do.	do.	2,000	Philadelphia.
Act incorporating the Methodist Episcopal congregation in the borough of Shippensburg, Cumberland county,	do.			Cumberland eo.
Act incorporating a company to erect a bridge over the Juniata river at Perrysville, in the county of Mifflin,	do,	10,000		Perrysville.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. o. capita authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Mount Carbon railroad company,	April 20, 1829.	\$100,000			Schuylkill co.
Act to incorporate the Lick Run railroad and coal company in Lycoming county,	April 22, 1829.	125,000			Lycoming co.
Act to incorporate the Falls bridge company over the river Schuylkill,	do.	Powers, rights and privileges of the "Schuylkill Falls bridge company, transferred to this co."			Philadelphia co.
Act to incorporate the Franklin Fire insurance company,	do.	200,000			Philadelphia.
Act to extend the charter of the Lancaster bank,	do.				Lancaster.
Act to incorporate the Northern Liberties and Penn township railroad company,	April 23, 1829.	80,000			Philadelphia co.
Act erecting the Northern Liberties of Pittsburgh, into a borough,	do.			\$5,000	Allegheny co.
Act to incorporate the Lycoming and Tioga turnpike road company,	do.	150,000			Lycoming co.
Act to incorporate the Classical and Agricultural school of Susquehanna county,	do.			5,000	Susquehanna co.
Act to incorporate the Philadelphia Marine railway company,	do.	70,000			Philadelphia.
Act to incorporate the Lancaster water company,	do.	60,000			Lancaster co.

Act to incorporate the Evangelical Lutheran congregation of St. Matthews, in the city and vicinity of Philadelphia,

Act to incorporate the Pittsburg and Birmingham turnpike road company.

Act to establish the Dundaff academy, Susquehanna county,

Act to incorporate the Penn creek navigation company,

Act to incorporate the Shippenville and Ementon turnpike road company,

Act to incorporate the Fire Insurance company of Northampton county,

Act to incorporate the Philipsburg and Juniata rail road company,

Act to incorporate the Monongahela bridge company, Fayette county.

Act incorporating the town of Wellsborough into a borough,

Act to incorporate the president, managers and company of the Indiana and Kiskiminetas turnpike road,

Act to incorporate the Armagh and Conemaugh turnpike company,

Act to incorporate the president and managers of the Honesdale and Clarksville turnpike road company,

April 23, 1829.

Jan. 14, 1830.

Feb. 16, 1830.

Feb. 23, 1830

March 10, 1830.

March 12, 1830.

March 16, 1830.

do.

do.

March 23, 1830.

April 2, 1830.

do.

Powers and privileges the same as those granted to the Pittsburg and Coal Hill turnpike road company,

\$20,000

\$4,000

\$10,000

4,500

120,000

10,000

\$,000

2,500

6,250

16,000

Philadelphia.

Pittsburg.

Susquehanna co.

Union county.

Venango county.

Northampton co.

Fayette county.

Tioga county.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of inc. co me.	Place where corporation transact their business.
Act to incorporate the president, managers and company for erecting a bridge over the Conemaugh at or near Clark's ferry,	April 2, 1830.	\$3,750			Westmoreland county.
Act to extend the charters of the Southwark bank, Northampton bank, Farmer's bank of Bucks county,	April 3, 1830.				Philadelphia co. Northampton co. Bucks county.
Act to incorporate the Dauphin and Sunbury turnpike road company,	April 5, 1830.	20,000			
Act to incorporate the Dillsburg and Berlin turnpike road company,	do.	30,000			
Act to incorporate the Marietta, Bainbridge, Falmouth and Portsmouth turnpike road company,	do.	10,000			
Act to incorporate the Tuscarora and Cold Run tunnel and railroad company,	do.	100,000			
Act to incorporate the president, managers and company, for erecting a bridge over the river Juniata, at Huntingdon,	April 6, 1830	\$3,000, with power to increase, if necessary.			Huntingdon. Northumberland county.
Act to incorporate the Milton bridge company, Northumberland county,	do.	12,500			

Act to incorporate the Bedford and Franks- town turnpike road company,	April 6, 1830.	\$20,000	
Act to incorporate the Middleport and Pine creek railroad company,	do.	30,000	
Act to incorporate the Delaware and Sus- quehanna railroad company,	do.	1,000,000	
Act to incorporate the Wallenpaupack im- provement company,	April 7, 1830.	200,000	
Act to incorporate the Lykens' valley rail- road company, in Dauphin county,	do.	40,000	Dauphin county.
Act to erect the town of Petersburg, Hun- tingdon county, into a borough,	do.		\$5,000 Huntingdon co.
Act to incorporate the Beaver meadow rail- road and coal company,	do.	250,000	Northampton co.
Act to incorporate the town of Conemaugh, in Cambria county, into a borough,	Jan. 12, 1831.		3,000 Cambria county.
Act to incorporate the president and mana- gers of the Honesdale and Germanville turn- pike road company,	Jan. 17, 1831.	5,000	Wayne county.
Act to incorporate the president managers and company of the Susquehanna bridge at Clearfield town,	do.	3,000	Clearfield county.
Act increasing the capital stock of the Mine Hill and Schuylkill Haven railroad company,	Jan. 21, 1831.	175,000	
Act to incorporate the president and mana- gers of the Tunkhannock bridge and Carbon- dale turnpike road company,	Jan. 25, 1831.	7,500	Luzerne county.

## LIST—CONTINUED.

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List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to erect the village of Honesdale, in the county of Wayne, into a borough,	Jan. 28 1831.			\$3,000	Wayne county.
Act to incorporate the Philadelphia, Germantown and Norristown rail-road company.	Feb. 17, 1831.	\$400,000			Philadelphia.
Act to incorporate the president, managers and company of the Armstrong and Clearfield turnpike road,	do.	5,000			
Act to recharter the Mechanics' bank of the city and county of Philadelphia,	Feb. 18, 1831.				Philadelphia.
Act to incorporate the West-Chester rail-road company,	do.	100,000			
Act to extend the charter of the Farmers' bank of Reading,	Feb. 23, 1831.				
Act to incorporate the president and managers of the Muncy and Monroe turnpike road company,	do.	20,000			
Act to erect the town of Mercer, in the county of Franklin. into a borough,	Feb. 26, 1831.			1,000	Franklin county.
Act to extend the charter of the Commercial bank of Pennsylvania,	March 2, 1831.				
Act to incorporate the president and					

PROCEEDINGS AND DEBATES.

<p>managers of the Cherry Ridge and Lackawana turnpike road company,</p>	<p>March 2, 1831.</p>	<p>\$10,000</p>			
<p>Act to authorize the Governor to incor- porate the president, managers and company of the Dundaff and Honesdale turnpike road,</p>	<p>March 14, 1831.</p>	<p>10,000</p>			
<p>Act to incorporate the town of Bloom- field, in the county of Perry, into a bo- rough,</p>	<p>do.</p>			<p>\$5,000</p>	<p>Perry county.</p>
<p>Act to incorporate the president, managers and company for erecting a bridge over the Conemaugh at or near Clark's Ferry,</p>	<p>do.</p>	<p>3,750</p>			<p>Indiana county.</p>
<p>Act to incorporate the American Insurance company,</p>	<p>March 18, 1831.</p>	<p>200,000</p>			<p>Philadelphia.</p>
<p>Act to incorporate the Washington and Pitts- burg railroad company,</p>	<p>do.</p>	<p>250,600</p>			
<p>Act to incorporate the Hummelstown, Mid- dletown and Portsmouth turnpike road com- pany,</p>	<p>do.</p>	<p>10,000</p>			<p>Dauphin county.</p>
<p>Act to incorporate the Little Schuylkill and Susquehanna railroad company,</p>	<p>March 21, 1831.</p>	<p>300,000</p>			
<p>Act to erect the town of New Cumberland, in the county of Cumberland, into a bo- rough,</p>	<p>do.</p>			<p>3,000</p>	<p>Cumberland co.</p>
<p>Act to incorporate the Hydraulic company of the borough of Berwick.</p>	<p>do.</p>	<p>2,500</p>			
<p>Act to incorporate the towns of Lawrence- ville and Covington, in Tioga county,</p>	<p>do.</p>			<p>2,000</p>	<p>Tioga county.</p>

## LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantit. and amount authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Pennsylvania horticultural society,	March 23, 1831.			\$20,000	
Act to incorporate the Robstown bridge company,	do.	\$4,000			Westmoreland county.
Act to incorporate the Bethany and Honesdale turnpike road company,	March 25, 1831.	4,000			Wayne county.
Act erecting the village of Athens, in the county of Bradford, into a borough,	March 29, 1831.			5,000	Bradford county.
Act to incorporate the president and managers of the York Haven bridge company,	March 30, 1831.	50,000			York county.
Act to extend the charter of the bank of the Northern Liberties, and the charter of the Monongahela bank of Brownsville,	do.				Philadelphia co. Fayette county.
Act to incorporate the Warren and Ridgeway turnpike road company,	do.	12,500			
Act to incorporate the Lorberrry creek railroad company.	do.	10,000			Schuylkill county.
Act to incorporate the Honesdale and Big Eddy turnpike road company.	do.	10,000			Wayne county.
Act to incorporate the Bald Eagle, Nittany and Bellefonte turnpike road company,	do.	7,500			Centre county.

Act to incorporate the Bald Eagle and Nittany valley turnpike and railroad company,	March 30, 1831.	\$4,000		Centre county.
Act to incorporate the Lizzard creek, Lehigh and Loyalbanna bridge companies,		6,250		Northampton co.
Act to incorporate the town of Minersville, in the county of Schuylkill, into a borough,	April 1, 1831.	1,000		Westmoreland co.
Act to incorporate the president and managers of the Williamsport and South creek turnpike road company,	do.		\$5,000	Schuylkill co.
Act to incorporate the bank of Northumberland.	do.	60,000		Lycoming co.
Act to incorporate the Taylorsville Delaware bridge company,	do.	200,000		Northumberland.
Act to incorporate the Pennsylvania fire company, and the Diligent fire engine company of Philadelphia,	do.	20,000		Bucks county.
Act to incorporate the Fishing creek railroad company,	do.		1,333 33	Philadelphia.
Act to incorporate Boustown, in the county of Westmoreland, into a borough,	do.	20,000	1,333 33	do.
Act to incorporate the Philadelphia and Delaware county railroad company,	April 2, 1831.		5,000	Schuylkill co.
Act to incorporate the Southwerk railroad company,	do.	200,000		Westmoreland co.
Act to incorporate the Swatara and Good Spring creek railroad company,	do.	200,000		Philadelphia.
	do.	18,000		Philadelphia.

## LIST—CONTINUED

Lists of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Roush creak railroad company,	April 2, 1801.	\$12,000			
Act to incorporate the proprietors of the borough and township of Wilkesbarre, the proprietors of Hanover, and the proprietors of Plymouth,	do.		Neither corporation to hold property to exceed in value \$10,000.		Luzerne county.
Act to incorporate the Cumberland valley railroad company,	do.	200,000			Cumberland co.
Act to incorporate the Wyalusing salt manufacturing company,	do.	5,000			Bradford county.
Act to incorporate the West Philadelphia canal company,	April 4, 1831.	20,000			Philadelphia co.
Act to incorporate the Rock Cabin and Tangascootack railroad company in Centre county,	do.	12,500			Centre county.
Act to incorporate the town of Landisburg, in the county of Perry, into a borough,	Dec. 21, 1831.			\$2,000	Perry county.
Act to incorporate Christ church, Philadelphia,	Jan. 13, 1832.			5,000	Philadelphia.
Act to incorporate St. Peter's church, Philadelphia,	do.			5,000	do.

Act to incorporate the Williamsburg, Martinsburg, and Bedford turnpike road company,	Feb. 7, 1832.	\$12,500		
Act to incorporate the Pittsburg navigation and fire insurance company,	Feb. 15, 1832.	250,000		Pittsburg.
Act to incorporate the Philadelphia and Trenton Railroad company,	Feb. 23, 1832.	600,000		Philadelphia.
Act to incorporate the Pennsylvania coke and iron company,	March 6, 1821.	250,000	3,500 acres.	
Act to incorporate the Franklin Railroad company,	March 12, 1832.	300,000		Franklin county.
Act to incorporate the York and Maryland line Railroad company,	March 14, 1832.	200,000		York county.
Act to incorporate the President, managers and company of the Williamsport bridge company,	March 16, 1832:	10,000		Washington co.
Act to incorporate the Philadelphia exchange company,	March 20, 1832.	300,000		Philadelphia.
Act to incorporate the Manayunk bridge company, over the Schuylkill river and canal,	March 24, 1832.		To an amount sufficient to finish the work.	Philadelphia co.
Act to incorporate the Delaware Water Gap bridge company,	March 29, 1832.	15,000		Northampton co.
Act to incorporate the Moyamensing bank, in the county of Philadelphia,	March 30, 1832.	250,000		Philadelphia co.
Act to erect Lewisberry into a borough,	April 3, 1832.			York county.
Act to erect Martinsburg into a borough,	do.			Bedford county.
Act to erect Claysville into a borough,	do.			Washington co.
				\$3,000
				3,000
				1,000

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to erect the town of Warren, in the county of Warren, into a borough,	April 3, 1832.			\$5,000	Warren county.
Act to incorporate the Girard bank, in the city of Philadelphia,	do.	\$1,500,000			Philadelphia.
Act to incorporate the Somerset and Cumberland turnpike road company,	April 5, 1832.	10,000			Somerset.
Act to incorporate the Abington and Exeter turnpike road company,	do.	15,000			Luzerne county.
Act to incorporate the Adams county Railroad company,	April 6, 1832.	100,000			Adams county.
Act to incorporate a company to erect a toll bridge over Swatara creek opposite the centre square of Hummelstown, in the county of Dauphin,	do.	2,500			Dauphin county.
Act to incorporate the Berrys' Mountain turnpike road company,	do.	5,000			do.
Act to incorporate the Northampton horse insurance company, for the insurance of the lives of horses and apprehension and detection of horse thieves,	do.			To hold personal estate not to exceed \$10,000	Northampton co.
Act to incorporate the President, Managers, and company for erecting a bridge					

over the river Juniata, at the town of Holidayburg,	April 7, 1832.	\$3,000	Huntingdon co.
Act to incorporate the Ligget's Gap rail road company,	do.	1,000,000	
Act to incorporate the Niagara Hose company of Philadelphia,	do.		\$2,000 Philadelphia.
Act to incorporate the president, managers and company for erecting a bridge over the Kiskeminetas river at the town of Leechburg,	do.	4,000	Armstrong co.
Act to incorporate the Norristown, Berks and Lehigh rail road company,	do.	1,250,000	
Act to incorporate the Philadelphia steam towboat company,	do.	75,000	Philadelphia.
Act to extend the charters of the Bank of Montgomery county, Bank of Chambersburg, Carlisle Bank, Bank of Delaware county,	do		
Act to incorporate the trustees of the Pennsylvania college of Getysburg, in the county of Adams,	do.		6,000 Adams county.
Act to incorporate the Western bank of Philadelphia,	April 23, 1832.	500,000	Philadelphia.
Act to incorporate the Manufacturer's and Mechanics' bank of the Northern Liberties, in the county of Philadelphia,	do,	300,000	do.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to establish the Doylestown bank of Bucks county,	April 23, 1832.	\$150,000			Bucks county.
Act to incorporate the Philadelphia Union beneficial society,	May 3, 1832.			\$1,500	Philadelphia co.
Act to incorporate a company to build a bridge over the river Schuylkill between the Black and White horse taverns, in Amity township, Berks county,	do.	10,000			Schuylkill co.
Act to incorporate the Farmers' Fire insurance company, of Upper and Lower, Saucun townships, in Northampton county,	do.				Northampton co.
Act to incorporate the Southwark Hose company,	do.			1,333 33	Philadelphia co.
Act to incorporate the Fallston Fire company,	do.				Beaver co.
Act to incorporate the Fire insurance company of the county of Philadelphia,	do.				Philadelphia co.
Act to incorporate the United States Fire company,	do.	200,000		1,333 83	Philadelphia.
Act to incorporate the the Easton Beneficial society, of the borough of Easton, in the county of Northampton,	May 4, 1832.			2,000	Northampton co.

	Act to incorporate the North America bene- ficial society of Pennsylvania,	May 4, 1832.		\$2,000	
	Act to incorporate the Southwark Union beneficial society,	do.		2,000	Philadelphia co.
	Act to incorporate the Newton beneficial society,	do.		2,000	
	Act to incorporate the Kensington beneficial society of Pennsylvania,	do.		2,000	do.
	Act to incorpora • the Franklin assistance society of Blockley,	do.		2,000	do.
	Act to incorporate the Beneficial society of the borough of Bristol, Bucks county,	do.		2,000	Bucks county.
	Act to incorporate the town of Liverpool in the county of Perry, into a borough,	do.		2,000	Perry county.
	Act to incorporate the trustees of the proprietors of Salem township, in Luzerne county,	do.			Luzerne county.
	Act to incorporate the Pottsville, Miners- ville, Carbondale and Susquehanna turnpike road company,	May 5, 1832.	\$10,000		
	Act to incorporate the Wilkesbarre water and insurance company,	do.	12,000		do.
	Act to incorporate the Sumneytown and Perkiomen turnpike road company,	do.	25,000		Montgomery co.
	Act to incorporate the Delaware Fire com- pany of Philadelphia,	do.		2,000	Philadelphia.
	Act to incorporate the Milton Lancasterian association,	do.		2,000	Northumberland county.

Not to hold  
property exceed-  
ing in value  
\$10,000.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Machpelah cemetery society of Philadelphia,	May 5, 1832.			\$2,000	Philadelphia co.
Act to incorporate the president and managers of the Honesdale and Great Equinunk turnpike road company,	May 7, 1832.	\$20,000			Wayne coun ty.
Act to incorporate the president, managers and company of the Schuylkill bridge at Matson's ford,	do.	20,000			Montgomery co.
Act to incorporate the Asbury beneficial society of the city and county of Philadelphia,	do.			1,300	Philadelphia.
Act to incorporate the Philadelphia Typographical society,	do.			1,500	do.
Act to incorporate the Philadelphia Lying-in Charity for attending indigent females at their own houses,	do.			5,000	do.
Act to incorporate the town of Pine Grove in the county of Schuylkill, into a borough,	do.			5,000	Schuylkill co.
Act to incorporate the Strasburg railroad company,	June 9, 1832.	40,000			Lancaster county.
Act to incorporate the Williamsport and Elmira railroad company,	do.	250,000			Lycoming co.

Act to incorporate the Marietta and Columbia railroad company,	June 9, 1832.	\$100,000	Lancaster county.
Act to incorporate the Portsmouth and Lancaster railroad company,	do.	400,000	
Act to incorporate the Oxford railroad company,	do.	200,000	
Act to establish the bank of Middletown,	do.	200,000	Dauphin county.
Act to incorporate the president, managers and company of the Chocanut and Tunkhannock turnpike road,	Jan. 17, 1833.	50,000	Susquehanna co.
Act to incorporate the Willardsburg turnpike road company,	Jan. 23, 1833.	50,000	Tioga county.
Act to incorporate the president and managers of the Potter and M'Kean turnpike road company,	Jan. 29, 1818.	15,000	
Act to incorporate the Belvidere Delaware bridge company,	Feb. 11, 1833.	20,000	Northampton co.
Act authorizing the Governor to incorporate the Harrisburg water company,	Feb. 14, 1833.	40,000	Dauphin county.
Act to erect Mifflintown, in the county of Juniata, into a borough,	March 6, 1833.	\$5,000	Juniata county.
Act to incorporate the Philadelphia Fire company,	March 18, 1833.	2,000	Philadelphia.
Act to incorporate the Northern Liberty Fire company, No. 1.,	do.	2,000	do.
Act to incorporate the Wilkesbarre Reliance Fire company,	do.	2,000	Luzer ne co.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	A'mt. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Allegheny engine and hose company,	March 18, 1833.			\$2,000	Allegheny county.
Act to incorporate the Eagle Fire engine and hose company of Pittsburg,	do.			2,000	do.
Act to incorporate the United States hose company of Philadelphia,	do.			2,000	Philadelphia.
Act to incorporate the Merchants' and Manufacturers' bank of Pittsburg.	March 29, 1833.	\$600,000			Pittsburg.
Act increasing the capital stock of the Philadelphia, Germantown and Norristown railroad company,	March 30, 1833.	200,000			Philadelphia.
Act to incorporate the Chambersburg Insurance company,	April 3, 1833:	50,000			Franklin county.
Act to extend the charters of the Insurance company of North America, the Insurance company of the State of Pennsylvania, the Philadelphia Insurance company, the Phoenix Insurance company, the Union Insurance company of Philadelphia, the Delaware Insurance company of Philadelphia.	do.				
Act to incorporate the Fire association of Philadelphia,	do.	100,000			Philadelphia.

Act to establish the Haverford School association,	April 4, 1838.	\$60 000	\$10,000	
Act to incorporate the Wyoming and Lehigh railroad company,	do.	250,000		Luzerne county.
Act to incorporate the Philadelphia and Reading railroad company,	do.	1,000,000		Philadelphia.
Act to incorporate the Norristown and Mount Carbon railroad company,	April 6, 1838.	1,000,000		
Act to incorporate the Philadelphia society for alleviating the miseries of the public prisons,	do.		5,000	do.
Act to incorporate the Clarion and Red Bank turnpike road company,	do.	2,500		
Act to incorporate the Philadelphia Hospital,	do.		5,000	do.
Act to incorporate the Theological seminary at Canonsburg. in the county of Washington, belonging to the Synod of the Associate Presbyterian church of North America,	April 8, 1838.		1,333 33	Washington co.
Act to incorporate the Northern Liberties, Kensington and Spring Garden Saving Fund society,	do.		5,000	Philadelphia co.
Act to incorporate the Petersburg turnpike road company,	do.	25,000		
Act to incorporate the Muncy Fire company, the Columbia Fire engine and hose company, the Perseverance hose company				

LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
of Philadelphia, the Columbia hose company of Philadelphia, Wicacoa Fire company of Philadelphia, and the Northumberland Fire company,	April 8, 1833.			Each company \$2,000, making a total of \$12000	
Act to incorporate the Norristown Baptist church, in the county of Montgomery,	do.		150 acres.	\$2,000	Montgomery co.
Act to erect the village of Oxford, in the county of Chester, into a borough,	do.			3,000	Chester county.
Act to incorporate the Lycoming coal company,	do.	\$500,000		6,000	Lycoming county.
Act to incorporate the Conneautte library company, in the county of Erie,	do.				Erie county.
Act to erect the town of Waterford, in the county of Erie, into a borough,	do.			5,000	do.
Act to incorporate the town of Wattsburg, in the county of Erie, into a borough,	do.			5,000	do.
Act to incorporate the Philadelphia cemetery, in the township of Moyamensing, Philadelphia county,	do.				Philadelphia co.
Act to incorporate the Second Presbyterian church, in the borough of Carlisle, Cumberland county,	do.			3,000	Cumberland co.

Act to incorporate the town of Freeport in the county of Armstrong, into a borough.

April 8, 1838.

\$5,000 Armstrong co.

Act to incorporate the Philadelphia and Falls bridge turnpike road company,

do. \$35,000

Philadelphia.

Act to incorporate the president, managers and company for erecting a bridge over Red Bank creek, at or near where the road from Bedford to Franklin crosses said creek in the county of Armstrong,

do. 1,000

Armstrong co.

Act to incorporate the towns of

Womelsdorf, Berks county,  
Tamaqua, Schuylkill county,  
New Salem, Westmoreland county,  
Marietta, Lancaster county,  
Marcus Hook, Delaware county,  
Williamsport, Washington county, [into

do.

5,000 Berks county.  
5,000 Schuylkill co.  
5,000 Westmoreland co.  
5,000 Lancaster co.  
5,000 Delaware co.  
5,000 Washington co.

boroughs.

Act to incorporate the Pittsburg Saving fund company,

do.

Pittsburg.  
Carlisle.

And the Carlisle Saving fund company,

do.

Act to incorporate the Somerset and Conemaugh turnpike road company,

April 9, 1838. 10,000

Evansburg and Pierpont turnpike road company,

2,750

Greensburg and Somerset free road,

2,000

LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Sugar Grove and Union turnpike road company,	} April 9, 1833. }	\$10,000			
Pittsburg and Coal Hill turnpike road company,		1,250			Allegheny co.
President, managers and company for erecting a bridge over Beaver creek, opposite the town of Brighton,		15,000			Peaver county.
President, managers and company for erecting a bridge over the river Lehigh, at Lockport,		6,200			
President, managers and company for erecting a bridge over the Conemaugh river at or near the town of Livermore,		10,000			Westmoreland co.
Carbondale and Tunkhannock turnpike road company,		25,000			
President, managers and company of the Sugar Loaf and Hale's Eddy turnpike road company,		15,000			
Kensington Screw Deck company,		68,000			Philadelphia co.
Lycoming bridge and turnpike road company,		50,000			Lycoming co.

Year III	Act to incorporate the Evangelical Lutheran congregation of St. Paul's church, Montgomery county,	April 9, 1833.		\$2,000	Montgomery co.
	Act to incorporate the Lutheran and German Reformed church of Hempfield, Lancaster county,	do.		2,000	Lancaster county.
	Act to incorporate the Butler and Freeport turnpike road company,	do.	\$2,000		
	Act to incorporate the Carbondale and Lackawana turnpike road company,	do.	15,000		Luzerne county.
	Act to incorporate the Susquehanna railroad company,	do.	1,000,000		
	Act to incorporate the Briar creek and Mifflinsburg bridge company,	do.	20,000		Columbia county.
	Act to erect the town of Dillsburg, in York county, into a borough,	do.		3,000	York county.
	Act to erect the village of McVeytown, in Mifflin county, into a borough,	do.		1,000	Mifflin county.
	Act to incorporate the president, managers and company of the Schuylkill bridge, at or near Leiss' mills, Berks county.	do.	7,750		Berks county.
	Act to incorporate the president, managers and company of the Schuylkill bridge, at or near Bells' mill,	do.	7,750		do.
	Act to innorporate the West Chester extended railroad	do.	11,000		Chester county.
	Act to recharter the Bank of Pittsburg, with an increase of capital stock,	January 17, 1834.	800,000		Pittsburg.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate and endow the Pennsylvania institution for the instruction of the blind,	January 27, 1844.			\$50,000	Philadelphia.
Act to incorporate the president, managers and company of the Bethany and Canaan turnpike road,	February 1, 1835.	\$4,000			Wayne county.
Act to incorporate the Yardleyville Delaware bridge company,	February 6, 1834.	20,000			Bucks county.
Act to incorporate the Dingman's Choice and Delaware bridge company,	Feb. 11, 1834.	15,000			Pike county.
Act to incorporate the borough of Marietta, in the county of Lancaster,	Feb. 15, 1834.			5,000	Lancaster county.
Act to incorporate the town of Lawrenceville, into a borough,	Feb. 18, 1834.			2,000	Allegheny county.
Act to recharter the Kensington bank, Philadelphia county,	do.				Philadelphia co.
Act to erect the town of North East, in the county of Erie, into a borough,	Feb. 27, 1834.			3,000	Erie county.
Act for the establishment of a college at Bristol, in the county of Bucks,	do.			20,000	Bucks county.
Act to incorporate the Lumbermen's bank at Warren,	Feb. 28, 1834.	100,000			Warren county.

Act to incorporate the Port Carbon saving fund society,	Feb. 25, 1834.			Schuylkill co.
Act to incorporate the Norristown insurance company,	March 11, 1834.	\$50,000		Montgomery co.
Act to re-charter the Schuylkill bank, in the city of Philadelphia, with increase of capital,	do.	500,000		Philadelphia.
Act to extend the charter of the York bank, in the county of York,	do.			York county.
Act to incorporate the Wisahickon turnpike road company,	March 18, 1834.	80,000		Philadelphia co.
Act to incorporate the Orphan's Asylum society of Pittsburgh and Allegheny,	March 20, 1834.		\$8,000	Allegheny co.
Act to incorporate the Matson's ford turnpike road company,	April 1, 1834.	5,000		Montgomery co.
Act to incorporate the Lancaster saving institution,	do.			Lancaster co.
Act to incorporate the Philadelphia savings institution,	April 5, 1834.	200,000		Philadelphia.
Act to erect the town of Elizabeth, in the county of Allegheny, into a borough,	do.		3,000	Allegheny co.
Act to erect Brookville, Jefferson county, Armagh, Indiana county, Shrewsburg, York county; and Greenfield, Washington county, into boroughs,	} April 9, 1834.		5,000 5,000 3,000 5,000	Jefferson county. Indiana county. York county. Washington co.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Amount of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to erect Ligonier and New Alexandria, in the county of Westmoreland, into boroughs,	April 10, 1834.			\$10,000	Westmoreland county.
Act to incorporate the Harmony bridge company,	do.	\$5,000			Susquehanna co.
Act to incorporate the trustees of the Zelenople academy and burial ground,	do.			4,000	Butler county.
Act to incorporate the Pottsville water company,	April 11, 1834.	20,000			Schuylkill co.
Act to incorporate the Pittsburg savings institution,	do.	200,000			Pittsburg.
Act to incorporate the Womelsdorf union academy,	do.	2,400		2,000	Berks county.
Act to incorporate the president, managers and company of the Butler and Freeport turnpike road company,	April 14, 1834.	2,000			
Act to incorporate the Pennsylvania mining company,	do.	250,000	2,000 acres.		
Act to incorporate the Bald Eagle and Spring creek navigation company,	do.	50,000			Centre county.
Act to incorporate the borough of Wrightsville,	do.			5,000	York county.

Act to incorporate the Bridgeport and Flat Rock turnpike road company,

April 14, 1834.

64,000

Montgomery co.

Act to incorporate the president and managers of the Brown's Mills and Alexandria turnpike road company,

do.

17,500

Huntingdon co.

Act to incorporate the president, managers and company of the Schuylkill bridge, at or near John Althouse's, Berks county,

do.

3,000

Berks county.

Act to incorporate the president and managers of the Pottsville and Mauch Chunk turnpike road company,

do.

12,500

Act to incorporate the trustees of the Associate Reformed congregation of Brush creek,

do.

\$2,000

Westmoreland county.

Act to recharter the Erie bank,

do.

Erie.

Act to incorporate the Towanda bank,

do.

150,000

Bradford county.

Act to incorporate the Harrisburg savings institution,

do.

50,000

Harrisburg.

Act to incorporate the Chemung bridge company,

do.

5,000

Bradford county.

Act to incorporate the president and managers of the Bald Eagle, Nittany and Brush valley turnpike road company,

do.

7,500

Centre county.

Act to incorporate the Muddy Branch railroad company,

do.

12,000

Schuylkill county.

Act to incorporate the Adamsburg school house, in Westmoreland county.

do.

2,000

Westmoreland county.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of inc. coma.	Place where corporation transact their business.
Act to incorporate the Fishing creek navigation company,	April 14, 1834.	\$10,000			Centre county.
Act to incorporate the Johnstown and Ligonier turnpike road company,	do.	10,000			
Act to incorporate the president, managers and company, for erecting a bridge over the river Susquehanna, at Tunkhannock,	do.	3,000			Luzerne county.
Act to incorporate the Manyunk Athenæum and Library company,	do.	5,000			Philadelphia co.
Act to incorporate the Firemens' Insurance company of the city of Pittsburg, and vicinity,	April 15, 1834.	250,000			Pittsburg.
Act to incorporate the Erie fire and marine insurance company,	do.	100,000			Erie county.
Act to incorporate the Johnstown and New Alexandria turnpike road company,	do.	15,000			
Act erecting the town of Mount Jackson, in the county of Beaver, into a borough,	do.			\$2,000	Beaver county.
Act to incorporate a company to erect a bridge over the Schuylkill river, at or near Phoenixville, in Chester county,	do.	16,000			Chester county.

Act to incorporate the Bloomfield saving fund association,

April 15, 1834.

\$50,000

Perry county.

Act to incorporate the Southwark fire insurance company of the county of Philadelphia,

do.

200,000

Philadelphia co.

Act to incorporate West Philadelphia railroad company,

Feb. 16, 1835.

200,000

Philadelphia.

Act to incorporate the Ligonier and Donegal turnpike road,

March 4, 1835.

10,000

Westmoreland co.

Act to incorporate a company to erect a bridge over the West Branch of the river Susquehanna, at Walton's landing,

March 13, 1835.

4,000

Act erecting Trinity church and All Saint's church, in the county of Philadelphia, and St. Thomas' church, in the county of Montgomery, into three separate corporations,

March 21, 1835.

\$6,000

Philadelphia, and Montgomery counties.

Act to incorporate the Philadelphia association for the relief of disabled fireman,

March 24, 1835.

6,000

Philadelphia.

Act to recharter the  
 Bank of Chester county,  
 Bank of Germantown,  
 Easton bank,  
 Farmer' bank of Lancaster, and the  
 Lumberville Delaware bridge company,

April 7, 1835.

20,000

Chester county.  
 Philadelphia co.  
 Northampton co.  
 Lancaster.

Act to incorporate the Resolution Hose company in York,

April 9, 1835.

500

York coun.y.

LIST--CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Neversink fire engine company,	April 9, 1835.			\$500	Berks county.
Act to incorporate a company to erect a bridge over Stony creek, at Johnstown, Cambria county,	April 10, 1833.	\$2,000			Cambria county.
Act to incorporate the Hollidaysburg and Bedford turnpike road company,	} April 10, 1835. }	25,000			Philadelphia co.
Blairsville and Mount Pleasant turnpike road company,		10,000			do.
Wilsonville and Indian Orchard turnpike road company,		7,500			do.
Germantown and Wissahicon turnpike road company,		7,500			do.
Act to incorporate the Attleborough fire company of Bucks county,	do.			1,333 33	Bucks county.
Act to incorporate the Delaware county insurance company,	do.	100,000			Delaware county.
Act to incorporate the Sterling and New Foundland turnpike road company,	do.	10,000			
Act to incorporate the Delaware county Branch railroad company,	April 11, 1835.	50,000			do.

PROCEEDINGS AND DEBATES.

Act to incorporate the Lennox and Harmony turnpike road company,	April 11, 1835.	\$2,500		Susquehanna co.
Act to revive the act incorporating the Pittsburg and Beaver turnpike road company,	do.			
Act to incorporate the Doylestown insurance company,	April 13, 1835,	30,000		Bucks county. Dauphin county.
Act to recharter the Harrisburg bank,	do.		Repealed Feb. 19th, 1837.	
Act to incorporate the Laurel Hill college, in Penn township, Philadelphia county,	do.		\$8,000	Philadelphia co.
Act to incorporate the Lancaster savings institution,	April 14, 1835.	50,000		Lancaster.
Act to incorporate the Middletown school association, in the county of Bucks,	do.		6,000	Bucks county.
Act to incorporate the Farmers' and Drivers' bank of Waynesburg,	do.	100,000		Greene county.
Act to incorporate the bank of Lewis town,	do.	200,000		Mifflin county.
Act to incorporate the Abbeville institute,	do.	11,000	5,000	Lancaster county.
Act to incorporate the Hanover saving fund society,	do.	50,000		York county.
Act to incorporate the Berks county savings institution,	do.	50,000		Berks county.
Act to incorporate the Philadelphia fire and inland navigation insurance company,	April 15, 1835.	250,000		Philadelphia.

## LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Lewisburg and Jersey Shore turnpike road and bridge company, and the West Chester and Port Deposit railroad company,	April 15, 1825.	\$25,000			Union county.
Act to incorporate the Susquehanna canal company,		600,000			
Act to incorporate the Spring Garden fire insurance company of Philadelphia county,	do.	250,000			Philadelphia co.
Act to incorporate the Norristown and Valley railroad company,	do.	200,000			
Act to incorporate the American porcelain company,	do.	500,000			Philadelphia.
Act to incorporate the Armagh and Johnstown turnpike road company,	do.	100,000			
Act to incorporate the Yardleyville Delaware bridge company,	do.	10,000			Bucks county.
	do.	80,000			

Act to incorporate the Methodist Episcopal church at Tunkhannock, Luzerne county,	} April 15, 1835.	}	2,000	Luzerne county.
Presbyterian congregation at Johnstown, and the Methodist Episcopal church at Norristown, Montgomery county,			3,000	Cambria county.
Act to incorporate the Wrightsville and York railroad company,			do.	\$150,000
Act to extend the charter and increase the capital stock of the Mechanics' bank of the city and county of Philadelphia,	do.			Philadelphia.
Act supplementary to an act incorporating the proprietors of the Philadelphia Museum,	Dec. 22, 1835.			do
Act to incorporate the Reading and Brandywine railroad company,	January 12, 1836.	500,000		
Act to incorporate the United States bank,	January 18, 1836.	35,000,000		do-
Act to incorporate the Exchange bank of Pittsburg,	March 2, 1836.	1,000,000		Pittsburg.
Act to incorporate the Kensington and Oxford turnpike road company,	March 4, 1836.	80,000		
Act to incorporate the Franklin bank of Washington,	March 9, 1836.	300,000		Washington co.
Act to incorporate a company to erect a bridge over the Allegheny river, from Me-				

## LIST—CONTINUED.]

List of Acts of Incorporation.	Date of Acts.	Amount authorized to be held.	Quantity authorized to be held.	Extent of income.	Place where the corporation transact their business.
chanics street, in the borough of the Northern Liberties of Pittsburg, in Allegheny county,	March 14, 1836.	\$60,000			Allegheny co.
Act to incorporate the Warren and Pine Grove railroad company,	do.	100,000			
Act to charter the Girard life insurance and trust company of Philadelphia,	March 17, 1836.	500,000			Philadelphia.
Act to incorporate the Warren and Franklin turnpike road company,	do.	20,000			
Act to incorporate the Plymouth railroad company,	March 18, 1836.	3,000			
Act to incorporate the Honesdale bank of Wayne county,	do.	100,000			Wayne county.
Act to incorporate the Summit coal company,	do.	150,000	2,000 acres.		Northampton co.
Act to incorporate the Hazleton coal company,	do.	150,000	do.		
Act to incorporate the Wrightsville and Gettysburg railroad company,	March 21, 1836.	500,000			
Act to incorporate the Bristol and Newtown railroad company,	March 22, 1836.	100,000			

Act to incorporate the Reiglesville Delaware bridge company,	March 22, 1836.	\$20,000	Bucks county.
Act to incorporate the New Hope, Doylestown and Norristown railroad company,	March 23, 1836.	250,000	
Act to incorporate Fallstown bridge company,	do.	15,000	Beaver county.
Act to incorporate the Pennsylvania bituminous coal company,	do.	675,000	
Act increasing the capital stock of the Harrisburg water company,	March 28, 1836.	50,000	Dauphin county.
Act incorporating the Water works company of the Northern Liberties of Pittsburg,	March 29, 1836.	60,000	Pittsburg.
Act to incorporate the Chester and Delaware railroad company,	March 30, 1836.	200,000	
Act to incorporate the Phoenixville and Chester Springs railroad company,	March 31, 1836.	150,000	Chester county.
Act incorporating the Newville Branch railroad company,	do.	6,000	Cumberland co.
Act to incorporate the Beaver and Conneaut railroad company,	do.	500,000	
Act to incorporate the Monongahela navigation company,	do.	300,000	
Act to incorporate the Philadelphia loan company;	do.	500,000	Philadelphia.
Act to incorporate the Willardsburg and Jersey Shore railroad company,	do.	800,000	

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate Marshall college, at Mercersburg, and Haddington college, in the county of Philadelphia,	} March 31, 1836. }			\$5,000	Franklin county.
Act incorporating the Mechanics' and Tradesmens' loan company of the State of Pennsylvania,		do.	\$500,000		15,000
Act to incorporate the Birmingham and Elizabethtown turnpike road company,	do.	\$500,000			do.
Act to incorporate the Somerset and Shanksville turnpike road company,	[do.	15,000			Allegheny county.
Act to incorporate the Pennsylvania hotel company,	do.	37,500			
Act to incorporate the Lewisburg, Penns' Valley and Hollidaysburg rail road company,	April 1, 1836.	600,000			Philadelphia.
Act to incorporate the Dunnstown bridge company,	do.	750,000			
Act to incorporate the Chester county insurance company,	do.	10,000			Lycoming county.
Act to incorporate the Chester county insurance company,	do.	50,000			Chester county.

Act to incorporate the Chambersburg and Loudon railroad company,	April 1, 1836.	\$100,000		Franklin county.
Act to incorporate the Pike county and Port Jarvis bridge company,	do.	30,000		Pike county.
Act to incorporate the Nanticoke and Hughesville turnpike road company,	do.	5,000		
Act to incorporate the Washington and Middletown turnpike road company,	do.	30,000		
Act to incorporate the Lebanon Valley railroad company,	do.	750,000		
Act to incorporate the Erie railroad company,	do.	100,000		
Act to incorporate the Muncy canal company,	do.	2,500		
Act to recharter the North American coal company,	do.		This company was formed by uniting the Cecil and Oxford companies.	Lycoming county.
Act to incorporate the Philadelphia and Port Deposit railroad company,	do.			
Act increasing the capital stock of the Lumbermen's bank at Warren,	do.	100,000		Warren county.
Act to incorporate the Berks county bank,	do.	200,000		Berks county.
Act to incorporate the Titusville and Union mills turnpike road company,	do.	25,500		
Act to incorporate the New Holland railroad company,	do.	100,000		
Act to incorporate the Catawissa and Towanda railroad company,	do.	800,000		

LIST—CONTINUED

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Richmond railroad company,	April 1, 1836.	\$100,000			Philadelphia co.
Act to incorporate the Towanda and Franklin rail road company,	April 2, 1836.	500,000			Erie.
Act to incorporate the Presque Isle hospital at Erie,	April 29, 1836.				
Act to incorporate the Southern loan company of Philadelphia.	do.	500,000			Philadelphia.
Act to incorporate the Kensington and Penn township railroad company,	May 16, 1836.	300,000			do.
Act to incorporate a company to build a toll bridge over the river Schuylkill, at or near Mohr's tavern, in Windsor township, Berks county,	May 17, 1836.	2,400			Berks county.
Act to incorporate the Pine Grove and Schuylkill Haven railroad company,	May 18, 1836.	250,000			
Act to recharter the bank of Penn township, in Philadelphia county, capital increased.	May 20, 1836.	250,000			Philadelphia co.
Act to incorporate the New Castle railroad company,	June 3, 1836.	200,000			

Act to incorporate the Lykens valley coal company,	June 2, 1836.	\$300,000	2,000 acres.	Dauphin county.
Act to incorporate the Beaver county insurance company,	June 13, 1836.	50,000		Beaver county.
Act to incorporate the Philadelphia and Taylorsville railroad company,	June 15, 1836.	600,000		
Act to incorporate the Hestonville and Schuylkill railroad company.	do.	Not defined in the law.		
Act to incorporate the Quin's Run railroad and coal company,	June 16, 1836.	300,000	5,000 acres.	
Act to incorporate the Shamokin coal and mining company,	do.	300,000	3,000 acres.	Northumberland county.
Act to increase the capital stock of the Tuscarora and Cold Run tunnel railroad company,	do.	250,000		
Act to incorporate the Huntingdon and Chambersburg railroad company,	do.	100,000		
An act to incorporate the North American academy of the Homœopathic healing art,	do.		\$2,000	Lehigh county.
Act to incorporate the Northampton and Luzerne coal company,	do.	150,000		
Act to incorporate the Warren bridge company,	do.	10,000		Warren county.
Act to incorporate the Reading, Fredericksburg and Susquehanna railroad company,	do.	750,000		
Act to incorporate the Franklin Edge Tool factory,	do.	70,000		Franklin county.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Buck Mountain coal company, Franklin academy at Harford, Towanda academy, Little Saw Mill Run turnpike road company,	June 16, 1836.	\$150,000	2,000 acres.		Luzerne county. Susquehanna co. Bradford county.
Act to incorporate the Preston Retreat,	do.	1,250			Philadelphia co.
Act to incorporate the Pittsburg and Allegheny bridge company for erecting a bridge over the Allegheny river, from the end of Hand street, Pittsburg, to the end of Chestnut street or Grey's lane, Allegheny borough,	do.	60,000			Allegheny co.
Act to incorporate the Laurel Hill coal company,	do.	150,000			
Act to incorporate the Laurel Hill cemetery company,	Feb. 9, 1837.				Philadelphia co.
Act to unite the Wrightsville and York and the Wrightsville and Getysburg railroad companies, into one company,	Feb. 28, 1837.	Capital increased 85,000			
Act to incorporate the Mountain coal company,	do.	250,000	2,000 acres.		

Act increasing the capital stock of the Lehigh coal and Navigation company,	Feb. 28, 1837.	\$600,000		
Act to incorporate the Society of Equal Rights of Carlisle, Pennsylvania,	March 29, 1837.		\$800	Cumberland co.
Act to incorporate the Southwark Institute and Temperance Hall,	do.	15,000		
Act to incorporate the Coudersport Academy in Potter county,	do.			Potter county.
Act to incorporate the President and Fellows of Rittenhouse college,	do.			Montgomery co.
Act to incorporate the Presbyterian church of Clearfield-town, Clearfield county,	March 31, 1837.			Clearfield county.
Act to incorporate the German Reformed congregation, worshipping at the church of St. Vincent, Vincent township, Chester county,	do.			Chester county.
Act to incorporate the Washington and Pittsburg railroad company,	April 1, 1837.	20,000		
Act reviving an act incorporating the Wallenpaupack Improvement company,	do.		\$2,000	
Act to revive the act incorporating the Mahony Navigation company,	do.			
Act to incorporate the Lancaster and Susquehanna slack-water navigation company,	do.	100,000		Lancaster co.
Act to incorporate the Washington county Mutual Insurance company,	do.			Washington co.

LIST—CONTINUED.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Cumberland county Mutual Insurance company,	April 1, 1837.				Cumberland co.
Act to incorporate the Sunbury and Erie railroad company,	April 3, 1837.	\$3,000,000			
Act to incorporate the Pittsburg and Susquehanna railroad company,	do.	200,000			
Act to incorporate the Pittsburg and Connelville railroad company,	do.	600,000			
Act to erect Shirleysburg in the county of Huntingdon, New Hope in the county of Bucks, and Hamburg in the county of Berks, into boroughs,	do.			\$1,000 1,000 20,000	Huntingdon co. Bucks county. Berks county.
Act to incorporate the Litiz academy in the village of Litiz, Lancaster county,	do.			2,000	Lancaster county.
And the Pottsville Institute in the county of Schuylkill,	do.			2,000	Schuylkill co.
Act to incorporate the Lebanon Sugar and Silk company,	do.	50,000			Lebanon county.

Act to incorporate the  
Western Pennsylvania Hospital society, and  
the Pittsburg Board of Trade,

April 8,  
1837.

Act to incorporate a company to erect a  
bridge over the Monongahela river at the  
borough of Birmingham, in the county of  
Allegheny, with power to construct a turn-  
pike road from the south end of Denman  
street in said borough, to intersect the Mo-  
nongahela and Coal Hill turnpike road,

do. \$75,000

Act to incorporate the Harrisburg and Sun-  
bury railroad company,

do. 500,000

Act to incorporate a company to erect a  
bridge over the Allegheny river at or near the  
borough of Franklin,

do. 40,000

Act to incorporate the West Branch bank  
at Williamsport,

do. 200,000

Act to incorporate the bank of Susquehanna  
county,

do. 100,000

Act to incorporate the Pittsburg and Laugh-  
linstown rail road company,

do. 600,000

Act to incorporate the Columbia and Mary-  
land line railroad company,

April 4, 1837. 600,000

Act to incorporate the Meadville and Titus-  
ville turnpike road company,

do. 20,000

Act to incorporate the Warren and New  
York state line turnpike road company,

do. 10,000

\$20,000  
10,000

Allegheny county.  
do.

do.

Venango county.

Lycoming county.

Susquehanna co.

York county.

Warren county.

LIST—continued.

List of Acts of Incorporation.	Date of Acts.	Am't. of capital authorized to be held.	Quantity land authorized to be held.	Extent of income.	Place where corporation transact their business.
Act to incorporate the Browningtown, Harrisville and Franklin turnpike road company,	April 4, 1837.	\$5,000			
An act supplementary to the act incorporating the Marietta, Bainbridge, Falmouth and Portsmouth turnpike road company,	do.				
And the Mifflinburg and Catawissa Furnace railroad company,	do.	75,000			Columbia county.
Act to incorporate the Pittsburg, Kittanning and Warren railroad company,	do.	2,000,000			
Act to incorporate the Philadelphia Ice company,		100,000			Philadelphia.
Pennsylvania Ice company,		100,000			do.
Subscribers to the Pottsville town hall,		20,000			Schuylkill county.
Puff's church in Montgomery county,	do.			\$5,000	Montgomery co.
Berks county Insurance company,		100,000			Berks county.
Tioga county Mutual Insurance company,					Tioga county.
Warren county Mutual Insurance company,					Warren county.

Act to incorporate the Chambersburg and Gettysburg railroad company,	} April 4, 1837.	{ \$500,000				Lycoming county. Fayette county.
Williamsport railroad company,						
Fayette county turnpike road company,						

RECAPITULATION.

	Number of Corporations.	Amount of capital au- thorized to be held.	Acres of land authorized to be held.	Amount of yearly in- come.
Agricultural Societies, - - - - -	5			\$30,000
Banking Institutions, - - - - -	78	\$74,651,000		
Borough, Township and District corporations, - - - - -	152			50 0,000
Bridge companies, - - - - -	102	3,498,350		
Canal and Navigation companies, - - - - -	52	17,679,300	7,000	
Chamber of Commerce, - - - - -	1			10,000
Charitable Societies, - - - - -	18			116,600
City corporations, - - - - -	3			
Coal companies, - - - - -	12	4,075,000	36,000	
Coal and Navigation company, - - - - -	1	1,000,000		
Fire companies, - - - - -	22			\$1,665 65
Hotel company, - - - - -	1	600,000		
Ice companies, - - - - -	2	200,000		
Insurance companies, - - - - -	41	8,352,000		

RECAPITULATION—CONTINUED

	Number of Corporations.	Amount of capital authorized to be held.	Acres of land authorized to be held.	Amount of yearly income.
Literary institutions, - - - - -	116	\$21,000	30,500	\$399,516 33
Loan companies, - - - - -	3	1,500,000		
Manufacturing companies, - - - - -	22	3,222,500		
Medical societies, - - - - -	4			7,833 33
Museum, - - - - -	1	100,000		
Navigation and Railroad company, - - - - -	1	50,000		
Navigation, Railroad and coal companies, - - - - -	2	375,000		
Railroad companies, - - - - -	78	31,312,000		
Railroad and Coal company, - - - - -	1	50,000		
Railway and Dock company, - - - - -	1	100,000		
Religious societies, - - - - -	118		1,950	830,606
Road companies, - - - - -	2	64,000		
Savings institutions, - - - - -	11	450,000		
Trading companies, - - - - -	2	120,000		
Turnpike companies, - - - - -	248	9,989,000		
Water companies, - - - - -	19	339,500		
Scientific associations, - - - - -	7			18,333
Societies for the promotion of the arts, - - - - -	3			6,000
Miscellaneous, - - - - -	13	503,000		23,000
	1,142	\$158,453,550	75,450	\$1,472,554 31

PROCEEDINGS AND DEBATES.

Mr. STEVENS, of Adams, presented two memorials from citizens of Pennsylvania, praying that the privilege of the trial by jury may be extended to all persons, which was referred to the committee to whom was committed the ninth article of the Constitution.

Mr. COATES, of Lancaster, presented two memorials from citizens of Pittsburg, similar in their character, which was referred to the same committee.

Mr. MAGEE, of Perry, presented two petitions from citizens of Perry county, against Banks and Banking, which were laid on the table.

Mr. FRY, of Lehigh, submitted the following resolution :

“Resolved, That the subscription by the Convention, to the Daily Chronicle, be discontinued at the end of the present month”.

The resolution being under consideration, it was read a second time—  
ayes 58.

Mr. STEVENS, of Adams, moved to amend the resolution, by striking out all after the word “Resolved”, and inserting as follows: “That a committee be appointed to enquire into the expediency of making arrangements for discontinuing the Daily Chronicle”.

Mr. BROWN, of Philadelphia, moved to amend the amendment, by adding the words, “And also to enquire how far the other expenses of this Convention may be reduced”.

Mr. STEVENS accepted the amendment as a modification of his amendment.

Mr. FRY then accepted the amendment, as amended, as a modification of his resolution.

Mr. EARLE, of Philadelphia, remarked, that the whole effect of the resolution would be destroyed by the modifications, as the third month of the Chronicle would begin, unless the committee should report tomorrow.

Mr. STEVENS said, it would be quite as respectful to the House to suppose that any committee would do its duty, as to charge it with impurity in advance.

Mr. CUMMIN, of Juniata, said, the subject had occupied his mind. He had always voted against this expenditure. He knew the subscription would be expensive, but he did not know it would be desired by his constituents. He had several letters from which it appeared, that the people liked to have it. He believed it would be wrong, after the great expense incurred by the publisher for hands, types, presses, &c., to say to him, that we will stop short in the midst.

Mr. CUNNINGHAM, of Mercer, moved to strike out all that part of the resolution which related to the Daily Chronicle. He did not know why the Chronicle was to be made the scape-goat of the Convention. He believed there were other causes. Ever since he had received the Chronicle, he had sent it to his constituents according to a list made out, and had desired that it might be filed in the Post office. From letters which had reached him, he could say, that his constituents were much gratified with the act of the Convention in sending this paper out among the people. They did not mind the expense—they wanted the information, every day, and correctly given. He had heard no complaints. Why did not gentleman strike out the expense of the other papers?

Mr. BROWN, of Philadelphia, suggested the propriety of leaving the

whole matter to the committee. He was satisfied to continue the Chronicle. The difference between this and other papers consists in this—that through the Chronicle we give information, while from the other papers we receive it. He had no doubt the committee could report tomorrow.

Mr. MERRILL did not know of any thing in the Chronicle of which he was ashamed; therefore, he had no strong reason for stopping it. If it was not for the Chronicle, the people would not know why we were so long in doing their business.

Mr. DICKEY wished there should be a curtailment of the number of debates and journals. He believed the Chronicle was more popular out of doors than here. Some gentlemen wrote out what they did not say; others were incorrectly reported, and if the journal of debates was to be a copy of the Chronicle, it was time it should be enquired into.

Mr. PORTER, of Northampton, said, the introduction of the Chronicle was one of his sins. He did not like to abandon it now. It was true there were sometimes errors. Some of the speeches, as they are delivered here, murdered the English language, but they appeared in the Chronicle in good English. If gentlemen desired to see speeches as they were delivered, he had no objection. This paper was popular with the people. He had sent his abroad, and if a number were missing, he was written to. He believed the people were better satisfied, than if they had to gather the information as they could from others papers. He denied that this expense should be considered as an expense to the Convention. It was an expense incurred for the information of the people. The paper was sent to them to let them know what we are doing. It was not for the benefit of the members of the Convention. It was wrong to say it was an expense incurred for them; it was for the people. He regretted that his friend from Lehigh should make this the scape-goat. The postage is chiefly for letters—the Chronicle is but a small part. As to the letters, was it right that the postage of them should be paid out of the pockets of members. If the postage of a gentleman's letters amounted to a dollar a day, it was an expense which he would not have incurred had he been at home. He would join in diminishing improper expenses, but he would not touch this item. Editors of most of the papers have correspondents here, who give what tone and color they please to our proceedings, while the Chronicle gives facts as they occur. This he honestly believed. He would oppose any attempt to make this paper the scape-goat. The people do not find fault with the expense; they are glad to have it, and he would like to hear any complaint which any citizen has made to any member here concerning it, or remonstrating against the act of the Convention in subscribing for it. He knew the impression of the county he represented was favorable to this paper.

Mr. HIESTER, of Lancaster, regretted the motion which had been made by the gentleman from Mercer. This discussion was altogether premature. The committee would report in a day or two, and then the whole subject would be understood. The gentleman says, the great expense of postage is in the letter postage. He did not know what was the daily expense of postage for the Chronicle. It was, however, heavy, and he wished to act with a full understanding of the subject. He hoped the gentleman from Mercer would withdraw his amendment.

Mr. FULLER said, it would be recollected that when this resolution was originally offered, he opposed it. The paper, he knew, was too small to contain a full report of the debates of this body. My idea was, that there would be suitable and proper stenographers, and that the reports would be accurately given. It was stated that this would be the fact, and I then became favorable to the subscription. But this has not been done. If the promise of the publisher had been carried out, and the Chronicle had presented fair and accurate reports, as taken down by the stenographer, it would have been valuable, but no member would say that such had been the character of its reports. Debates of two or three days old were inserted, to the exclusion of the latest proceedings, and the reason was obvious; because the long-winded speeches were fallen in arrear. He had no objection to the amendment, because there would be a report on the subject. He would like a new arrangement, so that the stenographer employed by the Convention should make out an abstract daily. The people want information, but they want correct information.

Mr. CHAMBERS, of Franklin, preferred the amendment, which would strike out the part relating to the Chronicle, and leave it to the committee to report as they thought best. He was unwilling to retain that part, because it appeared like a reflection on the publisher. He was not so much opposed to the manner in which the paper had been published, as to the expense. When the order was given, it was in reference to the time that it was supposed the Convention would sit, which was calculated at two months. It had done much good, but would not be so important hereafter. The reports of the committees were now all made, and before the Convention, either in the form of reports, or as propositions from members. As to the work, he was surprised that it was done so well, considering the short space of time allowed. It was laid on the table the next morning, and the editor indulged gentlemen with an opportunity to correct their speeches. Still, however, he believed that the publication might hereafter be dispensed with. The people are now informed of all the important matter, and the expense is heavier than before. He agreed that the investigation of the committee ought not to stop here. The daily allowance of four newspapers to each member, he deemed an extravagance. It was a small matter, to be sure, but a number of these small matters, made up the aggregate. It would be better to make the examination general, and not particular. The Chronicle had done all which the Convention had a right to expect from it.

Mr. FRY said, he had not anticipated this long discussion. He had nothing to say against the Chronicle. His sole object was to reduce the expenses. These expenses, he understood, were a hundred dollars a day. In olden times, members paid their own expenses. He did not mean to make the Chronicle the scape-goat; but he thought it necessary to curtail the expenses of the Convention. He then asked for the yeas and nays on the question, and they were ordered accordingly.

Mr. AGNEW, of Beaver, stated that he had voted for the Chronicle, because he had believed that it would be useful to the Convention and the people. He was still inclined to support the paper, but if the resolution was amended so as to be an inquiry into the manner in which it is conducted, he would prefer it. He was not disposed to make a scape-goat of the Chronicle, but he would be willing that some inquiry should be made

into the manner in which the paper is conducted. He believed it was not conducted with fairness, and sometimes there was a total perversion of the argument, of which he had himself felt the effects. Some write out their remarks, of which he did not complain. He made no complaint of that, or of the correction of grammatical errors; but he did complain when arguments were inserted in the paper which were never delivered. It was no longer ago than last week, that a gentleman behind him occupied an hour on the subject of the tax qualification, and another gentleman followed, who only consumed about ten minutes. Gross injustice was done to the former gentleman. The report of his speech was but the shadow of an outline, while the speech which had been delivered in ten minutes, filled the space of four columns and a half in the paper. He had been himself called on by the reporter, to write out his remarks on the veto power, and was informed that if he did not furnish his speech, it would not appear. He had still the note in his possession. He was, therefore, compelled to write out his speech. This was a course which did not meet his approbation. If the resolution was put into a form so as to make it an inquiry into the manner in which the paper was conducted, he would go for it.— But he was not in favor of cutting down the Chronicle all at once. He would support the amendment of the gentleman from Mercer, in the hope that this would affect the course of the editor. He was not aware that any stenographer was employed for that paper. He hoped some gentleman, after this motion was disposed of, would modify the resolution so as to provide for an inquiry into this matter.

Mr. PURVIANCE, did not intend, he said, to make any remarks on this subject, but it had struck him that the gentleman last up, had alluded to the publication in the Chronicle, of his remarks on the right of suffrage, in reply to the gentleman from the city, (Mr. SCOTT). If so, he would only say, that the report in the Chronicle was not full. He said much more than appeared there. But he considered this discussion, as premature, at present. It was a proposition for enquiry, only, and did not bring up the merits of the question. It was true, that he had, once or twice, taken the trouble to reduce to writing, the substance of what he had said here, and he believed the gentleman from Beaver, who had complained so much of it, had done the same thing. His remarks in the Chronicle had, also, been quite as much tortured there, as those of that gentleman. He had been made to say, there in reference to something, that it "looked like courting a woman for popularity." What he said, was "courting popularity." But some how or other, they contrived to thrust a woman between. What he had said here, had never been nearly as fully reported, as it had been spoken.

Mr. BROWN, of Philadelphia said these charges of writing speeches were too general. He wished they might be rendered more specific. He had not listened to all the speeches, and could not, therefore, undertake to say, that what was reported had not been said. Considering the degree of attention, generally given, here, to speeches, he did not think any gentlemen had a right to say, that any speech delivered here, did not contain the words reported. His remarks in the Chronicle, had not been reported fully. Nothing was ever added to them and he was sure that much was omitted, and necessarily so. The fact was, that what fell from him, or the gentleman from Chester, (Mr. BELL,) or the gentle

man from Philadelphia, over the way, (Mr. SCOTT,) in one hour's speaking, would fill two or three numbers of the Chronicle. Gentlemen expected what was impossible, therefore, if they supposed, that more than an abstract, and a very brief one, of our daily debates, and proceedings, would appear in that paper, it was of necessity, therefore, that the remarks of gentlemen were tortured in those reports. The difficulty was, in our expecting too much. His own remarks, as published in the Chronicle, were very much condensed. One gentleman, the other day, declared to him, that he, (Mr. B.) did not make a certain remark, which was attributed to him in the Chronicle report; but, two or three other gentlemen, who were near him at the time, declared that they remembered it, distinctly. This shewed, that no member could safely undertake to say, that members had reported in the Chronicle what they had not delivered. He had no doubt, that those employed in reporting the debates, were desirous of doing justice to all, and if any errors were made, gentlemen had an opportunity of correcting them in the proof sheet, which was for that purpose, laid on their tables, every morning. If any thing there was erroneously imputed to them, they could strike it out, instead of bringing their complaints here.

Mr. HOPKINSON said, the discussion was premature. If we were about to adjourn, for a short time, the whole subject might as well rest for the present. As to the Chronicle, he had never read a line of it, nor sent one of them away. He did not know, whether they made his remarks long or short—but they could not well make them shorter than they were. He did not think, any gentleman should complain of his speeches being reported briefly.

Mr. BELL said, he was at all times in favor of enquiry, and, if the proposition was made by any one, for an enquiry on this subject, he would vote for it. As to his own remarks, they had not been reported so much at length, as he, taking counsel, perhaps, of his vanity, might wish. He would suggest the propriety of making the proposition a little broader, and of ascertaining who reports our remarks, in the Pennsylvanian, and the Inquirer. They make us say strange things there, sometimes. He called the attention of gentlemen to a letter in the Pennsylvanian, imputing certain remarks to him, which he read. The writer must have dreamed of this. He hoped the committee would extend their care to this reporter, and persuade him, either to drop his correspondence, or to come somewhere near the truth.

Mr. FLEMING said, the question was now on raising the committee to make inquiry as to the expediency of discontinuing the Chronicle and other expenses. He could see no reason for appointing such a committee.— Was there a gentleman here who did not know what was the amount of the expense for the Chronicle and the postage upon it, and of all our other expenses? Then what was the necessity of spending five or six hundred dollars in debating and deliberating upon the matter, as if we wanted information upon it. If gentlemen continued to bring such subjects before us for debate, it would cost more than the Chronicle, and our postage together. Some complained that their speeches were imperfectly reported in the Chronicle, and others said, they cared nothing about the reports. But he confessed, that he thought some of the speeches were somewhat improved by going through the fingers of the reporters. It had been a matter of

surprise to see how correctly and promptly the debates and proceedings had been furnished by this paper. He did not see the ground for all these complaints, and he did not think that we were bound to notice these complaints, so far as to raise a committee of inquiry, when we had already a special committee for the superintendence of the publication of the Daily Chronicle. No complaint had come from that committee, whose duty it was to attend to this subject. It is not to be presumed, therefore, that the person with whom we contracted to print the paper, has in any way neglected the duty devolved upon him by the contract. We had several times, after a long debate, expressed an opinion in regard to the Chronicle; and, if any one thing had been determined by the Convention, it was, that they should continue to take the Chronicle. What, therefore, was to be gained by further debate and by arguing, he could not imagine, especially as we had before us every item of expence connected with the publication and distribution of the paper. He was in favor of continuing the publication, because he believed the people wanted it. He knew that they were anxious to receive it, and that it was read with great avidity. He received letters day after day, wishing for more copies of the paper than were allowed to his share.

Mr. DARLINGTON said the subject had now been discussed for nearly two hours, at the expense of several hundred dollars, and he moved its indefinite postponement.

Mr. HESTER said, as this motion would not settle the matter, and as we had already spent half of a day in discussing a preliminary question, he would move the previous question, which was seconded.

The main question was ordered to be put, and being taken, the resolution, as modified, was agreed to—yeas, 102: nays, 13—as follows:

YEAS—Messrs. Agnew, Banks, Barn-dollar, Barnitz, Bayne, Bell, Bigelow, Bonham, Brown, of Lancaster, Brown, of Northampton, Brown, of Philadelphia, Carey, Chambers, Chandler, of Chester, Chauncey, Clark, of Beaver, Clarke, of Dauphin, Clarke, of Indiana, Coates, Cochran, Cope, Cox, Craig, Crain, Crum, Cummin Carl, Darrah, Denny, Dickey, Dickerson, Dillinger, Donagan, Donnell Doran, Dunlop, Earle, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Dauphin, Hester, Hopkinson, Hyde, Jenks, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Long, Lyons, Maclay, Magee, Mann, Martin, McCall, M'Dowell, M'Sherry, Merrill, Merkel, Miller, Montgomery, Myers, Overfield, Porter, of Lancaster, Purviance, Reigart, Reid, Riter, Ritter, Rogers, Royer, Saeger, Scott, Sellers, Seltzer, Serrill, Scheetz, Shellito, Sill, Smith, Smyth, Suively, Sterigere, Stuckel, Swetland, Taggart, Todd, Weidman, White, Woodward, Young, Sergeant, *President*—102.

NAYS—Messrs. Ayres, Baldwin, Cunningham, Darlington, Farrelly, Fleming, Henderson, of Allegheny, Haupt, Meredith, Pollock, Porter, of Northampton, Stevens, Thomas—13.

The committee was then ordered to consist of five members, and the following gentlemen were appointed by the Chair to constitute the committee: MESSRS. FRY, STEVENS, PORTER, of Northampton, DICKEY, and BROWN, of Philadelphia.

Mr. MARTIN called for the second reading and consideration of his resolution for an adjournment, from Saturday the 1st day of July, to Monday the 27th day of July.

Mr. HESTER asked the yeas and nays on the motion, and

Mr. MARTIN withdrew it for the present.

Mr. MEREDITH moved the second reading and consideration of the

resolution offered by him on Monday last, for rescinding the order of the 12th instant, applying the previous question in the committee of the whole.

Mr. READ asked the yeas and nays on the motion, and the question being taken, it was determined in the negative—yeas 55; nays 63: as follows:

**YEAS**—Messrs. Agnew, Ayres, Baldwin, Barnollar, Barnitz, Bell, Biddle, Brown, of Lancaster, Carey, Chambers, Chandler, of Chester, Chauncey, Clark, of Beaver, Clarke, of Indiana, Cochran, Cope, Cox, Crawford, Crum, Cunningham, Darlington, Denny, Dickey, Donnell, Forward, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Houli, Jenks, Kerr, Konigsmacher, Long, Maclay, M'Dowell, M'Sherry, Meredith, Merrill, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Royer, Russell, Scott, Sill, Snively, Steigere, Stevens, Thomas, Todd, Woodward, Young, Sergeant, *President*—55.

**NAYS**—Messrs. Banks, Bayne, Bigelow, Bonham, Brown of Northampton, Brown, of Philadelphia, Clarke, of Dauphin, Cleavinger, Coates, Craig, Crain, Cummin, Curl, Darrah, Dickerson, Dillinger, Donagan, Doran, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Hiester, Hyde, Keim, Kennedy, Krebs, Lyons, Magee, Mann, M'Call, Merkel, Miller, Montgomery, Myers, Overfield, Read, Riter, Ritter, Rogers, Saeger, Sellers, Selzer, Serrill, Scheetz, Shellito, Smith, Smyth, Swedland, Stickle, Taggart, Weidman, White—63.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole, Mr. CHAMBERS in the Chair, on the report of the committee to whom was referred the sixth article of the Constitution.

The question being on the following amendment offered by Mr. STEVENS, to strike out from the amendment of Mr. STERIGERE, so much of the report as relates to the second section, all after the word "Prothonotaries", and insert "and Clerks of the several courts, (except Prothonotaries of the Supreme Court, who shall be appointed by the court for the term of three years, if they so long behave themselves well,) Recorders of deeds and Registers of wills, shall at the times and places of election of Representatives be elected by the citizens of each county or district over which the jurisdiction of said court extends, and shall be commissioned by the Governor. They shall hold their offices for three years if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall provide by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid":—

Mr. HAYHURST addressed the Chair as follows—Mr. CHAIRMAN: As we are about to record our votes on the proposition now pending, I deem it my duty to state my reasons for the vote I shall give. I came here with the principle engraven on my mind, (and I still retain it,) that all officers who require a *special* qualification ought to be appointed, and that all who require but a *general* qualification ought to be elected. The reasons on which this principle is founded, are these: The people at large are the best qualified to judge of a man's honesty, fidelity, industry and punctuality; and also of his morality, suavity of manners, and general intelligence. But an individual, or a limited number of individuals, are the best able to judge

of the *special* or professional capacity of an individual. A knowledge of the first qualities is best derived from a long and general acquaintance; while a knowledge of the latter is derived from a close particular acquaintance, and an enquiry on that subject alone. In accordance with this principle, I prefer the proposition of the gentleman from Adams to that of the gentleman from Montgomery, because the former requires all officers mentioned in it to be elected, except the Clerk of the Supreme Court, while the latter requires the appointment of Clerks of other courts besides the Supreme.

I have another objection to the proposition of the gentleman from Montgomery, because it requires one person for each office. Now, in the county which I have the honor here to represent, the perquisites or fees of the inferior clerkships are insufficient to support an officer to attend to that duty alone; and hence we always have several of them bestowed upon one individual. This is also necessarily the case in several other counties.— In this respect the proposition of the gentleman from Adams has the advantage, because the regulation of this matter is left to the Legislature, and will enable the inhabitants of these counties to arrange these matters as they please.

The only thing in the proposition of the gentleman from Adams, which militates against my principle is, that the Clerk of the Supreme Court is to be appointed by the court. I am still disposed to support the amendment, notwithstanding it crops a corner off from my rule; and, perhaps, strictly speaking, this may be scarcely an opposition to the principle, because this officer may require rather a *special* than a *general* qualification.

I mean by saying a *special* qualification, those which require some particular *professional* knowledge, in opposition to those which require only a general knowledge. For instance, I am for appointing the Judges of the Supreme Court, the Presidents of the Common Pleas, the Attorney General, and the Surveyor General; and for electing the State Treasurer, Auditor General, the County Treasurer, and other county officers. While I am for electing the Canal Commissioners, I am in favor of appointing the Engineers, because they require a particular scientific qualification; while I am for electing a Colonel, I am for appointing the Surgeon.

I am also for appointing the County Surveyor, because it requires a man of a particular profession to discharge the duties of that office; yet if a proposition should come in all other respects good, I would vote for it, though it contains a proposal to elect that officer, because I believe it to be quite too trivial to be worth spending time about. For the same reason, I would prefer appointing the Prosecuting Attorney in some way.

Now, there may be something in the phraseology of the proposition not exactly in accordance with my view; yet, as it contains my general principles, and because it is impossible to frame a section so as to meet the views of every gentleman on this floor, I am disposed to vote for it, and I hope it will prevail.

Mr. MANN suggested the propriety of amending the proposition, by inserting in the seventh line, the words "unless the Legislature shall otherwise provide", which was accepted.

Mr. READ, said he preferred the proposition of the gentleman from Adams (Mr. STEVENS) to that of the gentleman from Montgomery, (Mr.

STERIGERE) and although on yesterday he thought he should vote for the proposition of the gentleman from Adams, on further reflection, he had come to a different conclusion. He had no doubt, if we had taken up the business in its proper order, and determined in the fifth article what courts we would have, that the report of the committee would have been the most acceptable proposition to the committee. But as we have passed over the fifth article, and the committee on that article have showed an unwillingness to anticipate any alteration in the county courts, we must do the best we can. Was it come to this, that by the irregular course of proceeding adopted here, we are reduced to the absolute necessity of either taking the proposition of the gentleman from Adams, or the proposition of the gentleman from Montgomery. Much as we have been cramped and restricted in our proceedings here, by constructions of rules of order, it did not seem to him that we were yet reduced to this degrading situation. It seemed to him there was a way of getting round the irregularities which have been sanctioned here, and disentangling ourselves from the embarrassing situation of being compelled to take one of two propositions, and of rejecting the other one hundred and thirty-one propositions which the remaining members of this Convention are entitled to bring forward. The gentleman from Adams, on yesterday, attempted to make a rally for his reform to this section, after having on a former occasion moved an adjournment, because of the breach made in the old Constitution, with a view of going into mourning because this venerable instrument had been delivered over into the hands of the Phillistines. Yet this same defender and upholder of the old Constitution came forward, on yesterday, with a proposition of reform to suit himself and then told those in favor of reform, you dare not vote against my proposition, because you dare not vote against the elective principle. This was the manner in which the gentleman from Adams attempted to drive the reformers into a support of his proposition. Why were these cabalistic appeals made? Why should gentlemen be told that they dare not vote against a proposition because it contained the elective principle? Was it a fact that gentlemen, in recording their votes against this proposition, were voting against the elective principle? It was not—and why? Because the proposition of the gentleman from Adams proposes to strike out not only the proposition of the gentleman from Montgomery, but also the report of the committee, both of which are based upon the elective principle. Now, by the rule established here, if this amendment should be agreed to, we cannot strike out any thing which has been put in, and, consequently, all other members are cut off from amendment of the proposition in such manner as to make it acceptable to them. Now we must take this rule as it is, because we do not know that we can get it reversed, but there is still a way of getting a different proposition before the House; a proposition different from either of those brought forward on this occasion, one of which is supposed must be thrust down our throats, *nolens volens*. He proposed then to the friends of reform to vote down the proposition of the gentleman from Adams; and then we can offer something in the place of it more acceptable, as he believed to a majority of the Convention. If this should be done, he then proposed to bring forward a proposition to which he would now call the attention of the committee. He proposed to introduce a proposition to strike out of the amendment of the gentleman from Montgomery, all after

the words "prothonotaries", and insert an amendment to make that amendment read as follows: "Prothonotaries and clerks of the several courts (except the Clerks of the Supreme Court who shall be appointed by the said Supreme Court during pleasure,) recorders of deeds and register of wills, shall at the times and places of the election of representatives be elected by the citizens of each county, or the citizens of the judicial districts as the case may be. They shall hold their offices for three years if they shall so long behave themselves well. The Legislature shall by law determine how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next General election, and until a successor shall be elected and qualified. But no person shall hold any of the said offices more than two terms in any period of nine years,"

This was the proposition he proposed offering to the committee, if they should reject the proposition of the gentleman from Adams. It differs from his proposition in this particular: he proposes that the Supreme Court shall appoint their clerks for three years, and thus make them independent of the appointing power, which certainly is a great objection to that part of his proposition. If they are to be appointed by the court, they should be appointed during pleasure, or with a limitation that they should not serve more than a certain term of years, so that the court might have the power of controlling these officers. In this particular, then, his proposition differed from that of the gentleman from Adams, and he took it that his proposed amendment was an improvement on the amendment before the committee. In the next place, his proposed amendment differed from that of the gentleman, in the commissions to be issued by the Governor, to those officers. This he had omitted in his proposition, and it seemed to him to be an entirely unnecessary formality. If the Governor had any thing to say in the appointment of these officers, or had any control over them, then there might be some reason for it, but as he had not, it was a mere useless ceremony. But it differed from the amendment of the gentleman in another, and a most important particular. He meant in the last clause of his amendment, in the following words: "But no person shall hold any of the said offices more than two terms in any period of nine years." He was aware that many of the friends of reform are opposed to the two term principle, and he was sorry that they were so, but for the purpose of enabling them to vote against that principle, he would, himself, when it came up in the committee, move to divide the proposition so that they might vote for the former part of the proposition, and against that part. He wished to say a word in relation to that principle. He knew that many were opposed to it, and the gentleman from Chester (Mr. BELL) is opposed to it, as he tells us, because, in the first place, it goes to control and limit the action of the people, and in the second place, he tells us, that it is anti-democratic. Now, let us examine the matter, and see if he is not mistaken in both these positions. It is said that it is a proposition calculated to put a limit upon the power of the people. Now, is this so? It is not, because we have not the power here to limit the people. It would amount to nothing more nor less than this: that if we inserted it in the Constitution, and the people adopted it, that they imposed upon themselves a rule of action, by which they intended to be governed. It was

nothing more than this. If the people desired to impose this general rule of action upon themselves, they ought to have the opportunity of doing so, and they cannot do it in a Constitutional provision, unless we give them the opportunity, by submitting to them an amendment to this effect. Every man who conducts business properly, imposes upon himself some general rule of conduct, and every wise man imposes upon himself some rule to which he intends to adhere through life, and did it ever occur to the mind of any man, that by this he took from himself any power. Why, sir, every good man imposes upon himself some general rules. The Deity, himself, acts by general laws, and was it any detraction from the power of the Supreme Being, because he chose to impose on himself general and unalterable laws, by which his proceedings were conducted? No, sir. Then the supposition of the gentleman from Chester, that the adoption of this principle goes to limit the people in their action, will not bear an examination; because this principle is nothing more nor less than the principle which the people have told us, in the strongest and most emphatic and undisputed language, they wished to adopt for themselves. In the first place, the item of reform, perhaps, lying nearest the hearts of the people, is the abolition of life offices. In the second place, the election of county officers; and in the third place, the two term principle. Well, what is there anti-democratic in the two term principle? If there was any thing anti-democratic in it, the gentleman from Chester must have sanctioned an anti-democratic principle in limiting the Governor to two terms, and the Sheriffs to one term. No, sir, this was not anti-democratic; it was one of the cardinal principles of democracy. The people wish to adopt this principle now as a leading principle of action. It is a principle which they have asked for in the most emphatic language, and if we insert it in the Constitution, it will be more satisfactory to the people than almost any other, and will have the tendency of making your other amendments the more acceptable to them. In conclusion, he hoped that the friends of reform, with one voice, would negative the proposition of the gentleman from Adams, with a view of getting, what may, perhaps, be more acceptable. It appeared to him that the amendment he had proposed, would be more acceptable to the Convention, and to the people, than the one of the gentleman from Adams. Besides, he proposed to call a division, so as to separate the two term principle from the balance of the proposition.

Mr. STERIGERE said as the gentleman from Adams had modified his resolution from time to time, until it had come very near to the proposition he had first submitted, he felt disposed to yield a little in this matter. He should therefore endeavor to put an end to this discussion by accepting the gentleman's amendment as a modification of that submitted by himself.

Mr. READ then moved to strike out the words "for three years" where it applies to the Clerks of the Supreme Court.

Mr. WOODWARD rose for the purpose of asking the gentleman from Susquehanna (Mr. READ) to so modify his motion, as to strike out the words "The Legislature shall provide by law for the number of persons in each county who shall hold said offices, and how many, and which of said offices shall be held by one person".

Mr. READ said if this was struck out something must be inserted in its place, or else in the small counties it would be incumbent on the people

to elect separate officers, for every one of their small offices; and in some of the counties the fees of these offices are so small, that he apprehended they would not be able to find any person to take them.

Mr. WOODWARD thought the people would have the power of electing the same officer to a number of these offices; but if they would not have this power, then he would make provision for it in the Constitution.— The objection he had to this proposition, was, that it would be very burthensome to the Legislature, and it was not to be supposed that they would know the wants and wishes of the people, in the different parts of the State. He would rather leave all these matters with the people, as they know the value of the offices in their counties, and are better able to judge as to how many one man ought to exercise, and when they should be divided or consolidated.

Mr. STEVENS enquired if he could modify his proposition further.

The CHAIR said the amendment had been accepted by the gentleman from Montgomery as a modification of his proposition, and was now beyond the reach of the gentleman from Adams.

Mr. READ remarked that he could not accept of the modification proposed by the gentleman from Luzerne (Mr. WOODWARD) for the reason that he did not know what to substitute in place of the words proposed to be struck out; but as the gentleman, no doubt, had something prepared as a substitute, if he would wait until the question was taken on this amendment, he can make his motion. The object of the amendment now before the committee, was merely to leave the appointment of the Clerks of the Supreme Court, with the court at pleasure, instead of for a term of years, thus making them entirely independent of the appointing power.

Mr. DICKEY was opposed to the amendment proposed by the gentleman from Susquehanna, and he had not supposed that that gentleman would have proposed an unlimited power of appointment to be placed in the hands of any body in this Commonwealth. He had supposed from the proposition the gentleman had read a short time ago, which contained the principle that no officer should hold his office more than two terms in nine years, that the gentleman had intended to carry out that principle.

Mr. READ said, as soon as his present amendment was disposed of, he should propose the one alluded to by the gentleman, or he would move to modify his present amendment by adding those words to the end of the amendment, if in order.

The CHAIR said this modification could not be made, because they were two separate and distinct amendments.

Mr. DICKEY thought it was right in the first instance, that the Supreme Court shall not have the power of appointing their Clerks for more than three years, and then if the Convention afterwards puts another limit on the tenure of that officer he would have no objection to it. For the present he preferred the proposition of the gentleman from Montgomery, as modified, to that of the gentleman from Susquehanna, and if they conferred on the Supreme Court the appointment limited to two terms in nine years, he should still prefer it to an unlimited appointment.

Mr. READ then withdrew his amendment to strike out the words "for three years", and moved to add to the end of the amendment of the gentleman from Montgomery, the following words: "But no person shall

hold any of the said offices more than two terms in any period of nine years”.

Mr. READ said, that, a few minutes ago, he had had the opportunity of explaining his views with regard to the propriety of having such a proposition inserted in the Constitution. He had introduced it, because he was satisfied that it was a proposition which the people are anxious to see introduced as a general rule for their own action; and, they would not consider it any limitation of their powers. He should not trouble the committee further, but being anxious to record his name in favor of this principle, he would call for the yeas and nays. The yeas and nays were then ordered.

Mr. DUNLOP said, before the question was taken, he should like to know what kind of “*democratic*” this was? Was it “*Muhlenberg democratic*”, or “*Wolfey democratic*”.

Mr. STEVENS hoped the gentleman from Montgomery, as he had undertaken to act as father over this child, would modify it, by inserting after the word “*years*”, the words “*unless sooner removed by the court*”.

Mr. BIDDLE was opposed to the amendment of the gentleman from Susquehanna, and he was opposed to it, because, it appeared to him to be an unnecessary restriction upon the will of the people. It is not enough to answer this objection by saying, that the people have imposed a restriction of this kind upon themselves; because, if it is adopted by the Convention, and sanctioned by the people, it will be a restriction upon all who come after us, as long as this instrument continues to be the fundamental law of the land. What is the argument in favor of this two term system as the gentleman calls it? It is that it will secure rotation in office; or, in other words, it compels the people, however capable the officer may be to discharge the duties of his situation; however well pleased the people may be with him; or, however it might subserve the public interest, that he should be continued, to turn him out of office at the end of the term specified in the amendment. We have been told, and very truly, by members of this Convention, that the duties of Clerk of courts, are duties which require considerable skill, and consequently, it will require some time before he will be able properly to perform his duties, but it is here proposed to introduce a clause, the effect of which will be, that the moment you get an officer competent to perform the duties of the office, in a manner to protect the public against blunders, and to satisfy every body who has business with him, he must be removed, he must surrender his post, and the office must be filled with a new man who has every thing to learn. Another objection to this two term, or six year system, is, that it will make competent individuals prefer employment at the hands of private citizens, rather than at the hands of the public, when the compensation is equal, because, if they perform their duties faithfully, their private employer will continue them in his service, they feel satisfied that fidelity will secure them in their situations; whereas, if they go into the service of the public, they are sure they will be turned out at the end of the years. Now, while this difference should exist between public and private employments, no person would go into the service of the public. Then, we will have none to fill our public offices, but such as shall not be able to obtain employment from private individuals, either from incompetency or other reasons. Was this the manner in which we should treat the public? Was this treating the public as we would treat

ourselves individually? He apprehended it was not. He was then opposed to any restriction upon the people, and opposed to compelling them to turn out officers with whom they might be well satisfied. We have been told by the gentleman from Susquehanna, (Mr. READ) that certain reforms lie nearest the hearts of the people, and certain other reforms lie next nearest, and others lay somewhat further off. Now, we have heard so much of the will of the people, from various gentlemen on this floor, that he was at a loss to determine what was the will of the people; but, he believed, that the people desired that their public officers should perform their duties with fidelity, and they expect from us that system which is best calculated to accomplish this important and desirable object.— This he took it, was all that the people expected or desired of us.

Mr. BANKS had no doubt, that the people, all of them, no matter of what politics they might be, desired that those persons, who might have offices bestowed upon them, either by appointment, or by their votes, should be willing and able to discharge the duties of those offices, with ability and fidelity; but, he was very sure, that the gentleman from the city of Philadelphia, (Mr. BIDDLE) must have discovered, in his experience, that office never gave either mind or manners to any man. You cannot make a man either wise or prudent, by conferring office upon him. You cannot make a man either a scholar or a gentleman, by conferring office upon him. Worth makes the man, and not the offices which are conferred upon him. Then, when you find upon trial, that the man, upon whom you have conferred office, will not answer your purpose, will you not in three years, if you cannot sooner, dispense with his services. Will you not claim the power of superseding him, by a more competent man, whenever his services may become of little, or no value. Then in relation to the advantages of office. If the salary of the office was a sufficient object, to make it desirable, one man should not have it all the time, and derive all the benefits from it. And on the other hand, if the salary was not sufficient to support a man, you should not compel him to hold on to it. This, however, you cannot do, because he can resign, and retire from the office. If the profits and emoluments of the office, are abundantly sufficient, in the course of six years, to allow him to lay up something, would it not be well, that others should enjoy this privilege, equally with himself. We have already agreed, in committee of the whole, that the Governor of the Commonwealth, shall be disposed of by limitation. By the old Constitution, he was limited to nine years out of twelve, and we now propose to limit him to six years. Then they will only be carrying out this principle, by going for the proposition of the gentleman from Susquehanna. If an office is worth having, let a capable man hold it for six years. but after that let him retire, and let some other person, equally as capable, take it. The gentleman from Northampton, (Mr. PORTER) had urged upon the committee, the propriety of having well qualified officers, and had proposed a test to ascertain their qualifications. Mr. B. knew it was an advantage to the community, that all officers should be well qualified to perform their duties; but it was also an advantage to the public, to have officers, no matter how able they might be to perform their duties, know that once in every term of three years, they would have to come within the range and power of the people. It does the officers no injury, and it

is a vast benefit to the public, because the officers then know, that, unless they have conducted themselves properly, they will be removed by the people. He thought the gentleman from Northampton had gone a little too far, in his disparagement of his fellow citizens, when he went on to say, that there were many men incompetent to spell the most common words in the English language, who were appointed to office. It goes out from this Convention, as the opinion of gentlemen here, that men are incompetent to fill offices, because they have not had a liberal education; because they have not come through a college. This was not the sentiment, which pervaded the public mind. Gentlemen should recollect the anecdote, related of Col. Tarleton. It happened during the revolutionary war, that Col. Washington, in a contest with Col. Tarleton, cut off two of the fingers of the latter officer. Sometime afterwards, in company with some ladies, Col. Tarleton was speaking very disparagingly, of Col. Washington, and among other things, said he understood him to be a very illiterate fellow, and that he was scarcely able to write his own name. A lady in the company—and the ladies generally support their friends, and the friends of their country, with great firmness—replied, that she was not very certain how that was, but, (looking significantly at the Colonel's fingers) one thing she was well apprized of, that he knew very well, how to make his mark. Now, we all know, that there are many amiable, upright, and faithful men, in the country, who are not more than able to make their marks. He did not hold the doctrine, that none, but liberally educated men, should hold office. Liberally educated men were very valuable in their place, and men who are not so well educated, are just as valuable in their place, and they ought all to be treated kindly, and spoken of kindly, and he should be sorry to see the day, when one class should be held up to the admiration, and the other to the ridicule of the world. From the rapid march of improvement and education, in this Commonwealth, it is not likely we shall have many men, within our borders, incompetent to fill any of these offices, and he could see no necessity for the proposed test of the gentleman from Northampton. But if an office was worth enough to authorize a man to employ a person to perform the labor of that office, he would not prevent a worthy man from holding it, who might not himself be able, at first, to do the duties of the office. He was glad the gentleman from Montgomery had accepted the amendment of the gentleman from Adams, because it had put it in a shape, that other amendments could be offered to it. If this amendment was to prevail, he would vote for the amendment of the gentleman from Susquehanna, for the purpose of showing that he was not in favor of long terms of office, and to show the officers, that they must be subjected to the scrutiny of the people, at limited periods.

Mr. SERGEANT (President) said, that, under the supposition that there were so many more members in this convention, who had given their particular attention to this subject, and were better able than himself to present the question to the consideration of the committee in all its bearings, he had been disposed not to address the committee. But, after listening with great attention to all that had been said, he found himself in a very great difficulty, as to how he should vote, and what he should vote for, and he should endeavor to explain this difficulty in a very few words. It was owing, in the first place, to the want of establishing some leading

principle, to determine the Convention as to what it should do in this matter. He was not satisfied with either of the grounds which had been taken here. He did not take into account at all what seemed to be a thing conceded, that there is a very great dissatisfaction prevailing, with the manner in which the appointing power has heretofore been executed. He was no judge of that, as he had had nothing to do with it, but proceeding upon general principles, which he took to be right, he did not think there was any just cause of dissatisfaction, though he would not pretend to say how much in fact there had been. When he said he was not satisfied with the grounds taken, he referred to what is called the elective principle, the power of the people, rotation in office, and the limitation of the time of holding office; so that, after one man has made money enough for the support of himself and family, another might have a chance. If that was the grounds on which appointments to office were to be made, we have but one thing to do, and that is to increase the salaries, so that a man, in six years, may accumulate enough to support himself and family after he is left out of office. He was not satisfied with these grounds, and he wished to turn the attention of the committee, for a moment, to the principle of rotation in office. What are its real principles? When he said this, he did not wish it to be supposed for a moment, that he was giving his opinion as better than that of any other person. It was by comparison of opinions that results are to be arrived at. Let every member of the convention give his opinion, and that which is right we can adopt, and be governed by it, and, if we are satisfied it is correct, we can carry it out. He would suppose, as satisfactory to himself, that this general principle of election is the real will of the people; that, in this respect, a certain kind of changes must be made. We are told that the will of the people is, that their officers should be selected by them, and that they should be limited to two terms, so as to constitute what is called rotation in office. His own opinion was, that the will of the people must be obeyed, whenever it is clearly ascertained, according to the principles of government. It not only asks for obedience, but it compels obedience, and you cannot resist it. He did not know what the will of the people might be, but he thought he knew what the will of the people ultimately would be. He believed the will of the people to be, that that which is right should be done, and it is our business, by comparing opinions together, and discussing matters, and throwing those discussions before the people, so as to give them all the information in our power, and they will then judge, finally as to them shall seem best.

Sir, there is another course, opposed to this, and that is, to determine one's will first, or to determine the course to be taken, and then to shape one's reason and argument according to such determination. That is common in individuals—it may take place in communities. It is the most natural thing in the world, that this should take place. The reason, in that case, instead of leading to decision, is made to follow and subserve it.

There are a great many men in every republican community, who are in pursuit of popularity. That, is their whole end, and to promote it, all means are applied. When I say this, I am not attributing to them, necessarily, any thing wrong, for the love of popularity is a natural one. It is a laudable one. It means nothing more, than a desire to have the esteem and respect of your fellow-citizens, manifested, by their confiding in you.

And, if it does not go beyond that, then it is only a spring of action—a necessary spring of action, in a republic like ours. You cannot dispense with it. It is idle to talk otherwise. As to the famous saying of Lord Mansfield, that he desired that popularity, which follows, and not that which is run after. It is a fine sparkling antithesis, but when you come to analyze it, you discover there is very little in it but the antithesis. Every man professes to pursue a right course, according to the dictates of his conscience, and because he believes it will raise him in the esteem of his fellow-men. And, that is the just reward of good conduct. As to the matter of seeking, or desiring popularity, it is the natural spring of public action, as the appetites, passions, and feelings, are of individual action. With proper regulation, they are salutary—unduly indulged, they become mischievous and destructive. Without them, and some indulgence of them, the individual could not live—in their excess, they will destroy him. A man cannot live without eating, and yet he may kill himself by eating too much. And so it is with this thing, called popularity—it is the spring of action in a republic. Indeed, all that, it should be; controlled by a sense of duty, a public man should live for his country, and he will be sure to keep this appetite within its proper limits. Whoever will endeavor so to form his mind, and habits, that all his faculties shall be obedient to reason, and patriotism, will be able to attain the just means between submission to the *vis inertia* on the one side, and irregular ambition on the other. He will be a good citizen, wherever his lot may be cast. Every man who has popularity, places his value upon it, and sometimes a much higher one than it is worth. To come more immediately to the point in discussion. There are two descriptions of offices, under our Constitution, in their nature totally different: and with respect to which, it would appear to me, in the very outset, they are to be considered with reference to different principles. One class of offices, is clearly political; it relates to the political power of the community, and begins and ends chiefly in the exercise of political power, and therefore affects the political rights of the community, as a community. That is the case with your Legislature, and with the greater part of the duties which belong to your Executive. And, as such offices are political, there is no doubt in the world, that the elective principle is rightly applied to them. But there is another class of offices, which relates entirely to the civil condition, the civil interest, and the civil rights, of individuals, as contra-distinguished from political ones. Whether the elective principle does, or does not apply, in this latter case, depends upon other matters, which, I will consider presently. But, I mean to say, at present, that it does not, necessarily, apply to them, nor very obviously, nor naturally. Of what description, then, are the offices, respecting which we are now legislating—making a fundamental law? Without exception, as far as I understand the subject before us, those offices are not, in any sense, political offices. I take for example, the recorder of deeds. What is my business in giving this office? Why, I want to have the evidence of my property securely recorded, so that it may remain there, for myself, and my children, or those to whom I choose to leave it. So of the register of wills: is it not the same with respect to him? Is it not the same with regard to the clerks of the courts? They have no portion of political power committed to them, but are charged with the care of personal and civil rights,

as distinguished from political power. What the political power may be, if any, is a mere incident, not to be regarded. But further—these offices relate not to those, who are voters only: a man who has property, is concerned in the right management of the recorder's office, and it is established, in part, for him. Every man, knows he must die, and he also has property, or a family to leave, is concerned in the right management of the office of register, and of the orphans' court. And, when he departs this life, who is it that is interested in the proper management of the office? His widow, if he leave one—his children, who have no vote, and who, according to your Constitution, cannot, and ought not, to have any share in the management of political concerns. Is any one so unreasonable as to suppose, that these officers have any thing to do with politics? Every man, who has political rights, is entitled to have them preserved and vindicated, I admit. But cannot every one make a distinction between civil and political rights? And, cannot every one see, especially, that the principal interest, in the right management of these offices, may be in persons, who have not, and never can have, any participation in elections? How do these offices come to subsist? If you go to the right of this matter, the principle I have been referring to, will be found to be still more manifest. It is a contract of every society, with individuals, thus circumstanced—men, women, and children—voters or not voters, that their business shall be properly transacted. It is no part of your political arrangement: it is only incidental, in a small degree. It is a part of your contract, with those who live, and who are to die—with those who have property—with those who are helpless—who cannot go to your elections. It is a contract, that you will give them this provision, in the Constitution of your society. For what? Why, for their benefit, and their security. And, in regard to this contract, the question arises, how is the provision to be made for its fulfilment? Sir, the general answer, it appears to me, is one of the clearest in the world, and disposes, once for all, of this idea of rotation in office. The engagement of society is, to do it in a manner that is best suited, best calculated, I should say, for performing the duties of those offices, so that every one who is interested in any act of the officers, shall be secure in having it properly and correctly performed. What I have just said, applies to other offices that are not now in question, but which will come under consideration hereafter. It is a most important principle, which seems to have been entirely lost sight of. As to the political offices, they, of course, will be distributed for political purposes and objects, and ought to be so. But, with respect to all those offices I am now speaking of, it appears to me that you prevent the object of them, you disregard the fundamental contract, the very moment you suffer any thing of a political character, as far as you can avoid it, to enter into them. What you are to look for, is capacity, including integrity, and nothing else. I think every man can see the injury complained of from a different course, and can trace it exactly to an improper connection with politics. Wherever this connection has been suffered to be formed, it has been injurious to those who have had business to transact in the offices, and at length, the whole matter has come to be put upon false principles. I will take, for example, this rotation in office—a principle which has assumed more consistency in form than any other, and has got now to be a sort of settled

principle. If you take into view the object of having the work well done, as the chief end of the appointment, this principle is directly contrary to every man's conduct, in his own affairs. Suppose that a man having a large estate, were to establish a registry and recorders' office for himself, and employ a man to conduct it for him, his functions would be the same, and the duties of his office the same as of the public officer. Would he establish rotation? Did you ever hear of a man fixing a time when he would discharge a useful agent, and that, too, with a certainty that he could not get a better? What man applies the principles to his agents, his physician, his lawyer, or his clergyman? Do not men invariably follow the opposite course? And, if a man were to lay down for himself a rule, that he would never continue a person in his service a longer period than twelve months, he would, on that account, be deemed very eccentric—to use the mildest term. If you look to the performance of the duty of the office, the principle is a false one, because it is contrary to that acted upon by every individual. So, in regard to the elective principle.—The present Constitution is upon a different principle, in part, from that proposed, but still it is connected with the elective principle. Appointments, under the present Constitution, are made by the Governor, who is himself elected by the people, and removeable by the people. Of late years, this rotation principle has been acknowledged, and rather extensively. It is adopted in the severe political contest now going on. In looking at the newspapers, it will be seen, that the contest is between the *ins* and the *outs*, between those who desire to retain their offices, and those who wish to get them. The public is enlisted on one side or the other of the question, and they are to determine it. What is the consequence? The public do not, and cannot feel an interest in the performance of the duties of a particular office, as they ought to do. A man who goes to an office, and has his business well done, is satisfied, and tells his neighbors of it, and they may, perhaps, assent to what he tells them. But, what does that signify? The one who has thus transacted business is the best judge; he is, in fact, the only judge. But, if there be ten men who never had occasion to do business at that office, and have never been there, and they should happen to be importuned to vote for another, they might elect an incompetent man, without thinking of the consequences, or being able to judge of them. And, this would be carrying out the rotation principle—losing sight, for the moment, of the fitness of the person for the office, which ought to be the only consideration. With respect to the political power—the will of the people, by means of elections, is paramount and supreme. It is according to the nature of our institutions. It is their right, and I have no disposition to question or detract from it. But, as to offices which are merely civil, which relate to individuals who have nothing to do with politics, and take no part in your elections, and who are more numerous than those who do—women, children, and the like, why should the political power control them? The question is, whether it is consistent with the rights of the widow and the orphan, the stranger, the property owner, that a man who is not competent to discharge the duties of the office shall be appointed, and that merely for the sake of carrying out a principle which probably will have the effect of destroying the value of the office, and defeating the important purposes for which it was established. The principle is wrong in itself, and bad in its opera-

tion. It considers too much the advantage of the office holder, and too little the convenience of those interested. I appeal to the members of the Convention, whether it is not the ultimate will of the people we are to look to, and whether that will is not, that what is right should be done.— I wish every member of this body to bring this matter home to himself. If he finds that complaints are made against those who hold office, where he resides; that he or his neighbors suffer any inconvenience, let him ascertain what it is owing to. He will generally find it is, because there is an unfit and incapable officer. If the records are lost, who is to suffer? The man who has the care of the titles—the records? No. If widows and children, and strangers, are to be deprived of the security intended to be given them by our register's office, what will be the cause of it? The unfitness of the officer? And, what is that owing to? Plainly, to the connecting the matter with party questions. And how do you propose to remedy it? Are you going to give them a better security—a better compliance with your contract with them? Unless it can be shown that it is better, though you have ascertained the fact that there is objection to the existing mode, the arguments fall entirely short, and all the speculation, so far as applied to civil officers, is entirely at an end. Now, I know what the application of the principle is. I have seen in the recorder's office, in the city of Philadelphia, a gentleman performing his duties with exemplary fidelity, with great promptness, and an excellent understanding and appreciation of the duties he had to perform. A new Governor was elected, and down went the officer, and another was put in his place. He might be a good one, or not—the principle was the same. The first, however, bowed to the edict of rotation in office, and his successor, who could not be so competent, as he had no experience, was brought in by the operation of the same principle. And why, sir? Why was the operation of this rotation principle connected with the election principle? but so it has been to a great extent.

I am not satisfied, from any thing I have heard, that the application of this principle, in the mode here contended for, will give us better security for good officers in future. I am the less inclined to think so, since I have heard the argument of the gentleman from Mifflin, (Mr. BANKS) which went to show, that the individual in office is to fill his pocket out of the public money, and then let another man fill his! There is, then, no possibility left, according to the gentleman's argument, of continuing an officer in office, even if desired, and that his term must be limited. Why? Because there is some one else whose pocket is to be filled. I never knew, until now, that an individual took the office, in order to fill his pocket! If the office is too lucrative, lessen the emolument; if the fees are too large, reduce them. But, the other principle is inconsistent with the nature of our Government. It is inconsistent with the purposes for which offices are established, and must end at last, not only in their destruction, but that of the republic also. It is this very thirst of office, growing with what it feeds on, is the cause of the undue excitement in elections.— Besides, you have to run the risk of getting incompetent men. Will not this plan, if adopted, have the effect, in a still greater degree, of turning your elections into contests, not about political principles; not about party principles, which are, to a certain extent, harmless, perhaps salutary, but into struggles for office, and nothing else. We have heard great com-

plaints in consequence of the excitement on the election for Governor, which excitement, it is contended, grows out of his patronage.

If, then, an indirect connection with the elections has had this effect already, what will it have when there is a direct connection? It has led to unfit appointments, we are told. To whom is he that makes the appointments responsible for the proper exercise of the power? Why, to the very person to whom the election of these officers is now proposed to be given. There will be much more danger and excitement created when the election for these offices is given to the people. But, to return to the immediate question—what will be best for the people, those interested in the offices? I am opposed to any change, unless I can be satisfied that it will be for the better.

In relation to appointments by the courts, I am not going to theorize about them. I speak here as a witness. I say, then, from experience, that appointments by the courts have been better than any other mode of appointment with which I am acquainted. They have the benefit of a Court of Examiners, which the gentleman from Northampton has mentioned. There is great propriety in the courts appointing their own clerks, as there is a strict accountability on the part of the latter to the former, and those who have business at the office will have it better done than in any other way. If not, they have immediate appeal to the courts.

Sir, you will be good enough to bear in mind, and so will the Convention, that the Governor, and members of the Legislature, are accountable only to the people—the people are to decide as to their faults. If they inflict an injury upon the public, it is like a steamboat explosion, suddenly known, and attended by great commotion. This, however, is not the case in reference to an ignorant or dishonest Register, Recorder, or Clerk of the court, who may do a decided wrong to individuals who are humble—not humble, because they are poor, but because they are individuals, and because a great many of them have no political power or influence. They can rally no party to their aid, and cannot combine themselves in relation to great political questions. I say they are humble and helpless. It is the capacity of the officer to wrong them, and their *inca acit'y* to obtain redress, that I speak of. Where, I would ask you, can the individual obtain redress? where make his complaint, in case the amendments, such as are now proposed, should be incorporated in the Constitution, with regard to these offices? The humblest individual may present himself to the Governor, or he may find access to the Legislature, but how is he, or she, who may have no vote to make himself, or herself heard, amid the din and hurry of an election. It is utterly out of the question. It is ten times better, then, that the appointing power should be where it now is, for there is an opportunity of making complaint, and of their being heard. This is a consideration of the highest importance, and doubtless it will have its full weight in the decision of the committee.

Mr. FULLER, of Crawford, said that he was not prepared to say that the amendment proposing to limit the term of office longer than six in any term of nine years, was a proper one to be inserted in the Constitution.—He would have no objection to vote for the amendment of the gentleman from Montgomery, as modified by the gentleman from Susquehanna (Mr. READ). He did not know, however, that any restriction was necessary to be put upon the action of the people. He believed that they were fully

competent to manage their own affairs, and that they ought to have a direct voice in putting men into office as well as in turning them out. Now, he could not concur in the sentiments expressed by the President of the Convention, who deprecates giving the election of officers to the people. He disapproved of rotation in office. He, (Mr. FULLER) on the contrary, thought that it was connected with the very principle of our Government; and he believed that the people, while they possessed the power, would exercise it. And, he was willing that they should be the sole judges as to the appointment of officers, and they should elect all officers when it was practicable. They were the best judges of their own servants. The gentleman (Mr. SERGEANT) had spoken of the injury which might be done to the property of widows and orphans by the dishonesty, negligence, or ignorance of the Registers or Recorders, who should be elected, and not appointed, as was at present the case. Why, he (Mr. F.) thought, that every man who would vote for these officers, would do so under the idea that his own rights, as well as those of his children, might be included in the choice. Every man who had a family, would naturally expect some difficulty to arise from having a bad officer, and consequently he would exercise his judgment in the selection of a competent person. The Governor of the Commonwealth now had the power of appointing the officers. He, then, had no interest to appoint good officers, except his own popularity. Could it, he would ask, be supposed for a moment, that an individual would feel his own interest more identified with that of the widow and orphan, than hundreds of thousands of people, who were about to leave property themselves? He thought that this argument would not be conclusive to the Convention. In his opinion, five thousand interested individuals were much more likely to select better men, than one man clothed with the office of Governor, who was not immediately interested. With regard to the whole provision, he (Mr. FULLER) was perfectly satisfied with it, with the solitary exception of the amendment which was made by the gentleman from Susquehanna relative to the two terms. However, even if the amendment should not be modified, he should feel himself bound to vote for it, as he had already remarked.

Mr. DORAN, of Philadelphia, said that, until he had heard the remarks of the President of the Convention, he had not believed that there was a single member who did not believe that the patronage of the Governor ought to be curtailed. He had thought too, that they did not entertain a doubt that the people had called the Convention for the express purpose of depriving the Executive of a considerable portion of his enormous power. He felt the highest respect for the gentleman's opinions, as well as for his learning and talent. But, when he heard the gentleman make an assertion of so broad a character, and so hostile as he (Mr. D.) believed it to be to the opinions of the people of Pennsylvania, humble as he was, he could not refrain from expressing his opposition to the sentiments of that gentleman, and of stating to this committee the reasons why he believed, with the people generally, that the patronage of the Governor should be curtailed to the extent of the report of the committee on this article of the Constitution. He regarded the patronage of our Governor as more unlimited and more uncontrolled, than that of the KING of Great Britain and Ireland. There, nothing could be done without the consent of the Privy Council; but in the free State of Pennsylvania, the Governor is the sole

fountain of power and dispenses favors to whom he pleases, without limit and without control. Such a power was dangerous in the hands of any one man; and he invoked the aid of Whigs, Democrats, and Anti-Masons to aid in limiting this power. It was a power too extensive to be exercised in the State of Pennsylvania over persons who claimed to be freemen.—He, for one, protested against it, and would co-operate with his fellow citizens in limiting the power which had been, and probably would be again, unless curtailed, exercised to the injury of the people of the Commonwealth. He would ask if it had not been exercised to the injury of the people? He apprehended it had.

On motion of Mr. BELL, of Chester, the committee rose, and  
The Convention adjourned to meet again at four o'clock.

#### THURSDAY AFTERNOON—4 o'clock.

Mr. STEVENS, of Adams, asked leave to make a motion, which required a vote of two thirds—Ayes, 57—Noes, 48. Leave refused.

The following gentlemen were announced, as the committee, appointed under the resolution, offered by Mr. FRY, viz: MESSRS, FRY, STEVENS, PORTER, of Northampton, DICKEY, of Beaver, and BROWN of Philadelphia.

Mr. FRY said, that the names exhibited three against the object of the resolution. According to parliamentary rule, a majority ought to be in favor of the proposition.

Mr. STEVENS replied that a majority were in favor of the resolution.

#### SIXTH ARTICLE.

The Convention again resolved itself into committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS of Franklin, in the Chair.

The question pending, being on the amendment of Mr. READ, to the amendment of Mr. STERIGERE.

Mr. DORAN resumed his remarks. The executive power of the Governor extends over a country, equal in extent, to the whole of Scotland and England, and in population, equal to that of the whole of the United States, at the time when the Declaration of Independence was issued. We have five thousand public officers, operating on every person in the State, and it is a matter for serious enquiry, if their influence is exercised for the good, or the evil of the people. Now, he did not believe, or imagine, that any gentleman would say, that on all occasions, this influence had been exercised for the benefit of the people. He did not believe, that any gentleman, however attached he may be, to the power being retained in the hands of the Governor, will insist that it has always been exercised without any party considerations, and solely with a view to the merit, and competence, and honesty of the individual. He did not imagine there was any gentleman, who would make an assertion of so broad a character. Such had not been the case, since the adoption of the present Constitution. We all know, that the sunshine of gubernatorial favor, has shone on few, except those who had assisted in the election of him, who filled the chair of the Executive. We have found in the political history of Pennsylvania, something about a contract, by which certain candidates

engaged in the case of their success, that those who aided him, should have offices, and they had been permitted to enjoy the offices which they attained by these means. The offices were enjoyed by the political friends of the Governor. Both the ministerial, and judicial offices, were showered upon his favorites. No one pretended, even, to argue the question of the reduction of the Governor's power. It was conceded by all, that it ought to be reduced, as an arbitrary, and mischievous power. Every newspaper, of every party, supported this proposition. Popular opinion has been expressed in its favor, in the most decided manner; and yet, this morning, it was intimated by the respectable gentlemen, from Philadelphia, that the people had not required such a measure. How was the committee on that subject constituted? It contained a sprinkling of all the parties in the Commonwealth, and the democratic party was the minority, and what was their opinion? They had made only one report, which was, he believed, unanimously concurred in, and that report was based on the principle, that it was necessary to reduce the patronage of the Executive. How then would the gentleman, after such an expression of opinion, say that this measure was not required by the people. He could not conceive, how he had arrived at such an opinion. It was necessary for the protection of the rights of the people, that we should take from the Governor, a portion of his powers. How was this to be done? By the resumption, on the part of the people, of the power, which they delegated, by the Constitution of 1790. When the trustee had abused his trust, it was the right of the constituent to resume it, as in the case of a steward in common life. If the Governor had exerted his powers, not for the common good, but to strengthen his own hands, by the appointment of political partizans, they should be taken from him, and reposed elsewhere. Was it then a fact that the public offices had been well filled, under this system? With certain exceptions, they had not. He would ask, whether in Philadelphia county and city, they had been filled with reference to the public interests? He would say, and he said it in sorrow, that they were filled in reference to political interests. The first enquiry had been, in regard to any applicant for office, "has he been active in the service of the party?" and the last enquiry had been, "is he honest, is he capable?" In fact the last enquiry had often been omitted altogether. Since the year 1790, those offices had, with a few honorable exceptions, been filled with Executive partizans and favorites, who were frequently compelled, from actual incompetence, to discharge the duties of the office, by deputy. What control had the people, under such circumstances, of the offices, which were created for their benefit? If any one undertook to make a complaint to the Governor, of the manner in which an office was filled, and discharged, if he did not turn with contempt from it, he would turn a deaf ear to it. He would treat the complaint as a personal or political attack upon the officer, whom he had appointed. There was no way in which the people could obtain any redress for this grievance. Why, then, was it said that the people had the control of these offices, under the present system? If they had the control of them, why was it necessary to make laws, to protect the people from the injustice and exaction, of those, who were thus brought into office, for political purposes, and to repress and restrain their cupidity? The gentleman made reference to the late recorder of Philadelphia, as a

good officer, who was turned out, to make room for a party favorite. The new Governor appointed as his successor, a man, whose merit was, that he had an extensive political influence, and could bring a great number of voters to the polls. With few exceptions, he repeated, officers were appointed with a view, less to the public advantage, than to the party interests of the Governor. How was this great evil to be corrected? Not by resorting to the Governor, nor by penalties, but, by going to the people. The only way was, for the people to resume these powers. Let those officers be elected by the people, and, when they come before the people, for re-election, they can decide, whether they are worthy to be re-elected. What was the argument against the proposition? Would it put into office political partizans, or persons who were less competent than those now appointed? The gentleman from Franklin tells us, that he knows of prothonotaries who cannot spell the most familiar words. The gentleman from Northampton has also mentioned cases of gross ignorance, on the part of these officers, who are appointed under the present system. Would the offices be filled with persons more ignorant, if they were filled by the people? Could not the people ascertain whether the candidates were competent or not? Would they not scan their merits, and, in pursuance of their own interests, choose those, who were competent and faithful. No one would do so much injustice to the people of Pennsylvania, as to say, that they cannot discern the difference between an officer who is qualified, and one who is not. But the gentleman proposed, as he understood him, that the clerks of the courts, should be appointed by the judges, and expressed the opinion that, in that way, we could get the best officers. He disagreed from the gentleman, altogether, as to this matter. Look at the history of England. These offices were filled by the judges of the courts, originally, but their value having attracted the attention of the King, he resumed the power of appointing them, and conferred the offices on individuals for life. In the court of exchequer, all the offices were hereditary, and were handed down, from generation to generation; and some of them were filled by females, through a deputy. Was this the kind of thing to be established here? The principle of these life offices, and of appointments to office by the Executive, was that the people were incapable of self government. Was that a principle to be tolerated here? If not, then let us not place these officers beyond the reach of the people.

Mr. MERRILL said, the question before the committee was whether there should be a limitation put upon the power of the people to re-elect their own officers. This proposition to restrict the people in their choice and limit their action, did not seem to arise from a fear that a bad officer would be re-elected, but that a good one might be continued by the people. The fear was, that the people would appoint a good officer for a longer time than his neighbor, who himself wanted the office, might wish. What was the object of limiting the term of an officer who had no political power or influence, and no patronage? There seemed to be much apprehension that the people would be so misled as to elect a man for a longer time than is consistent with democratic notions. For a long time he himself had no faith in the proposed disposition to limit the eligibility of officers. He had supposed that it was one of the movements of the party leaders for popular effect, and that they would never carry out the principle in application

to themselves. He had some reason to doubt their sincerity. He knew that every newspaper of the party was last year full of the cry of "two terms"—"two terms." He had supposed that he had heard the last of it, but he now found that some gentlemen were sincere advocates of the change. In reference to the Governor, a limitation on eligibility might be proper, yielding, as he did, so much authority and influence. It might be that he, having so much strength, and bringing to his support so much party and official influence, ought to be rendered ineligible after a certain time. But of this vast extent of power, we were about to deprive the Governor, and even in regard to him, the principle of ineligibility would not so well apply. But in regard to other officers, whose duties were ministerial merely, it could not apply to them at all. The effect of an official employment upon a man, was to disqualify him for any thing else; and, if we adopted the principle proposed, we should, every six years, have a set of men who were irremediably spoiled for any other kind of business. One word in regard to the mode of appointing officers. The question was not whether they should be connected with the political power of the State. They had heretofore been appointed in such a way as to control the political interests of the State, and to him who was in the minority it seemed a great grievance; but that a majority would be so self-denying as to yield it, he had not imagined. He was opposed to the appointment of these officers by the Governor, because, under that system, our offices had too often been filled with incompetent men, who were selected only for their party connections and influence. The appointment of the Register of Wills, in his opinion, especially belonged to the people, and he had no doubt that the people would select a good man for the office. He had observed that there were about as many good appointments made by the people, as by the Governor. The number of good Sheriffs, who were elected by the people, was about equal to the number of good Recorders appointed by the Governor. He did not go on the principle that the people would always make a better choice, but the people were deeply interested in the choice of Register of Wills, and would never choose a man in whose capacity and integrity they had not great confidence. All their estates must, at some time or other, be settled by these officers, and this was a reason why no person should hold the office in whom they had not confidence. His object was to break up the influence of this great central political power, by which public opinion has been created and controlled, and through which political power was obtained and perpetuated. It had been asserted here,—he did not know upon what authority,—the charge, he hoped it would be remembered, did not come from his side, but a gentleman had made the assertion—which, he hoped, could not be proved—that bargains were made for the distribution of offices before the election. If this assertion was correct, it was an additional proof of the corrupting effects of the present system. He believed the restriction to be unnecessary in regard to the county officers, and particularly so in regard to those of them in which the suitors in court are interested. He hoped the exclusive control of the choice of these officers, would be left with the people.

Mr. WOODWARD regreted exceedingly that he felt under the necessity of voting against the amendment of the gentleman from Susquehanna (Mr. READ) but feeling constrained to vote against it, he wished briefly to state

his reasons for that vote. It seemed to him, that the gentleman could not have considered this amendment well before he submitted it to the Convention. The great evil, undoubtedly, under the old Constitution, was the unrestrained patronage of the Governor, and the strong desire that he should be restricted to a period of years, and all gentlemen have said about two terms has been in reference to the election of Governor of Pennsylvania for a short term. He had been all along in favor of limiting the patronage of the Governor so as to destroy this evil, and preventing its being brought into play for the purpose of securing his re-election. But the reasons which influenced the minds of a great portion of our fellow citizens in wishing the term of the Governor limited, do not apply to these county offices which it is now proposed to limit to two terms also. It is proposed by the amendment under consideration, to give the election of county officers to the people, who have heretofore been appointed by the Governor; and now the gentleman from Susquehanna, (Mr. READ) proposed to say to the people, although you are entitled to elect these your officers, still you shall not re-elect them more than for the term here proposed. You shall not have the services of your Registers, Recorders, and Prothonotaries, however faithfully they may have performed their duties, or however important their services may be to them, for more than six years in any term of nine years. The gentleman's amendment will either reduce the people to this self restriction, or it will compel them to reject all the other amendments submitted to them. They will be placed under the necessity of restricting themselves in the selection of their own agents, or of rejecting all the amendments submitted to them in connexion with this. It seemed to him, that the gentleman from Susquehanna was proposing altogether too much. He is asking the people to impose restrictions upon themselves which he has no right to ask, and for which there has been no good reason assigned. Why, sir, the evil has not been that the people cannot trust themselves; but the evil complained of has been, that the Governor has inflicted upon them bad appointments for political purposes. This will be remedied by the first amendment under consideration, and the people will, no doubt, select the very best men, and why then limit them? Why, if it becomes necessary to have a limit, the people will impose a limitation practically, by refusing to elect the officer at a second or third term. We should not say to the people, you shall not exercise this sovereignty.— The idea now, of imposing this limitation on the people which we have not hitherto imposed upon the Executive, in the appointment of them, seemed to him, to be looking altogether in the wrong direction. The people require no such limitation. Their officers do require it; but this was a limitation upon the department of the Government, and upon the officers of the Government, but the limitation proposed by the gentleman from Susquehanna, was a limitation upon the sovereignty of the people.— Now, he (Mr. W.) was willing to trust the people in these restrictions. He was not afraid they would continue an incompetent officer in office; and he was not afraid they would elect a man to office who would abuse his trust; because, if he did so abuse it, it would be a death blow to his prospects thereafter, when the people came to pass upon his merits. He wished the gentleman from Susquehanna to reconsider this matter, and ask himself whether it was expedient to introduce a proposition of this kind into the Constitution? The reasons which influenced the people of Penn-

sylvania in wishing the Governor limited, does not apply to this case. nor do the reasons why the Sheriff of the county should be limited, apply to the case of the other county officers. The Sheriff of the county is the agent of a large class of the citizens of the county, having collected moneys for them to a large amount, which gives him a very considerable power, and then again, in the exercise of his duties he has the power of extending favor to some, and of enforcing the law upon others, all of which might be used for the purpose of securing the votes of his fellow citizens, and of procuring for himself a continuance in office. These reasons might be abundant for limiting the term of the Sheriff, but these reasons do not apply to the other county officers. They have no patronage in their hands to be used to procure the public favor, and have no means of prejudicing the public interest except by a neglect of duty; but in that case, the people who are always jealous of their rights, will see it, and turn them out for that neglect. Why, sir, if we agree, as seems to be agreed to on all hands, that we should give to the people the election of their officers, why should they not be invested with the right to select them, as with the right originally to elect them? And what reason can any one assign for giving the elections to the people, which will not apply with equal force, and in all its length and breadth to the giving the re-election of those officers to the people. When an election comes on, some one must be elected, and if the officer who has held the office is better qualified and more worthy than a new man, what reason was there for forbidding the people from re-electing him, which would not apply with equal force against their right originally to elect him. There was, he apprehended, no reason for this, and there was a strong reason why this attempted limitation should not be introduced into the Constitution. He did not know of any stimulus so strong to influence the officer in a faithful discharge of his duties, as that of securing the favor of the people for re-election. Take the Prothonotary or Register, whose term is to expire at the end of three years. At the end of three years his character as an officer, and the fidelity with which he discharges the duties of his office, will pass under review before the people. If he is desirous of being re-elected, will he not discharge his duties faithfully? Will not those who have business with him always find him in his place, attending to those who need his services? Will not he be anxious to have the people say of him, "we never suffered in having our business done in the office in which this man was, and we will restore him to his office, we will re-elect him". Will not this be the language which every officer will desire to hear of himself, and will not every one who desires to remain in office use every exertion to merit it? Well, sir, how will it be with the amendment of the gentlemen from Susquehanna? Will it not take away this resistless motive for a proper discharge of duty? Will it not deprive the people of the benefit of this motive operating on the mind of the officer? He was unwilling to deprive them of all the benefits of this motive, but he would leave it to operate with its full force, and let the officer feel the full value of the approbation of his fellow citizens. Let him feel all the impulses which an honest man may feel in reference to his devotion to the people to whom he owes his official trust. Let us not deprive him of the influence of this motive in his efforts to serve the people, and let us not deprive the people of the benefit to be derived from this motive, operating upon him, by saying to

him, in no event, however you may conduct yourself, shall you be elected to this office. These were the reasons which would influence him in going against the amendment of the gentleman from Susquehanna, and he could not bring himself to believe but that the gentleman had introduced it, before he had weighed its merits properly, and without due reflection.

Mr. PORTER, of Northampton, said that the doctrine of rotation in office was a republican one; that as power had a tendency to corrupt, it was one of the principles of all republican Governments, that all power, which the sovereign people delegated to individuals, should, at stated periods, be returned to them. Although all power tended to corruption, in consequence of the infirmities of human nature, yet it did not necessarily follow that every person to whom power is committed becomes actually corrupted, or abuses the trust reposed in him; therefore, when the trust was thus restored, or the delegated power returned to the people, they either re-delegated it to the same individuals, or conferred it on others found to be more worthy. This was the true doctrine of rotation in office, and left the people perfectly free to reward merit, or discharge incompetency or dishonesty. Rotation in office did not mean: that the people *must* discharge faithful servants at a given time, whether there was any occasion for it or not: it only intended to give the people the right, at stated periods, to review and pass upon the conduct of their servants. It would not be deemed proper to compel a merchant to discharge his clerk, whom he hired from year to year, at the end of three or six years, whether he satisfied him or not, and compel him to try another; and it would be equally improper to *compel* the people to do so: it should be left to their own free will. I am opposed to putting such a constraint upon the people, and I confess I did not expect to see such a proposition finding favor with those radical gentlemen, who seemed so horrified at the proposition which I stated yesterday, and now state again—I mean to offer to this section, so soon as I can find an opportunity, to require that before any person shall be elected Prothonotary or Clerk of a court, he shall have been first examined by the Judges of the court, or by a board of examiners to be appointed by them, and certified to be qualified to discharge the duties of the office. I say, sir, I little expected to see gentlemen who profess so much confidence in the people, and who are so continually taking the dear people under their special care, that they will scarcely let any other member name them, now urge the necessity of *brillling* the people for fear they would injure themselves, whilst they object to requiring any qualification whatever of capacity in the officer to be elected. I like consistency, and think this is evidence of any thing else. I was astonished to hear my friend from Mifflin, who was for many years a Prothonotary, and one of the best in the State, say that he did not think it important that a Prothonotary should know how to write very well. [Mr. BANKS explained: he said that he did not think it necessary that he should be able to spell accurately.] I never knew a man fit for Clerk of a court that could not spell ordinary words. Good writers and competent Prothonotaries should always be such—they usually, though perhaps not always, spell, as well as write with ordinary accuracy, and this is all I should require in the way of qualification, superadded to ordinary intelligence and capacity. The gentleman from Philadelphia, (Mr. DORAN) has deprecated the mode of appointment by the Executive, and says that a Governor

has been known to have bargained for the disposition of offices to secure his nomination. I doubt the correctness of his information. Such a thing never did occur. I admit that incompetent men have been appointed, and I believe incompetent men may be elected, and I should like to guard against it. I think the Executive patronage should be reduced; but the difficulty has been to find where the power can be more securely placed. I do not expect to attain to perfection in any scheme that may be adopted: such an expectation would be folly. If the guard that I propose be adopted, I think the mode by election by the people will answer very well.

A great deal has been said, and is always said by those out of power, who have been displaced, about the impropriety of turning men out of office for their political opinions. We recollect very well how much fault the National Republicans found with Governor MARCY for the expression, "that to the victors belong the spoils of victory". I told them then that if they had the power, they would do the same thing. Shortly afterwards, they came into power in the cities of Philadelphia and New York, and they swept the board of all the officers who were politically opposed to them, down to the very watchman. The same party who thus found fault with Governor MARCY, have since obtained the power and patronage of Pennsylvania, and they cleared all the offices in the State of their political opponents, down even to the lock keepers on your canals. The thing is wrong in principle. I admit; but it is and has been practised by all parties, except under the administration of Mr. JOHN QUINCY ADAMS, who probably lost his re-election for not practising it himself. I believe a majority of this Convention are for electing the county officers, and I certainly shall not object to it for its political operation on the county which I in part represent. But before we adopt the system, as these things are practised now, it may be well for our friends to enquire as to its effects on the democratic party throughout this Commonwealth. They have held the power of the State for thirty out of thirty-nine years past, and if we do not cut up the existing Constitution by the roots, the probability is that they will have an equal proportion of the next thirty-nine years. Is it not suicidal, then, in the party thus to part with their power? The offices in the city and county of Philadelphia, and the counties of Lancaster and Chester, are worth almost as much as in all the rest of the State; and to make them elective is at once to surrender the power and patronage in that city and those counties to our political opponents. If, however, the party determine to do this, I shall not object; but I suggest the matter for their consideration.

But, if gentlemen wish the county officers elected, the system ought to be carried out. There are many other offices in the city and county of Philadelphia—the inspectorship of flour, bark, whiskey, and other things for instance. Are not these to be elective also? Gentlemen should be consistent, and carry out their system, and elect all such local officers, if they elect part.

All offices should be filled with a regard to the public interest, and not for the benefit of the individuals who may fill them; and, therefore, politics ought not, in principle, however it may be in practise, to be introduced in their selections. The great object with the public should be, to get honest and capable men, and I will go for any measure best calculated to produce this result. But I almost despair of entire success in this res-

pect, by any mode that may be adopted. I think we should get the best Prothonotaries and Clerks, if the court appointed them; but this project does not seem to find favor in this body. I confess I do not see why it should not. Our County Commissioners appoint their own clerk, and we hear no complaints of that. Our courts are as much interested in the safe and correct keeping of their records as the commissioners, and, the public are vastly interested in this thing being ably and faithfully done. To attain this end, I trust that it will be required, that no man shall be a candidate for the Prothonotary's or Clerk's office, who has not been examined and found qualified. I fear no exercise of arbitrary power in excluding competent men. Were any judges to practise partiality, or exercise the power oppressively, it would be more than their commissions would be worth. I should have more fears that there would be scarcely strictness enough observed. But I am altogether unwilling to adopt a provision which will oblige the people to turn a man out of office against their own wishes, and when there is no reason or occasion for it. There may be reason in restricting the Executive to a given number of years, as he has the Executive power of the State or Union in his hands. He might, otherwise, so strengthen himself as to become, in fact, a monarch. The restriction might well be applied to a Sheriff, who ought to settle up the affairs of his office, and who might, by oppression or partiality, use the power and influence of his office for his own re-election, and to the prejudice of suitors and parties. But in a mere ministerial office, there can be no reason for preventing the people from exercising their own pleasure.

Mr. CLARKE, of Indiana, said he would make a few remarks. He was afraid that the proposition of the gentleman from Susquehanna, (Mr. READ) was not going to get fair play at all, and his apprehension was founded on the course the argument had assumed. He thought the proposition before the committee a very simple one, though it was not the less good, and whilst the gentleman from Union (Mr. MERRILL) had expressed himself as bitterly opposed to it, the gentleman from Mifflin (Mr. BANKS) had not the less ably supported it. The gentleman from Union professed his astonishment, as to whether what had been said in relation to the two terms, was said in earnest. Now, as we received not unfrequently our opinions from those with whom we conversed, he might say, that he had gathered those of his constituents who had talked about amending the Constitution, and they were in favor of the abolition of life offices, and of limiting the tenure of office. In conformity with these opinions, he intended, at the proper time, to vote to take away life offices, shorten the term of office, and limit the eligibility to office. His constituents, generally, wished the patronage of the Governor to be limited, because they conceived that he possessed more power than ought to be exercised by any man, and was too far removed from the people. It was to be borne in mind, that if we did not limit the eligibility of the officers elected by the people, we could not get rid of the evil of which they complained. These officers still formed the outposts and the rallying points of party organization, whether re-appointed by the people or the Executive. He had no doubt that great advantage would result from limiting the eligibility to office. By making men re-eligible to office, an opportunity was afforded those who wished to be re-elected, of using their exertions in various ways, to get themselves re-nominated. They would have great facilities of intercourse, especially

of living in a county town, which they might avail themselves of in order to obtain their re-election. These, then, would give them an advantage over other citizens. Their friends would be punctual in their attendance at their own meeting, for the purpose of choosing delegates. And, in the county towns, they would act together so as to operate on the county.— Now, he (Mr. C.) would take away this temptation of re-eligibility. The fact was, that men who are in office long, imagine that it was made for them, and they are never willing to return to a more industrious calling. It was thought as hard to leave an old office as it was to pay old debts, even after a very long credit. So long as men were re-eligible to office, their minds would be continually running on it, and employed in contriving how they should secure their re-election. He thought, then, that six years was long enough for a man to fill an office. The longer a man was in office, the slacker he became in the discharge of his duties. If fat, he grew lazy; if lean, he grew roguish; and if cross, he grew more so. It was better that a man should go out of office at the end of his term, and that another should be elected in his place. He (Mr. C.) believed in the truth of the old proverb, that “new brooms sweep clean”. But, a gentleman had asked the question: “What, would you deprive the people of the right to select their own officers? Why place restrictions on the people?” No, he (Mr. C.) would not. We only proposed a rule for their adoption in reference to the Sheriff and Governor. He maintained that the doctrine, that, because a man fulfilled his duties honestly and faithfully, he should always be continued in office, was the doctrine of monarchy and aristocracy, and all the *ocracy* that was opposed to popular rights. A man, when new in office, performs his duties faithfully and well. But, on the contrary, when long in office, he was apt to be idle and negligent. He (Mr. C.) would conclude his remarks by saying, that he felt satisfied that the proposed change would be decidedly advantageous and beneficial to the people. He would, therefore, vote for the amendment of the gentleman from Susquehanna.

Mr. DICKEY, of Beaver, believed it to be the wish of the people that the Executive patronage should be curtailed. And, one of their principal reasons for this was on account of the appointing power. He believed, that as capable and efficient officers could be elected by the people as appointed by the Governor, if not better. The Governor was subject to be imposed upon, if not influenced, in regard to the appointment of the Prothonotaries, Recorders, &c., as recommendations were gotten up in their favor, of a character more political than otherwise. The people of a county soon learnt who was competent to discharge any of these offices, and as they were created for their benefit, they would take care to have competent men to discharge the duties of them. He objected to the provision for the election of the county officers, on the same day with the general election, and he hoped that it would be so modified as to disconnect the county officers from the others. He would prefer, that the time for holding the election should be fixed by the Governor, for then it would be less liable to be influenced by party.

In regard to the restriction of two terms, he did not think the people had required that. The people would elect men, (as he had already observed) who were honest and responsible, and who would see that the duties were properly performed; and, this was all that the principles of democracy—

of JEFFERSONIAN democracy—required. The gentleman from Northampton (Mr. PORTER) would call these offices sinecures. but they were such as Mr. JEFFERSON approved of and sanctioned. When Mr. JEFFERSON came into office, he appointed a very aged man, a Mr. WAYNE, as the Collector of New Haven. In reply to the remonstrance of the merchants of that city, against the appointment, Mr. JEFFERSON said that the individual was honest and responsible, and that this was a sufficient qualification for the office. So, in many parts of Pennsylvania, where a man might be elected to office, who knew nothing of the English language, he could get a man to perform his duties for him, he being honest and responsible. Now, that would be carrying out the JEFFERSONIAN democracy.

Mr. EARLE, of Philadelphia, remarked, that it was not more strange than true, that gentlemen who had argued against rotation in office, and the danger to be apprehended from giving the election of officers to the people, had not mixed enough with the people, and therefore could not sufficiently comprehend what democracy was. Now, these gentlemen ought to go to school again, and read, carefully, the political history of nations. They would discover, that the doctrine of once in office always in office, was a doctrine entertained by monarchists and aristocrats. Gentlemen, however, would live and learn.

They will find the pure democracy of which they speak, is quitting our side and going over to the other side. He would ask the gentleman from Luzerne, if he did not see, that the democracy which gentlemen exhibited was sustained by the conservatives—that they went shoulder to shoulder with our democrats. Gentlemen have discovered that the conservatives are the only true democrats, and that the radicals are the true aristocrats. He called on the gentleman from Northampton to carry out his declarations, by taking the appointment of all the officers from the Governor, and giving them to the people. Consistency required that he should carry out the principle which he was elected to sustain. The gentleman from Chester (Mr. BELL) was not in favor of the limitation of the terms of the office of Governor and Sheriff, if it was not in the present Constitution.—Was that a good reason? He had not supposed that such a genuine democrat would have assigned that as a sufficient reason, but would rather have lifted up his eloquent voice against it. Instead of limiting the terms of the Governor to six years out of nine, his eloquent voice was not heard in behalf of the restriction.

Here Mr. E. gave way to a motion to rise.

The committee then rose, reported progress, and obtained leave to sit again, and

The Convention adjourned.

FRIDAY, JUNE 30, 1837.

Mr. **SELLERS**, of Montgomery, presented a memorial from citizens of Montgomery county, praying for restrictions on Banks, which was laid on the table.

Mr. **HIESTER**, of Lancaster, submitted the following resolution, which was laid on the table, and ordered to be printed :

*Resolved*, That the rules of the Convention be altered by the adoption of the following rule :

“ When any question is proposed for consideration, or is under debate, it shall, at any time, be in order to move to lay the same on the table, which, if agreed to, shall preclude further action thereon, until the same shall be again taken up by order of the Convention, and such motion shall be decided without debate”.

Mr. **MARTIN**, of Philadelphia, moved that the Convention proceed to consider the resolution offered by him on the subject of adjournment, from July 1st to July 27th, and the motion was decided in the negative—yeas 32.

Mr. **STEVENS**, of Adams, submitted the following resolution, which was laid on the table, and ordered to be printed :

*Resolved*, That the following amendments to the Constitution shall be submitted to the people of this Commonwealth, for their confirmation or rejection, at the next general election, in the following manner: The amendments shall be submitted all together—the several inspectors, appointed or chosen to conduct the next general election, shall, at the times and places of holding said election, receive written or printed tickets from the electors qualified to vote at said election, labelled on the outside “ amendments”, and containing on the inside “ for the amendments” or “ against the amendments”, and the votes thus given shall be counted, and returned in the same manner as is now provided for in the case of votes for representatives, which said votes shall be opened and counted, and declared by the next General Assembly, in joint Convention, on the third Wednesday of December next, and if a majority of all the votes thus given shall be “ for the amendments”, then these amendments shall become and be a part of the Constitution of this Commonwealth, otherwise they shall be void, the Secretary of the Commonwealth shall cause the amendments to be published in at least two newspapers in each county, (if containing so many) for at least two months before the election.

#### AMENDMENTS.

##### ARTICLE I.

Alter the sections second and tenth, so as to read as follows:

**SECTION 2.** The representatives shall be chosen annually by the citizens of Philadelphia, and of each county respectively, on the third Tuesday of October.

**SECTION 10.** The General Assembly shall meet on the first Tuesday of *January* in each year, unless sooner convened by the Governor.

##### ARTICLE III.—OF THE CONSTITUTION.

Alter section I, so as to read as follows:

**SECTION 1.** In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year, or if he had previously been a qualified elector six months before the election, and within two years next before the election paid a State or county tax, which shall have been assessed at least ten days next before the election, shall enjoy the rights of an elector: *Provided*, That freemen, citizens of the United States, having resided in the State as aforesaid, being between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

##### ARTICLE VI.—OF THE CONSTITUTION.

Alter it to read as follows:

**SECTION 1.** Sheriffs and Coroners shall, at the times and places of election of representa-

tives be chosen by the citizens of each county, one person shall be chosen for each office who shall be commissioned by the Governor; they shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified, but no person shall be twice chosen or appointed Sheriff in any term of six years. Vacancies in either of said offices shall be filled by a new appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Add a new section, to be called section six, as follows:

**SECTION 6.** Prothonotaries and Clerks of the several courts, (except the Prothonotaries of the Supreme Court, who shall be appointed in the respective districts by the court, for the term of three years, if they shall so long behave themselves well, and are not removed by the court) Recorder's of deeds and Register's of wills shall, at the times and places of election of representatives, be elected by the citizens of each county or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor; they shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate, by law, the number of persons in each county who shall hold said offices, and how many, and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Add a new section to be called section seven, as follows:

**SECTION 7.** Justices of the Peace, and Aldermen, shall be elected by the citizens of the several districts, at the times and places of electing constables, and hold their office for five years, if they so long behave themselves well, the number in each district to be fixed by the Legislature.

Add a new article, to be called article ten, as follows:

#### ARTICLE X.

**SECTION 1.** The public debt of this Commonwealth shall never exceed the sum of thirty millions of dollars.

#### ARTICLE XI.

**SECTION 1.** Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published, and if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by two thirds of all the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people, at such time at least three months distant, and in such manner as the Legislature shall prescribe; and, if the people shall approve and ratify such amendment or amendments, by a majority of the qualified voters of this State who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

*Resolved,* That this Convention will now adjourn *sine die*.

Mr. SHELLITO, of Crawford, suggested, that this be called the Adams county Constitution.

Mr. MEREDITH, of Philadelphia, moved that the Convention proceed to the consideration of the following resolution, offered by him yesterday.

*Resolved,* That the resolution passed on the twelfth instant, rescinding so much of the twenty-third rule, as forbids the previous question in committee of the whole, be rescinded.

Mr. READ, of Susquehanna, asked for the yeas and nays on this motion, and they were ordered accordingly.

The question was taken on considering the motion, and determined—yeas 61, nays 55—as follows:

**YEAS.**—Messrs. Agnew, Baldwin, Barnollar, Barnitz, Bell, Biddle, Brown, of Lancaster, Carey, Chambers, Chandler, of Chester, Clauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Coates, Cochran, Cope, Cox, Cunningham, Darlington, Denny, Dickey, Dickerson, Donnell, Doran, Dunslop, Fleming, Forward, Gamble, Helfenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Houpt, Jenks, Kerr, Koeniglicher, Long Mclay, McCall, McDowell, M'Sherry, Meredith, Merrill, Merkel, Pollock, Porter, of Lancaster, Reigart, Ritter, Royer, Russell, Saeger, Scott, Stegner, Stevens, Thomas, Told, Weidman, White, Young, Sergeant, *President*—61.

**NAYS.**—Messrs. Ayres, Banks, Bayne, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Clewinger, Craig, Crain, Crum, Cummin, Cull, Darrah, Dillinger, Dungan, Earle, Farrelly, Faulkroil, Fry, Fuller, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Hoester, Hyde, Keim, Kennedy, Krebs, Lyons, Magee, Mann, Martin, Miller, Montgomery, Myers, Overfield, Porter, of Northampton, Purviance, Read, Ritter, Sellers, Selzler, Serrill, Scheetz, Shelito, S.H. Smith, Smyth, Stickel, Swetland, Taggart, Weaver, Woodward—55.

The resolution having been read a second time,

Mr. MEREDITH said, he would not have brought this resolution forward, but that he considered, that the resolution to rescind the rule forbidding the previous question in committee of the whole, was not adopted by the sense of the Convention; not even had the yeas and nays been asked for on the question, and if they had been called, he believed the resolution would not have been adopted. It was a measure altogether unprecedented. The object of carrying measures into committee of the whole, was for the purpose of having full and free discussion and amendment. There was a mode of discharging the committee of the whole from the further consideration of the subject, when debate was not desired. To test the sense of the Convention, he asked for the yeas and nays on his motion, and they were ordered accordingly.

Mr. READ, of Susquehanna, said, the principal objection seemed to be that the rule establishing the previous question in committee of the whole, was an unprecedented one, and that the previous question had never been used in committee of the whole in any other body. Well, there was a good reason for using it in this body, which did not exist as to any other body. In other bodies, the proceedings in committee of the whole, were altogether preliminary, but such was not the case here. An unprecedented practice as to the previous question might be introduced here, because our course of proceeding was unprecedented. Here the great battle was fought, and the important principles were settled in committee of the whole.—What was the meaning of the rule every where? To enable a decided majority to control the minority. We had an instance yesterday. The main question was ordered to be taken by a vote of 102 to 13. Yet, had it not been for this rule, this small minority might have kept up the discussion for weeks. In a body like this, where we settle all great questions in committee of the whole, there was some reason for introducing the rule, and there should be strong reasons for a change. Let us rescind the rule, and any six members of this body, in committee of the whole, can prevent the action of the other one hundred and twenty-seven, not only for a month, but for years. But the gentleman from the city told us there was another mode of getting rid of debate, and this was by discharging the committee of the whole—and for what purpose? To get the advantage of the previous question in the committee. What is the effect? It is all-satisfactory to the gentleman from the city. You have moved amendments to the nine first sections. An amendment to the tenth is pending. You

have become weary. To get rid of the debate, you discharge the committee of the whole, and call the previous question, and thus cut off the nine amendments previously adopted, important as they may be, in order to get rid of the tenth, and the discussion to which it had led. It was the only mode of getting rid of the question. As we had to fight the principal battle in committee of the whole, and settle all the great questions there, we should have the benefit of the rule in that body where the great battle is fought. It was not the custom to call the yeas and nays in committee of the whole, and he had therefore introduced the rule, and thought it should not be repealed.

Mr. CUNNINGHAM, of Mercer, stated his impression, from what he had heard from the gentleman from Philadelphia, and especially, from the gentleman from Susquehanna, that the rule ought to be rescinded. The gentleman from Susquehanna had convinced him, more than the gentleman from Philadelphia. He had gone on the ground that we settle the great principles in committee of the whole. For that very reason, there ought to be full, free and ample discussion. That, therefore, if there were no other reason, that was a sufficient one for rescinding the rule. Why should they hamper themselves in committee of the whole more than in any other body, where there was full, free and ample discussion. Would you gag members from offering amendments, and giving their views? For this reason alone, therefore, the rule ought to be rescinded, independently of the reasons given by the gentleman from the city, and the custom as it prevailed in all deliberative bodies. As we had to settle the principles in the committee of the whole, we ought to have a free discussion. If we look back, we shall find that it was proposed to go through committee of the whole, and without further action, or second reading, to submit the amendments to the people. You would not do this, after stopping all amendments and all debate, and thus precluding the people from having the benefit of the full opinions of the members.

Mr. MEREDITH wished to see who it was, and what party it was, that was about to impose a gag on the freedom of debate. Our ancestors, who framed the present Constitution, had no previous question. They were of the opinion that the persons who had been elected to the Convention by the people, for the purpose of changing the fundamental law, should have the opportunity of expressing their sentiments freely and fully. He did not expect that the gentleman from Susquehanna would have introduced a provision which went to restrain the freedom of discussion in committee of the whole. And why had the gentleman taken this course? Because a minority may prevent a majority from acting, a majority perhaps, of a single vote, as we have seen in a recent division, where the vote stood 54 to 55. It is, therefore, because the fifty-four may insist on their right of expressing their opinions in the hope of converting the one which constitutes the majority against them. He looks on this as an evil, and all those who oppose the present resolution, look on it as an evil.—Results are not to be brought about by discussion. It may be competent for those who hold that opinion, to operate elsewhere, for aught he knew.—The gentleman from Susquehanna had no right to charge him with intending to waste time. He had brought forward this proposition from a sense of duty, feeling as every one must feel, who sits here with a gag in his mouth. The gentleman says the mode of discharging the committee is mischievous

in its effect, because, if the committee be discharged pending a motion to amend the tenth section, it would destroy the amendments in the nine preceding sections. The gentleman does not heed precedents, but he (Mr. M.) would like to see a precedent for this. The committee report the report, a Bill with certain amendments. Are they cut off? The gentleman only finds this evil in his own imagination. Mr. M. concluded with a few remarks, for the purpose of carrying out this view.

Mr. READ did not think it necessary to grant precedents to convince the gentleman from Philadelphia that it is a maxim that amendments not upheld by the committee, are cut out. If leave for the committee to sit again be refused, all the amendments agreed to in that committee of the whole are cut out, because they are not reported.

Mr. MEREDITH: The gentleman from Susquehanna has gone back to the proceedings of the Senate, where there are no minutes kept. It is not the same here, where there is an order that the proceedings of the committee shall be reported every morning, and entered on the journals. Every morning, therefore, the committee report its proceedings.

Mr. STERIGERE, of Montgomery, said, the gentleman from Susquehanna was right as to part of his view of the order. The order to lay the minutes on the table every morning, was not sufficient to authorize the action of the Convention on the proceeding of the committee, without some slight alteration of the rule. Still he was in favor of the resolution. The British Parliament never considered the previous question in committee of the whole. Our discussions in committee of the whole ought to be free, not so much out of respect to ourselves, as to the people. If this resolution should be adopted, the previous question will not exist in the committee of the whole. He hoped the gentleman from Philadelphia would accept an amendment which he would suggest, as follows: "And that when the motion for the previous question is carried in the negative in the Convention, it shall not have the effect of postponing the main question".

Mr. MEREDITH hoped this would be made a separate motion. Under the rule, every proposition to change the rules must lie one day. It was a distinct proposition which the gentleman from Montgomery could bring forward at any other time.

Mr. STERIGERE withdrew his amendment.

Mr. DUNLOP, of Franklin, thought the gentleman from Susquehanna had his hands pretty full on this question. An honest *Chronicler* of this House (said Mr. D.) told me yesterday, that the radicals had made one thousand and forty-five speeches up to the 25th of this month. The gentleman from Susquehanna had made fifty-four out of the one thousand and forty-five. He supposed the gentleman from Susquehanna desired to choke down the debate on this ground, although he would not express it openly, that as he had taken his full share of the debate, he was satisfied that it should now stop. If the gentleman from Susquehanna would multiply his fifty-four speeches by one hundred and thirty-three—the number of members—we should have an aggregate of seven thousand one hundred and two speeches, and he presumed the gentleman would now be disposed to stop, having given his full share. He (Mr. D.) had no objection to make against the fifty-four speeches of the gentleman from Susquehanna; because he listened to them with pleasure, as they always contained much good sense. It

would be cruel to keep out other speeches. The **MUHLENBERG** democrats wont be able to say what they have prepared, and of the other party there must be two hundred speeches yet to come in. He had only intended to throw out this word or two by way of comfort.

**Mr. HOPKINSON**, of Philadelphia, rose to reply to the gentleman from Susquehanna, and to express his dissent from the principles laid down by him—that the majority have a right to rule the minority. He denied the correctness of the assertion, unless that principle were connected with another. That principle, standing alone, was unsound. The principle to be connected with it was, that the minority have a right to be heard. In politics as well as morals, this was equally true. How was this Government composed? It was a Government of individuals, either meeting or by deputies here. What was the compact of the whole? That they should meet together, either in person, or by their representatives—that they should discuss matters of general interest—that all parties should be heard—and that when the subjects are fully discussed, the minority shall submit to the majority. But if that were not done, then the majority had no right to ask the obedience of the minority. What was the course pursued in regard to elections? Was not the minority heard through the ballot boxes? Certainly they were. He would not deny that where some great public interest was at stake—that in an emergency almost amounting to necessity, the principle contended for by the gentleman, might be applicable—when the minority should have their mouths closed by the previous question. He (**Mr. H.**) would suppose the case of a question pending in Congress on the evening of the third of March—it being the short session, when they are limited to a certain hour, and this question, an appropriation bill to carry on the Government. Suppose some of the members so regardless of their duty, and of the welfare of the country, as to waste the time of the House in making speeches, in consequence of which the bill might be lost, but for the application of the previous question. On such an occasion as that, the majority would have a right to cut off debate. He had never voted for it in any public body, and nothing but the most pressing and imperative circumstances would induce him to do so, or to give his assent to the adoption of that course.

**Mr. BANKS**, of Mifflin, had no apprehension as to the previous question being called, except on proper occasions, or that it would be made use of to cut off debate when it might be calculated to throw more light on the subject under consideration. His belief was, that while the members of the Convention conducted themselves prudently and faithfully in relation to the trust committed to their charge, they would have no reason to fear the call for the previous question. Surely no gentleman on that floor entertained an idea of that sort, or imagined that injury would be done him, or the Commonwealth, on account of it. The rule was not going to be resorted to, for the purpose of putting down any member. That being the impression on his mind, he felt very unwilling to rescind the rule.—Indeed, he thought it would be of advantage in furthering the business.

**Mr. PORTER**, of Northampton, said that he could see no use in going into committee of the whole, unless they accomplished the object of so doing. We had determined that the Constitution should be considered in committee of the whole, for the purpose of allowing greater latitude of debate, than under the rule which governed the body, when sitting as a

Convention. This was the course pursued in all Legislative bodies. We, however, had carried the principle a little further, for we expressly restricted the calling of the previous question while a member was speaking. Now, that was going one step further than was once allowed in the Legislature of Pennsylvania. Some gentlemen, it appeared, now wanted to rescind that part of the rule, which forbade the calling of the previous question in committee of the whole. He would ask whether it was not strikingly inconsistent to destroy the object for which the Convention go into committee of the whole, by authorizing the previous question to be called? He had said the other day, and he would say now, that it was a perfect anomaly in legislation to adopt that course of proceeding. While he regreted the unnecessary time that was consumed in rambling debates, producing crimination and re-crimination, he could not give his consent to clog the operations of the body, by saying that members shall not express their opinions. The Convention went into committee of the whole to give every gentleman an opportunity to express his views and opinions freely and openly, and to offer their amendments for consideration and discussion, with a liberality and freedom, which could not be done in Convention. What, he would ask, was the object of going into committee of the whole, if we were to be restricted as much as in the Convention? Why abolish that part of the rule, merely to change the presiding officer? If that was all—if we were to permit the previous question to be called in committee, he would, without hesitation, say that he would vote for rescinding the rule. He was not present at the time the rule was adopted, or he would have expressed the opinion which he had now done concerning it.

Mr. FORWARD, of Allegheny, said that he did not profess to be intimately acquainted with the subject; but, he had discovered from what he had heard, and from reflection, that the rule ought to be rescinded. What, he asked, was the reason, urged against calling the previous question in committee of the whole? Why, that the minority might be inclined to abuse the privilege of debate. Was there any other reason than that? None. Now, if that reason be good for any thing, it might just as well be urged in reference to the majority who could use the power to crush debate.—The fact was, that if the argument be good for any thing, it was good against the rule, and much better than in favor of it. It was only right that the minority in all deliberative bodies should be allowed to express their sentiments at length, and it was a maxim that those who have the power may feel an inclination to abuse it, for it begets in itself a spirit somewhat wanton, unjust, and oppressive. Men may feel power, and forget right. And that was one reason why greater latitude of debate was allowed in committee of the whole. A gentleman in the course of the present debate had observed that if the minority were disposed to procrastinate the business, that it was the right of the majority to call for the previous question. Now, he (Mr. F.) would ask if it was fair to assume that they would do so? Was it not equally fair to suppose that the majority would use their power for the purpose of stifling debate. The gentleman from Mifflin (Mr. BANKS) had remarked that no one in this body would crush debate. Let every gentleman here personally speak for himself. With regard to himself, he would frankly say that he had no apprehensions as to the operation of the rule. But, he would inquire

what extraordinary necessity there was for the previous question in a body of this character? For himself, he could not see any thing here which called for so extraordinary a remedy. No case, in his opinion, had yet occurred, which called for it. The minority, it was true, had a right to be heard: but, he did not believe that any question would arise where the line of party would be distinctly drawn. No, not one, and therefore he saw no use in the rule. It might happen that on a pending subject—one man, after little consideration, would be satisfied and ready to vote—whilst another's mind was not made up. One or more gentlemen might come here ready to vote, without hearing any discussion, and should there happen to be a majority in favor of taking the question, the minority would be cut off by springing the previous question. It was in accordance with the spirit and character of our institutions that there should be free discussion, even although the party desiring more discussion, might be in the wrong. Could it be supposed that the minority would indulge the hope of defeating a question, simply by procrastinating the decision? He could not assume it before hand. He was, for that reason, opposed to calling the previous question. Why, if it was intended to cut off all debate, it would be better to say that we would decide without discussion. There was no danger, he apprehended, of a tedious waste of time here. He regarded the calling of the previous question in committee of the whole as a breach of the freedom of discussion.

Mr. FULLER, of Fayette, trusted that the resolution would not be rescinded. He was sorry to differ on this occasion, from the gentleman from Allegheny, for whom he entertained the highest respect, but duty compelled him to view the matter in a different light. The rule was adopted to serve some purpose, and he thought that every gentleman knew what that was. It was not, then, adopted in order to cut off useful debate, and which might have a tendency to bring the body to a proper and correct decision. The real object of it was to arrest useless discussion upon questions which had already been fully examined and argued. An instance of that kind in regard to the fourth article of the Constitution, which was debated for ten or twelve days, and almost every member made speeches on subjects concerning which there was no difference of opinion. There was no getting the speaker off the floor until the hour of adjournment arrived. The gentleman (Mr. FORWARD) had said that the majority would call the previous question, and consequently deprive the minority of an opportunity of discussion. Now, he (Mr. FULLER) would say that if that was to be the course which the majority would pursue, then there would be some plausibility in the objection to the calling of the previous question. But had that been done already? He thought not. The previous question had not been called until the subject then under consideration, had been fully discussed. Could the previous question be called unless there was a majority to sustain the call? Decidedly not. And, he did not believe that the minority would say that the majority had acted illiberally. When the previous question was called the other day and sustained, but few gentlemen complained. He apprehended that the question which had been discussed near a week had given every gentleman an opportunity of delivering his sentiments on it. Some gentleman had even spoken three times. In his opinion there was a waste of time, for many things which were then said was a mere reiteration of what had been previously ex-

pressed. On the call for the previous question the ayes and noes were not even demanded, which showed conclusively that the committee were ready for the question and desired no more debate. He trusted that the rule would not be rescinded.

Mr. CUMMIN, of Juniata, said that he rose for the purpose of saying that he would oppose the resolution. It was an established maxim in criminal law, that the confession of the culprit was the best evidence of his guilt; and he was happy to find that there were so many gentlemen in this Hall, who would support his assertion. According to that rule, the gentleman from Franklin (Mr. DUNLOP) was, he said, his own accuser. He had brought forward evidence against himself. The gentleman was certainly the last man on this floor who should have brought up that record of the number of speeches, for he was not behind any one in the list.— He should think the gentleman had made one hundred and seventy speeches, or thereabouts, for his share; and his speeches were always learned, often very humorous, and sometimes satirical; but very seldom had much relation to the question before the Convention. The gentleman's remarks were often dressed in a garb of good humor, which was pleasing even to those against whom they were directed: at other times he was very severe, and, without doubt, he was more frequently out of order than any member here. He was always happy to hear the gentleman speak when he was in a good humor; but, if his argument and arithmetic were good, there would be no limit to the number of speeches, and our labors would never be brought to a close. He thought, therefore, that if there was any use at all in the previous question, it ought to be applied for the purpose of arresting this flood of speeches. The gentleman from Franklin, and some other members of the Convention, were in the habit of making speeches, and offering amendments and resolutions, that were only intended to waste time, and defeat the objects which we had been sent here to effect. Let the gentleman curtail his own speeches before he undertakes to lecture other gentlemen, and set an example worthy of imitation in reference to despatch of business.

Mr. MANN, of Montgomery, observed that it was right in itself to restrain the previous question in the committee of the whole. If, however, the gentleman from Philadelphia had moved that it should require a majority to avoid it, he presumed there would have been no objection to that. As the subject had been debated an hour and a half, he would demand the previous question.

The previous question having been seconded,

Mr. MERRILL asked for the yeas and nays, and

The question was taken on the adoption of the resolution, and decided in the negative.

**YEAS.**—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Biddle, Brown, of Lancaster, Carey, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Coates, Cochran, Cope, Cox, Craig, Cunningham, Darlington, Denny, Dickey, Donnell, Dunlop Forward, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Houpt, Jenks, Long, Maclay, M'Dowell, M'Sherry, Meredith, Merrill, Pellock, Porter, of Lancaster, Porter, of Northampton, Reigart, Royer, Russell, Saeger, Scott, Sill, Strigere, Stevens, Thomas, Todd, Weidman, White, Young, Sargeant, *President*—53.

**NAYS.**—Messrs. Banks, Bayne, Bell, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Indiana, Crain, Crum, Cummin, Curll, Darrab,

Dickerson, Dillinger, Donagan, Doran, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Hiester, Hyde, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Lyons, Magee, Mann, Martin, M'Call, Merkel, Miller, Montgomery, Myers, Overfield, Purviance, Rea, Riter, Ritter, Rogers, Sellers, Seltzer, Serrill, Scheetz, Shellito, Smith, Smyth, Stuckel, Swetland, Taggart, Woodward—64.

## SIXTH ARTICLE.

The Convention resolved itself into a committee of the whole, (Mr. CHAMBERS in the Chair,) on the report of the committee to whom was referred the sixth article of the Constitution.

The question being on the amendment of the gentleman from Susquehanna,

Mr. EARLE resumed his remarks: He said that when the committee rose, he was expressing his dissent from the principle of democracy, contended for by the gentleman from Northampton, (Mr. PORTER,) the gentleman from Luzerne, (Mr. WOODWARD,) and others. He entertained the highest respect for their learning and legal talents; but, nevertheless, he felt himself compelled to differ from them. He had observed, that men, who were very distinguished in the profession of the law, had not become so eminent as statesmen, as for their learning in the legal science. Mr. JEFFERSON was not considered a great lawyer, though he was very distinguished as a statesman. It might be laid down, as a general rule, that men who acquired celebrity at the bar, very seldom became great statesmen, because, exclusive attention to business prevented much attention to politics. He thought, that he should be able to shew better authority for what he said, than the learned gentlemen themselves. The question had been made, one of democracy or aristocracy. What, he would enquire, was democracy? It was the Government of the people. It became necessary to compare it with aristocracies and monarchies, for the purpose of seeing whether it does carry out those objects which it was intended they should, and which *they* do not. The sovereignty of the people was established in order to promote the equality and happiness of the people at large. Before establishing any institution, it was proper to examine the principle upon which you purposed doing so, with a view of seeing whether it carries out your intentions—whether its tendency is to promote the equality of the people, and not only that, but whether it tends to preserve democratic principles, or to overthrow them. Whatever was antagonist to the equality of the people in rights and condition, was anti-democratic; and whatever had even a remote tendency to produce inequality, was hostile to, and subversive of, the principles of democracy. Gentlemen, said, we must be governed by the rules of private life in appointments to office; but they commenced their system of appointment by departing from the rules of private life. Do we employ a journeyman, or a mechanic, or laborer, for a long term of years? No man in this Convention, or in the State, would do it. We began by disregarding the rules of private life. The principle which applied to public offices, did not apply to the transactions of private life. Great emoluments being attached to these offices, created a thirst for office. The office-holders received more money than men could make by their private avocations. Here, then, was a wide departure from the rule observed in private life. The rule of private life was to obtain the best service at the

lowest rate, whereas these gentlemen were in favor of giving such a compensation to officers as exceeds what they can make in private life. If gentlemen, would carry out their principle of action according to the practice of private life, he would follow them. If an officer was to be continued during good behaviour, as some gentlemen contended, this was the principle of life-office—the usage adopted in England, where the public are not so well served by their officers, as they are here, where they are appointed for short terms. But they were consistent. They act on certain principles, and carry them through.

What is the reason that we place any limitation at all upon the term of office? He would ask for reasons why we should ever turn a good man out of office? Was it because the officer has accumulated wealth, and had arrived at a period of life, when retirement and repose had become necessary? Not at all. The reason was, that long continuance in office unfits a man for the discharge of its duties, by rendering him arbitrary and aristocratic, and tends to beget, first life office, and then hereditary office, which led to the destruction of free government. This was the reason why the principle of rotation in office had been adopted by republicans; and the moment it was abandoned, life office must follow. It might be urged, though, as he thought, without much force—that the office of Governor and of President ought to be left without limitation, because, in cases of great public emergency, it might be expedient and necessary to continue in office, some incumbent, beyond the limited term, on account of his peculiar fitness for the crisis. But in a small county clerkship, which could be just as well filled by any one, of five hundred men in the county, as the incumbent himself, it was preposterous to say, that the public necessities required the retention of an officer. It was absurd to say, that the public service required an unlimited tenure for offices, which any merchant's clerk could, in three days' time, be prepared to fill, as well as your oldest officers, for the easy and simple duties, of which no previous study, and no great learning, or experience, are required—and for the discharge, of which the officer generally, is just about as well fit, on the first day of his service, as on the last. Then, there was no reason to be found, in the nature of the service, which would render an exception from the principle of rotation in office, applicable to these clerks, registers, &c. Under the present system, which gentlemen tell us has worked so well, there had been very general, and frequent changes, of all these officers. Every one of the last four Governors, upon coming into office, made a general sweep—turning out the incumbents, to replace them with his own party friends. For what reason, sir, should a man be continued in office? The public benefit does not require it. Should he then, be continued, for his own benefit? Upon the ground of exclusive merit? Were the incumbents the only meritorious, and well qualified men, in the community, that they should enjoy a monopoly of these offices? In a community so generally enlightened, and virtuous, it was folly to set any such pictures, in behalf of any set of office-holders. There might, indeed, come some cases of individual misfortune, or hardship, which would induce a wish, on the part of a sympathizing community, to continue in office, a particular individual, beyond a fixed term, for his own benefit, or that of his family; but this was not a frequent occurrence; in ninety-nine cases out of a hundred, it would not happen, that there would be any in-

stances, to which such considerations would apply; but when the case did occur, how easy it would be, for the public to elect this officer to some other situation in their gift. No different rule would therefore be necessary for such cases. It was necessary to establish a general and fixed rule, in order to secure the application of the principle of rotation in office. We know that it would be difficult to carry it into effect without a fixed and uniform rule. Those who receive the public money will combine and employ their official influence and emoluments to secure their situations, and to defeat the will of the people. That public officers did exert an improper influence in elections, for their own advantage, there was not the least doubt; and their combined influence it was difficult for the people to oppose. Suppose we allow a Prothonotary to be eligible for three terms of three years each, instead of two terms. If one man is elected and holds the office for three terms, will not his successor expect to hold it for three terms also. Suppose this man come to me for my vote for his third term, and I do not think it proper that he should again fill the office. I say that it is contrary to correct principles for a man to be continued so long in office. But to this he can reply that his predecessor held the office for nine years, with my assent. If then say that I do not think him as well qualified or as worthy as his predecessor, I must encounter his enmity for life. In this way, many persons may be compelled to support an officer for re-election even contrary to their inclination. The only way to secure a quiet and easy application of the principle was to establish a rule making the officer ineligible after a fixed term. Without a rule of this kind, the officers, who are always on the alert and bound together by a common tie of interest, will combine to ensure their re-election. They get up a convention, the delegates to which are selected, and pledged in the dark, and, when they meet, they of course nominate and recommend to the support of the people, those officers whose creatures they are. The people do not know the contrivance, and they are easily entrapped by it. The office-holders are leagued, active, and organized, and have possession of all the avenues to public opinion, and of all the machinery of their party. But by making the rule invariable, we can defeat this party organization, and prevent an official monopoly and aristocracy. In the republic of Geneva, the same men were so often re-elected to office, that the government degenerated into an aristocracy of life office. The people found it more convenient to continue them for life and save the trouble of re-election. The next step was that these life officers, voted, that they had power, for the public benefit, to elect their own successors. Of course each parent thought his own child, best qualified for the succession, and chose them accordingly; and thus the government became an hereditary aristocracy. WASHINGTON, JEFFERSON, FRANKLIN and JACKSON—men of great minds and the most devoted patriotism—as all will agree, whatever may be the difference of opinion concerning their policy, had given their opinions most distinctly in favor of short terms of office. In the Constitution of 1776, which was drawn up by FRANKLIN and approved by the patriots of the revolution, this principle was established and carried out. The eligibility of the members of the Supreme Executive Councils, was then limited: and the Constitution gives this reason for it: “By this mode of election and continual rotation, by its powers, more men will be trained to public business; there will in every subsequent year be found in the council a number of persons acquainted

with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and the danger of establishing an inconvenient aristocracy will be effectually prevented". Many other officers besides the councillors were also limited and for this reason: General WASHINGTON, having been twice elected to the highest office in the gift of a free and grateful people, set the example of retiring at the end of the second term, though, there was no limitation fixed by the Constitution, to the eligibility of the President. Mr. JEFFERSON in his answer to a committee of his fellow citizens, asking him to consent to serve in the office of President, for a third term, insists upon the policy and necessity of short terms of office, in a republican Government; confirms the evidence of history, as to the tendency of free Governments, to degenerate into aristocracy through the influence of life tenures; and declares that, in laying down his charge, he is influenced by a repugnance to doing any thing, which would tend to impair the vital principle of short terms and frequent elections. General JACKSON recommended an alteration of the Constitution, with a view to limit the eligibility of the President to one term. He said that the public interest, generally, suffered more injury, from the long continuance of power in the same hands, than it was benefited by the experience of the individual. An officer, as experience proves, grows worse instead of better, by long continuance in office. The principles which he had referred to, as having been established, and supported, by the great founders of our free institutions, were the principles of republicanism, and he asked if they were not still the doctrines of Pennsylvania? Were these not the doctrines of the gentleman from Union, who had expressed his hope, that he should hear no more of the cry for "two terms", after it had served the purposes of the party who had raised it? Was not the cry raised by the gentleman's own political friends, and by the newspapers in their interest? Did not the gentleman's friends announce themselves the friends of reform, and advocate the principle of short terms? And did they not to this doctrine owe thousands of the votes which they carried with them.

Mr. MERRILL explained: I did not say, that I wished to hear no more of the cry for short terms. I said that I had not expected to hear any thing more of it after the election.

Mr. EARLE resumed: The people were sincere in supporting that principle, whatever might have been the case with their party leaders. It was still a favorite principle with the people, and no party will stand in opposition to it. The object of the Constitution, in limiting the eligibility of the Governor, was to carry into effect the principle of rotation. It was expected that every new Governor would change all the officers under him. The people changed their Governor in expectation of such a general change. The old Constitution established the principle of rotation in office, and the people did not wish to see it changed. They limited the Governor's eligibility, and in changing that officer, they looked more to the removal of the subordinate than of the principal officer. Power and wealth corrupted the Supreme Court; all history was full of warnings against the perpetuation of power in the same hands. He believed, when he first assumed the power of the Government, he was a pure patriot; but he soon abandoned his principles, and his friends abandoned him. So it was with Bolivar: he abandoned the principles

upon which he came into power, and the people got rid of him, as well as they could. In Rome, the Consulship was originally limited to a short term, but after the limitation was broken down by CÆSAR, despotism followed. It was a dangerous thing to continue even a good man in office too long, because it had the effect to corrupt his principles. It was said by the gentleman from Union, that all men were spoiled by holding an office, and were never fit for any thing else. Why? Because they go into it, without any limitation, and in the expectation of holding it, for a long time. They spend their time, and their money, therefore, in intriguing for a re-election. But, if the term had a certain limit, they would conduct themselves accordingly, and by practising industry and economy, they would be able to render themselves comfortable and independent. They would keep in view some employment for after years, and bring up their children to habits of industry. Such a system would encourage purity of manners, and those habits and principles which will perpetuate our own free institutions.

Mr. PORTER, of Northampton, said, I know no power that has authorized any man to assume to himself the right to dictate to the members of this Convention to what party they shall belong. I would recognize no man as dictator to the democratic party; but if one must needs be appointed, it should be one of known and established character—of staid and correct principles and conduct. For such a station, the delegate from the county would be the last to be chosen, and the least qualified to fill it. Sir, is it to be tolerated that delegates born on your soil—Pennsylvanians by birth, by principle, and by education—men who have spent their whole lives among you, are to be dictated to by adventurers from the east, little known there, and as little known or respected here? Are men who were democrats before these new-fledged politicians had left New England (to come here, and accommodate themselves to which ever side would best suit their interest, and change with every tide) to be dictated to by such persons as these? Sir, I feel as a Pennsylvanian, indignant at such presumption and impudence. Are men who have not been here long enough, if any length of time could give them capacity, to comprehend our habits, manners, feelings, and institutions, to dictate new and visionary theories, the crude and shapeless chimeras of their own wild brains, to Pennsylvanians, and to denounce the staid and sober sided democracy of this State, if they will not yield to them? Sir, there are some men afflicted with monomania, whose minds are diseased and their intellects impaired on some one subject; and I would ask if there are not some such on this subject of Constitution making? We have to-day had another political homily, and have been told that we had better study history, and that too by one who does not know the history of our State for fifteen years past. These homilies commenced about the first day of our meeting, and we have had them over, and over, and over again, almost daily, ever since, with scarcely a variation. It has been “the poor and the rich”—“the rich and the poor”—“a democracy is a democracy”—“the people”, “the people”, “the people”, with scarcely words enough between, to connect them together. I am tired of this unceasing and nauseating repetition. If we are to have nothing but PADDY CAREY played to us, in the name of goodness let us have it sometimes with variations.

Pennsylvania is a great State—great in resources, great in her pro-

ducts—great in the virtue, the wealth, the integrity, intelligence, and the talents of her citizens. Her institutions are upon a scale commensurate with all this greatness—and shall it be that when her citizens require some alterations to be made in the fundamental law of the land, to accommodate it to the improvements which fifty years' experience had brought to light, the venerated Constitution of the State is to be cut and carved, and tattered and torn to ribbons, and scattered to the four winds of heaven to gratify the whim-whams of adventurers, who, being nothing where they came from and nothing where they are, would reduce and degrade us and our institutions to the level of their own capacity, and to the limited views of men whose ideas of Government are derived from some five-penny bit State? Sir, such are incapable of appreciating Pennsylvania, or prescribing correctly for her.

That useful and necessary alterations of the Constitution should be made, most of us concede. But we have no idea of uprooting and overturning every thing, and leaving not a vestige of our former Government behind. And if the necessary changes which the community desire are not accomplished, it will be because of the violence and pertinacity of those ultra radicals, who, by their wildness, folly and extravagance, have alarmed the staid and sober-minded, lest their agrarian notions should prevail, and the foundations of society be shaken to the very centre.

Sir, there is a vast difference between the sober-sided and unflinching democracy of Pennsylvania, and the madness and folly of agrarianism. The one is the Government of the people, beautifully and successfully carried out in practice—the other is the demon of anarchy and infidelity, let loose to jeopard the peace, safety, and good order of society. And infinitely rather would I vote with those who cling fast to the existing Constitution, under which we have grown and prospered, and whom the gentleman calls the conservatives, than join in tearing to pieces and destroying every vestige of our existing Constitution, to carry out visionary and impracticable theories. Before I left home, I received some instructions from my constituents: Among the rest, a very influential citizen of Easton inculcated his views by narrating a circumstance which had occurred to him not long since. He said he had purchased a stock and tried it on. He wore it some time, and it suited him reasonably well; but occasionally it incommoded him a little about the nether jaw, and in the spirit of reform, he gave it to his wife to raze it, so as to make it fit better. She took it and ravelled it out, so that she could not put it together again. Now, said he to the delegate from Wayne and myself, “do be careful, gentlemen, in mending the Constitution, not to ravel it out so that you cannot put it together again.”

Indeed, I have little belief, that the delegate from the county could make a Constitution to please himself; and I concur in the sentiment expressed by one of my colleagues to that delegate, that were he to-day to draft out an entire Constitution that he should pronounce good, such is his unsteadiness and desire of change, that to-morrow he would alter it himself.

If, Mr. Chairman, I have been indignant and excited on this occasion, I trust I will be excused; for a rude, rough, and unmannered attack has been made upon me, to which, as a Pennsylvanian, I have no idea of submitting.

Mr. BROWN, of Philadelphia, had heard with regret, the unnecessary charges made by the gentleman from Northampton (Mr. PORTER) against those he called radicals and agrarians—terms without meaning in the Convention, but which had been applied elsewhere to the whole party with which he (Mr. P.) acted. No proposition had been made by any one, certainly none by his colleague, (Mr. EARLE) that deserved to be called agrarian. It was, therefore, he thought, injudicious, to say the least of it, for any friend of reform to censure or denounce other friends of reform, because they might not exactly agree with him. It could do no good, but would do harm. The radicals, he apprehended, (if there were any who might be so called,) would be found much better reformers than the conservatives, and the gentleman from Northampton might rest assured, if he wanted any reform, it would be to the former and not to the latter he must look for support. He trusted, therefore, that such criminations and re-priminations might not be heard again.

Mr. B. was an advocate for short terms and rotation in office; but he was not disposed to place any Constitutional restrictions on the action of the people, unless they required it. He thought his colleague was disposed to carry out a principle, good, if rightly applied, to an extent that would defeat its object, and render it an evil instead of a good. The principle of ineligibility was intended as a restriction on the action of the officer, and not on that of the people. It was only for officers who had patronage that it could be used to perpetuate them in office. Such was the office of Governor. This principle was applied to him, so that he might know in advance, that no appointments he would make could keep him in office beyond a stated period; he had, therefore, no motive to look to himself, but was thus compelled to look only to the public good in making his appointments or bestowing his patronage. Rotation in office was applicable by this rule to nearly all officers appointed by the President, Governor, or any other person, other than the people, for the same reasons, that they might know in advance, that they could not perpetuate the power that appointed them by serving his purpose; but that the performance of their duties would alone recommend them to the people for office at another day. This check would cause them to serve the people, instead of the power that appointed them. The office of Sheriff was different. He had large sums of money in his hand, and a mass of business unsettled at the expiration of his term of office, of the exact state of which the people could know nothing; it was, therefore, deemed proper, that he should go out of office to close his business.

Mr. B. went on to illustrate the principle of rotation, as applicable to all officers, who could, by the exercise of their official influence, in a corrupt manner, strengthen or continue themselves in office, and showed where the conservatives, who argued against the ineligibility, would destroy a valuable principle. He then showed how inapplicable the principles he laid down were to the Clerks of courts, Registers, &c., who had no patronage or influence, the use or abuse of which could be of any advantage to them—they could in no way gain friends or adherents, but by the faithful and approved discharge of their duty. He thought all officers of this description ought to be left to the people, to elect for one, two, or three terms, as they thought best. Mr. B. here repudiated the idea, that any officer should be turned out, or kept in, for any other purpose than

to promote the public good. No officer should receive more for his services than was adequate, and he should be kept in or turned out, whenever the people thought it their interest to do so, without regard to the wants or wishes of any one in or out of office; and, he thought his colleague was wrong, in supposing the *democratic* principle of rotation in office, had any view to the distribution of the benefits of offices, or was intended to extend to every office; if it did, the proper place for the restriction would be in the Bill of Rights. It would then extend to all, the highest and lowest—but this he thought was not called for by the people. They had asked not to be restricted, but to give them more freedom of choice. They had asked for the election of their officers, but had not asked for any dictation. They had not asked to be bound *themselves*, lest they might do wrong; but merely to bind their *agents*, lest they might do wrong. If the democratic principle did extend to such offices, he thought his colleague ought to have applied it to the Coroner; but he had not offered to restrict him; and yet he (Mr. EARLE) knew how important and lucrative that office was in Philadelphia—being worth, he believed, three thousand dollars a year; and yet the democratic party, if he was rightly informed, had elected Mr. DENNIS twenty years in succession, to fill it. He, therefore, did not think the democratic party intended to carry the principle of rotation in office, so far as he (Mr. EARLE) supposed. If it did, it could easily carry its wishes into effect, without any Constitutional provision on the subject; and he, (Mr. B.) was willing to trust them. He agreed with his colleague, (Mr. INGERSOLL) that democracy meant “trust in the people”, and he (Mr. B.) would not, by any vote of his, sanction the doctrine that they were not to be trusted. He said, many good principles had been destroyed and abused by excess; and illustrated his views by allusion to the natural passions of mankind, which were, he said, all good, if regulated by reason; but, if carried to excess, were destructive of the object for which they were intended, and became a curse instead of a blessing. He also stated that, for many years, banks and corporations were deemed democratic, at least, they were instituted year after year by the democratic party; but, to such an extent had they been carried, that it was now one of the great struggles of democracy, to remedy or remove the evil, which the democratic party had thus been, in part, instrumental in bringing upon itself. He hoped, therefore, the principle of rotation, which he held as essential to the pure administration of all Governments, would not be impaired in its value by its misapplication.—He had voted for it in relation to Governor and Sheriff, and would do so for all officers, whose office it was necessary thus to restrict, to ensure a faithful performance of duty—but these restrictions were on the officer, and he would not vote for any restriction, when no such necessity existed, as such would be a restriction only on the choice of the people. When the people had made a fair experiment in the election of those officers, (said Mr. B.) they could, if they desired it, or found it necessary, have a Constitutional provision of ineligibility at the end of one term, or two terms, as they might then think best; but, he did not think it was required now, and he should therefore vote against it.

Mr. BELL had hoped, he said, that we might approach this question and decide it, without any reference to party names. But the gentleman, (Mr. EARLE) who set himself up as the censor of our politics, had seen fit to

to call in question the democracy of some of the delegates on this floor.— He had directed our attention to what he was pleased to denounce as the false principles of some of those delegates who profess to be democrats.— The gentleman had repeated, as a truism, the remark of an English writer, that a great lawyer is never a great politician; and he wished it to be inferred, he presumed, that because he himself was not a great lawyer, he was a great politician. But, the gentleman might be assured that, however small he might be as a lawyer, he was not necessarily a very great politician. The gentleman had indulged in a eulogy on the beauties of consistency. It was not surprising to hear such remarks from him, as men often admire that which they most lack themselves. He did not wish to remind the Convention of the sinuosities of the gentleman's course, and it would be a waste of time to relate all the anecdotes he had heard of the gentleman's tergiversations and inconsistencies. They would serve well, however, to admonish the gentleman not to set himself up as a judge of the principles of others, and a censor of democracy. The gentleman had made some ill naitured comments on the course of those with whom he (Mr. B.) acted with. We are to be denounced as conservatives, because our notions of reform do not exactly square with those of the gentleman from the county. He was a radical, in a certain sense, for he differed with the gentleman from Northampton, as to the import of radicalism. He thought every change of the Constitution was a radical change. \*The change of one word or letter of the Constitution was a radical change. He was no destructive; but a calm, deliberate, and he trusted, prudent and reflecting radical.— Sir, the question before the Convention, is one of deep importance. It is beyond all considerations of expediency. It is not a question, important merely, as connected with the prosperity of the State, nor as it related to the fitness or unfitness of the people of Pennsylvania to choose competent officers, but it is a broader and deeper question. It lies at the very foundation of democracy. As a general rule, the people should exercise all power themselves, and depute no power to agents, when they can conveniently exercise it themselves. The whole power of the State was in the people, and, if practicable, he would wish to have it exercised by them. He would be willing to see the principle carried out, and to have the whole people of Pennsylvania assembled, for the purpose of making and executing their own laws. But that was impossible in the nature of things, and in the nature of man. This was not, therefore, a pure, but a representative democracy. But, why should not the people exercise all the power that they can exercise with convenience. Why should they not choose all their own public agents. Why should they delegate to others, the choice of their own officers and agents? To carry that practise of delegating the power of election too far, would be, to abandon the foundation on which a representative democracy stood. For the people to elect their own officers in this Commonwealth, was not a new experiment. They elected their Sheriffs, and other officers, before the revolution. Are they to be told that, because they may make some improper appointments, that they are not capable of exercising this power? Why, sir, in nine cases out of ten, their selections are better than those made by the Governor. The President had paid a deserved compliment to the gentleman, who so well filled the office of Recorder, in Philadelphia, and

who was turned out to make room for a party favorite. But who turned him out? The people? No: they would have kept him in, as a good and faithful officer, but the Governor, the very officer, in whose hands the gentleman wishes to leave the power of appointment and removal. Incompetent officers had frequently been appointed by the Governor. Complaints of this kind had been common since the present Constitution was adopted. They have selected them, not because they were acquainted with the duties of the office, but because they were influential political partizans, and this is the rule of selection; and can there be a more corrupting principle or practice? There is yet virtue and intelligence in the vast mass of the people, and he who denies it, proves himself to be ignorant of the great body of the people of Pennsylvania. He must live in a close corporation where corruption stalks abroad, and is easily seen; but in the mass of the people of the country, you find honesty and great virtue. Now, putting it upon this ground, that whenever the people can conveniently exercise the power, they ought to exercise it, he could not distinguish between political agents, and ministerial agents. The principle is universal—it extends to all, whatever may be his title. The principle extends to all, whether to the Executive officers, or the legislative officers, or the mere ministerial officers dispensing the ordinary business of society. It is universal in its character, and universal in principle: and until gentlemen can show why, in any particular instance, the people ought not to exercise this power—he, for one, would give to them immediately, the exercise of it. Perhaps it was not necessary to have gone thus far at this time, on the introduction of this principle; but it will, without doubt, be introduced into the Constitution, in some form or other. The President of the Convention had thought proper to call into notice, that it limited the arguments of some, to urge this matter, of giving up the privilege of appointing all these officers. Now, it was well known that the democratic party had had the dispensing of all this patronage, for nearly the whole time since the adoption of the Constitution; but he took it to be a settled principle, that that party was disposed to give up that which they have heretofore enjoyed for the benefit of the public at large. The democratic party, which has almost universally enjoyed the peculiar advantages arising from the patronage exercised by the Executive, are willing now to sacrifice all selfish considerations: and, we stand here ready to relinquish these advantages, which we have heretofore enjoyed, because the people have required it at our hands. In his own county he knew his friends would be losers by it, because it was not to be expected they would be elected to those offices, when the majority of the county were opposed to them, while they would generally receive the appointments, if the Governor had the making of them; therefore he thought he might lay claim to the merit of acting in this matter, entirely disinterestedly, as he was advocating a principle which must go to deprive himself, and his friends, from the advantages to flow from Executive patronage in his own county. He must say, however, that he was proud to find himself surrounded by gentlemen, who were willing, for the sake of principle, to make this sacrifice. But to come to the question more immediately before the committee. Although the gentleman from Susquehanna (Mr. READ) acknowledged this universal principle, he was for departing from it. He put it to that acute

gentleman to say, whether, although he recognized this democratic principle, he was not, by his amendment, widely departing from it. On the one hand, he says, the people should exercise all power in the election of their officers; and on the other hand, he says, the people shall not judge of the persons they shall appoint to fill these offices. This was holding up the word of promise to the ear, while it was breaking it to the hope. It was saying to the people, you shall not elect those officers, who have discharged their duties, faithfully, and honestly. He could not perceive how gentlemen could advocate two principles, so entirely at variance with each other. He could not see how any gentleman could advocate the giving of the election of these officers to the people, and then advocate the principle of restricting them in the exercise of that right. He was entirely at a loss to understand how it was, that a gentleman of the acuteness of mind, and experience, of the gentleman from Susquehanna, could advocate principles of this kind. But, we are told, because we find a similar restriction in the present Constitution, in relation to the Governor, and Sheriffs, that we should extend it. This was, in his view, a false position. There might be some good reasons, why the term of one of these officers should be restricted, but the principle of restriction of the people, which was introduced into the Constitution of 1790, was founded on an entirely different basis. That principle, was founded upon the fear of the people; and it was introduced, because, at that day, there were some doubts as to whether the people were, entirely, capable of self-government; there was a disinclination, at any rate, to acknowledge the fact. He was of opinion, that every circumstance, attending the engrafting of these restrictions in the Constitution, showed that such a belief was entertained. As to the Sheriff, there was no reason why a restriction should be placed on his term of service. Gentlemen say, that he is entrusted with the collection of large sums of money, and, therefore, it was convenient, and necessary, that, at the end of his three years' term, he should be called to a settlement of his account. Why, there was no necessity for this, because we can, at all times, call the Sheriff to account, and compel him to pay over any money in his hands, or hold his sureties liable for it. The Sheriff is the mere creature of the law, and the courts, whose mandates he executes. There is no reason, why this restriction should apply to the Sheriff, more than to any other officer of the county. Now, is there any reason, why it should apply to the Governor? There is a good reason, and one which does not apply to any other officer in the Commonwealth. He is an officer of vast power, and possesses that which gives to royalty all its efficiency, and without which, a King would be a mere Executor of the law. He holds in his hand, a tremendous power of appointment, which he might use to perpetuate himself in office. He possesses a power which if used for ambitious purposes might inflict a lasting injury on the Commonwealth. When, however, we strip the Executive of this inordinate power which he never ought to have exercised, it might become a serious question how far we ought to place limitations even on his term of office. As there would be left with the Governor still a good deal of patronage, there might, be a good reason, why his term should be restricted; but with that of the Sheriff there was no reason at all. But it is said that unless you place this restriction in the Constitution and limit these officers, there is danger of the people perpetuating

particular individuals in office. Well, if the people choose to perpetuate an officer in his office, let them do it; but all the past history of this Commonwealth shows, that the people are too much in the habit of running into the other extremes, and of making changes too frequently. Our elective officers are generally changed every year; members of the Legislature scarcely get acquainted with the rules of order in the House, before rotation in office places them in the ranks of their fellow-citizens, and our members of Congress scarcely get warm in their seats and commence establishing that acquaintance with business and influence which is necessary to a proper despatch of business, before rotation in office calls them from their high estate, and reduces them to a level with the mass of their countrymen. How was it, that other States exercised such vast influence in the councils of the nation? It is because they pursue a course of policy the very opposite to this. When they find they have an able and a popular representative they continue him in his place, and that is the reason why the old dominion for a long course of years exercised such a commanding influence in the Congress of the United States. There is no danger then of the people of Pennsylvania perpetuating any officer, and he repeated, that the danger was in her running into the opposite extreme. If then it be true that the people should immediately exercise all the powers which can conveniently be given to them, and they were entirely capable of self government, which he presumed no gentleman would at this time of day doubt, then he hoped there would be found radicals enough, or if gentlemen liked the term better, reformers enough, to vote down this amendment of the gentleman from Susquehanna, and to give the election of these officers to the people without any limitation whatever.

Mr. EARLE said, although he was thrust nine times through the doublet, and six through the hose, he must make a few remarks, in reply to a few of the charges made against him. He confessed, that he had been exceedingly unlucky, in having his best intentions met with censure. He was placed in this matter, in something like the predicament of an Eastern Monarch he had heard of, whose apologies gave greater offence than the original insult. On yesterday, he had made some remarks, in reply to some gentlemen who had charged him with being an inconsistent reformer, which, upon reflection, he thought might be considered too severe, and on this morning, he had apologised in the best manner he could, and the consequence was, that the apology was a great deal worse than the offence. The gentleman from Northampton, (Mr. PORTER) had, in a most violent manner, gone on to point out his various imperfections, in consequence of this offence. Now, he felt his want of perfection, very much, and he did not know that the gentleman from Northampton had pointed out half his faults, but he trusted, he was not guilty of one inconsistency, which certain gentlemen were very subject to, that is, of professing one set of opinions, at the time of nomination for office, and another set of opinions, after the election.

The CHAIR said, it became his duty, to put a stop to personal reflections, which had been too much indulged in, in the committee.

Mr. EARLE said, he found himself placed in a singular predicament, in this matter. He had heard a great deal about old lawyers, and young lawyers; and his situation reminded him of that of a young lawyer, who practised at a court, with an old attorney, by the name of JONES, who

abused every person who did not agree with him, in matters and things in general. It happened one day, that the young attorney, in addressing the court, said something that offended Mr. JONES, when Mr. JONES got up, and abused the young lawyer, in a most violent and profane manner. The young man rose to reply, when the Court told him to take care, or they would commit him. Commit me! for what? says the young man. The Court replied, they would commit him for making Mr. JONES swear before the court. The gentleman from Chester, (Mr. BELL) would punish him, for making the gentleman from Northampton (Mr. PORTER) make use of violent language. As to changing his opinions, he changed them as every honest man should, when he entertained erroneous ones, and was convinced of his error; but, he would appeal to his colleague, to say, whether he had ever changed his opinions as to the reform which ought to be made to the Constitution of the State. He knew he was very deficient in worth, but if he could not stand here, on his own merits, without calling to his aid the place of his birth, then he would be content to fall. The doctrine of some gentlemen here, is, that their arguments must be good, because they were born in Pennsylvania. They say, I was born in Pennsylvania—*ergo*—my argument is good, or, “I was born in Pennsylvania, where life offices are established—*ergo*—life offices are good”. He had heard much about radicals, and wild reformers, but he knew of some gentlemen who were more radical on the day of their nomination, than on any other occasion. He had not said, that great lawyers were not great politicians.

The CHAIR said, he had permitted gentlemen to proceed thus far in this discussion, indulging personalities, but it was entirely out of order, and he felt himself bound to enforce the rules of the House, and not further countenance it.

Mr. EARLE said, he would then leave gentlemen to appeal to their own consciences, whether they had done him justice.

Mr. DUNLOP said if great lawyers would not make great politicians, little lawyers must make great deal worse ones.

Mr. READ said it would not be necessary for him to detain the committee long, after the able arguments in support of his proposition by the gentleman from Indiana, (Mr. CLARKE) and the gentleman from the county of Philadelphia, (Mr. EARLE). He was fatigued with the subject, and somewhat discouraged, because of the opposition to this measure by many of those who profess republican principles, and seem to be in favor of judicious reform. It will be expected however, as he had introduced this amendment that he should, before the vote was taken, submit a few remarks in answer to such arguments as had been advanced in opposition to it. He would also take this occasion to explain to the gentleman who seemed to censure him for professing to know too much about the will of the people. When he spoke of the will of the people he always spoke with this reservation: that it was the will of the people so far as he had been made acquainted with it. We have had no petitions or memorials here to ascertain the will of the people, and every gentleman had to go back to the period previous to the assembling of the Convention for what he knew of the will of the people, and he presumed every gentleman who spoke of it spoke with this reservation. A great portion of the remarks of the President of the Convention did not apply to the question immediately pending, but it applied to the principle of electing these officers, and so

much of his remarks as related to that part of the subject had been ably answered by the gentleman from Chester, (Mr. BELL). With regard to the two term principle he had understood the President to confine himself to a single argument; and that argument was founded on a supposed analogy between a person in the employ of a private individual and a public servant or public officer. Now if the analogy was a close one, then he would admit that there would have been some force in it, but if there be little or no analogy in the two cases, then he apprehended the only argument the President had attempted on this part of the question must fail. The President had put it to you, upon the ground that it would be improper to introduce a provision restricting the terms of office, because in the appointment of private servants no man acts upon this principle, and he has drawn an analogy between the cases which he thinks is so close as to make the argument conclusive, or nearly so; at all events he considers it a good argument against the amendment, but if we can show that there is no analogy between the two cases, then we will have disposed of that part of the argument. What is the difference between a public officer and an individual in the employ of a private citizen. In the case of the private servant, the master knows from day to day, and from hour to hour, what he is doing, and how he is proceeding. He is constantly and without intermission, under the eye of his master, so that he may be removed at any moment for the commission of any fault. Now was this the case with regard to the public officer, and especially the officers we are now speaking of? More than nine tenths of those whose voice is consulted in the removal, do not know, until the termination of their official life, precisely, all the doings, acts and proceedings of these public servants. Here, then, is a most palpable difference in the two cases; and with regard to this part of the analogy it entirely fails. Well, are there any other points in which the analogy is wanting. Why the appointment and dismissal of private servants is a simple fiat of an individual mind; but the appointment and removal of a public servant is a complete operation which requires the concentration of many hundred, or thousands of opinions. It is therefore a much more simple operation to remove a private than a public servant. Here then are two particulars, and two very important particulars in which the analogy fails entirely.— There was a third particular, and it was this: That every act of the private servant was known daily and hourly to the person who appointed him; and that person is directly and absolutely interested in that act and the effect it may produce. Now was this so with regard to your Prothonotaries? No sir, there was no one act of his life in which more than the hundredth part of those who appointed him would have any interest at all. Some few persons who might have business in his office would take notice how it was performed, but the great mass of the citizens would have no knowledge of the manner in which he performed the duties of his office. Then here were three very important particulars in which the analogy has failed. Nine tenths of the persons whose voices are consulted in the appointment of a public servant have not the most remote interest in any one act of that servant. Then the analogical argument in this case cannot be sustained, because in all the important particulars in which you would compare the two cases the analogy entirely fails. The individual who employs a private servant, may, upon the discovery of any

failing in him, dismiss him without consulting any body; but the public servant may be guilty of the greatest improprieties in his public life, and perhaps a great majority of those who appointed him would know nothing of it, and here again is a failure of the analogy. But even in the case of worthy public servants it was desirable to have a Constitutional limitation so that he may know exactly when his term of service is to expire. He can then go out of office, having served out his full term without any thing which can be construed into a censure of his conduct, and can have in view some other business which he is to pursue, whereas if he was a candidate for office again, he would be in expectation of being elected, and would not look around for any other occupation whereby he was to make a living. The people desire this restriction upon the term of service, of their officers, and not without good and sufficient reasons. They desire it so that the officer may go out without feeling censured by the dismissal. There is a reluctance among the people to turn out an officer, because, if he is turned out when the Constitution would have permitted him to hold the office further, it has the appearance of a censure of his conduct, when no such thing is intended. The people then desire this rule that their officers may go out without any imputation of censure upon their character or conduct. It would also have a tendency to allay political excitements in some measure. This desirable object is to be attained in this way. If you have a constitutional prohibition, it will, almost, be a matter of course in practice that the officer who behaves himself well during the first term, will be elected to the second without opposition, so that you will get rid of the excitement at that election.

Then again, at the second term, you will get rid of that excitement, which has been so much complained of here, and elsewhere, the struggle between the ins, and the outs. You will get rid of this excitement in both these cases, because, then, at this latter election, all the candidates, who can constitutionally, be candidates, will come on to the ground, with equal claims, and equal chances, and without any official influence to aid them. These were some of the reasons, which had induced the people, to ask us to permit them, to adopt, voluntarily, for their own convenience, this law for themselves. But gentlemen say, it is anti-democratic. Why sir, was it anti-democratic, for this Convention, when it met here to adopt rules for its own government? Who ever heard of such an argument as this? Was there ever a body assembled, either political, religious, or otherwise, that did not find it necessary, and convenient, to adopt general rules, by which to govern themselves. Every body, found it necessary to adopt such rules, and no person ever supposed, that by so doing, they were taking any thing from their own powers. Who ever supposed we were taking away any of our powers, by the adoption of the rules, lying on your table? This would only be carrying out the principle which every wise man laid down, in adopting rules of conduct, for his own government. In the case, supposed by the gentleman from Chester, (Mr. BELL,) of having the whole people congregated, for the purpose of legislation, does any one suppose, that the people would ever think of proceeding to legislate, without adopting some general rule, for the government of themselves? And would any gentleman contend, that this voluntary adoption of rules, would place any restrictions upon the people? No such thing—the idea is entirely novel, and some gentleman here, is entitled to the invention of it. It never was dreamed of before, that the

voluntary adoption of a rule of conduct, placed any restriction upon the powers of the person, or body, adopting it. This was an answer to all that had been said, by the gentleman from Union, (Mr. MERRIL,) and the gentleman from Northampton, (Mr. PORTER.) Indeed, he did not understand either of them, to affect an argument against the principle of the amendment, otherwise, than by raising the cry, "Are you afraid to trust the people," "Do you wish to place restrictions upon the dear people." Why, this was no argument. It was a mere exclamation. If the people choose to adopt a law, for their own government, it is no restriction of their power. It is what is done, by every body, every where, and in all places. It seemed to him, then, that all, that had been said, by the gentleman from Northampton, and the gentleman from Union, and the PRESIDENT of the Convention, did not go in the least, to affect the propriety, of adopting this amendment.

He wished now to say a word, or two, in reply to the gentleman from Luzerne, (Mr. WOODWARD.) That gentleman seemed to have taken up the idea, that he (Mr. R.) had blundered into this amendment by some means or other, and had introduced it without that due consideration to which it was entitled, before bringing forward a proposition of this kind. He could only say so far as regarded this, that if he knew himself, he was not in the habit of blundering into amendments, or of proposing them, without he believed they could be sustained by legitimate arguments.—The gentleman was extremely anxious, that he (Mr. R.) should review his course and withdraw the amendment. If the gentleman was so sure he was right, and he (Mr. R.) was wrong, why so much reluctance at placing his vote on the record against the amendment. He could not construe the gentleman's anxiety about this matter, in any other way, than that he had some misgivings in voting against the amendment. If this was not the case, why care whether it was withdrawn or not? Why not come up at once, and record his name against the proposition. The gentleman from Luzerne has said, that the two term principle, which applies to the Sheriff, does not apply to other officers, because the Sheriff is liable to malpractices in his office, and he therefore, should be called to account every three years. Why, sir, is not every officer named in this article liable to misconduct in office, precisely in the same manner as the Sheriff? And if it was a good reason in the one case why the officer should be called to account, it was a good reason in the other. The gentleman had also said, that there had been no good reasons assigned in favor of this amendment, but that it was a mere matter of opinion, that it would be a beneficial proposition. Now, he might answer this by saying, that no plausible reason had been urged against it, and several good reasons have been given why it should be adopted. While some gentlemen seemed to think it was not the wish of the people, that this proposition should be introduced into the Constitution, he was of opinion, from all he had learned on the subject before he came here, that it was their desire to have such a provision in the instrument, and he deemed it to be his duty to submit it, and urge it upon the committee, and get it adopted if he could, and if he could not, to submit, with perfect cheerfulness, to the decision of the Convention. The gentleman from Luzerne (Mr. WOODWARD) had requested him (Mr. R.) to reconsider this matter, and withdraw the proposition. Now, he would be pleased to accommodate that gentleman, but as he could not, he would like

to have the gentleman himself to reconsider, and sustain the amendment he had submitted. It would be a great gratification to him to have the gentleman reconsider his course, and support this amendment, and, he thought he had as good a right to ask the gentleman to reconsider his course, as the gentleman had to ask him to reconsider. There was yet another argument of the gentleman from Luzerne, which he proposed to notice, and endeavor to answer in a few words. That gentleman had contended, with great eloquence, that it was necessary, in order to keep the officer in the line of his duty, to give him a motive for performing his duty; and, to give to the people the benefit of this motive, and to give them this benefit, the officer was to have the opportunity of being continued, without limit, in office. Now, he had not supposed, that any gentleman would have stood up, on this floor, and laid it down as a postulate, that men had less regard for their general character, in society, than they had for a hankering after office. Did the gentleman wish to be understood, for such seemed to be the burden of his argument, that there would be no disposition in officers to maintain a good name among their fellow men, if you take away the inducements to an unlimited continuance in office. Why, sir, was there a man on this floor, or a man who holds an office in the Commonwealth, who does not regard as ten thousand times more valuable the preservation of his general character, as a man, than the preservation of it, for the mere matter of an unlimited continuance in office. It seemed to him that this argument must fall to the ground. It was based upon a principle which none of us can recognize. If it would go to prove any thing, it must be the reverse of the position assumed by the gentlemen, because, if there was to be found any individuals in these offices, who considered office as paramount to every thing else, they would, knowing that they would have to remain out of office for three years, which would make their chances of re-election worse, be stimulated to greater exertions, while in office, to please the people, and perform the duties of their offices faithfully.— He would feel that it would require greater exertion to secure the affections of the people, and consequently would be led to greater exertion to please them in the discharge of the duties of his office. But he took it that the argument was based upon a wrong principle altogether, as it can never be admitted that the continuance in office, for life, is any inducement for a man to perform his duties with greater fidelity or attention. He here left the subject with the hope that this amendment, which unquestionably embraced a democratic principle, might be adopted, as the people had strongly urged us to put it in the Constitution, as a rule for their own conduct; but, at the same time, if the majority of the committee decided against it, he should submit, with perfect cheerfulness, to the decision.

Mr. FORWARD did not wish any inference to be drawn from the vote he was about to give on this proposition. He should vote against it, but not because he recognized, in the principle contained in it, any thing so very objectionable: and he did not know, at present, but that he might vote for it, if the term was extended from three to five years. All he wished to say now, was, that he desired no inference to be drawn from the vote he was about to give.

The question was then taken on Mr. READ's amendment, and decided in the negative—yeas, 36, nays, 82; as follows:

Y<sup>ES</sup>—M<sup>ORRIS</sup>, B<sup>ANKS</sup>, B<sup>ONHAM</sup>, C<sup>AREY</sup>, C<sup>LARKE</sup>, of Indiana, C<sup>UMMIN</sup>, C<sup>URL</sup>, D<sup>ARRAH</sup>,

Doran, Earle, Foulkrod, Fry, Fuller, Gilmore, Hastings, Hayhurst, Helffenstein, Hiester, Houpt, Jenks, Keim, Krebs, Magee, Martin, M'Dowell, Miller, Read, Ritter, Rogers, Scott, Sellers, Shellito, Smith, Snyth, Stickel, Taggart, White—36.

**NAYS**—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Bell, Biddle, Bigelow, Brown, of Lancaster, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Cleavenger, Coates, Cochran Cope, Cox, Craig, Crain, Crum, Cunningham, Darlington, Denny, Dickey, Dickerson, Dillinger, Donagan, Donnell, Dunlop, Farrelly, Fleming, Forward, Gamble, Gearhart, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Hyde, Kennedy, Kerr, Konigmacher, Long, Lyons, Maclay, Mann, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Myers, Overfield, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Riter, Royer, Russell, Saegar, Seltzer, Serri l, Scheetz, Sill, Snively, Sterigere, Stevens, Swetland, Thomas, Todd, Weidman, Woodward, Young, Sergeant, *President*—82.

So the question was determined in the negative.

The committee then rose, and the Convention adjourned.

#### FRIDAY AFTERNOON—4 o'clock.

On motion of Mr. FORWARD—leave to make a motion having been given—the use of the Hall was ordered to be granted, this evening, to the Reverend Mr. PINNEY, for the purpose of communicating to the members, and others, some facts relating to the Colony at Liberia.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

Mr. WOODWARD moved to amend the amendment of Mr. SERGEANT, by striking therefrom, the words following, viz: "The Legislature shall provide, by law, for the number of persons in each county, who shall hold said offices, and how many, and which of said offices, shall be held by one person", and inserting, in lieu thereof, as follows, viz: "and the same individual may hold two or more of the said offices, at the same time."

Mr. WOODWARD said, he was induced to submit this amendment, with the single view of more perfectly securing to the people better officers than they would be able to obtain without. There was a manifest impracticability in making a Constitutional rule to apply to all. The offices vary in size and amount, so that no general rule could be adopted by the Convention, which would work fairly, and equally, in every part of the State. A rule must be provided, to be applied by the people, to suit the particular wants and circumstances of particular sections of the State. The amendment he proposed, would put it in the power of the Legislature to make suitable provision; and his proposition would enable the people to elect the same person to different offices, where they might find it expedient to do so. He presumed, the people were better qualified, than the Legislature, to determine when this was proper. What could a Legislature, consisting of one hundred and thirty-three different individuals, sitting in two different apartments, know of the wants of counties in which they have never been, and in which they may have no acquaintance? The objection he had to this, was, that it would, of necessity, refer the Legislature to the local members, for that information on which they would be

able to act. What would be the consequence? This reference to the local members, would, in effect, devolve upon him the responsibility of arranging the offices. How would he be situated? He would be anxious to secure his own election to the Senate, or to the House, or to see his own political party prominent, and he would know, that if he divided the offices among his partizans and friends, he would effect a lodgement which would tell for him, when he desired to be elected to some future office.— Because, therefore, it would promote the interest of the individual to give advice, it would be in opposition to the interests of the people; for when they are divided in this manner among individuals, it would be impossible to find a responsible person to take any one of them. A person could not neglect his business, to attend to the duties of an unprofitable office. It will, therefore, be necessary to unite the offices, and confer all on one. if it be necessary, to secure an individual, responsible, efficient, and faithful. If you leave this to be done by the Legislature, they will divide the small counties into five or six parts, and the political, and individual hangers-on of the member, will have them parcelled out among them. This, to his mind, was a great objection against giving the Legislature the power to confer on the people, what the people have a right to confer in such manner, as to secure the best administration of the duties of the offices. A great deal, but not enough, had been said about the importance of having these offices well filled. It was most important. The interest of that part of the community which is the most defenceless, and dependent, is placed in the hands of these offices, and the people ought to be able to fill them with those individuals, who would consult the best interests of the community. It may be said, that the provision which he proposed to strike out, prevents confusion from the action of the people. He was of opinion, that there would be none. The people form their tickets according to political parties. Where would be the difficulty of nominating A for Prothonotary, A for Clerk of the Orphans' Court, A for Clerk of the Quarter Sessions, and A for the Court of Oyer and Terminer? Where would be the difficulty, preventing, for all four to be supported on the same ticket, on the ground that it was necessary to unite on one for all the offices, to enable him to find a competent individual to attend to each? To the sober judgment of the people, this mode would commend itself with force, and, doubtless, would secure a majority of votes. And where would be the inconvenience? There might be volunteer candidates. But a candid view of the matter would convince such as might come out in that way, of the mistaken policy of their course. The good of the people was the object he had in view, and the people, themselves, would have that, and no other object in view, and would, if they saw it would promote a proper, and beneficial administration of the duties of the offices, unite in conferring them upon one competent, and responsible person. He desired to leave it to the free action of the people, and not to hamper or restrict them, as might suit the ambitious designs of political aspirants. He was opposed to all local legislation. The object of having two branches in the Legislature, is, that the people, on every subject belonging to the Legislature, may have the benefit of the wisdom of the one hundred and thirty-three members, which constitute that body; and where reliance has to be placed on one, or on a few, and the Legislature is obliged to act on the information of these, there is great danger to the interests of the people, and frequently, and proba-

bly. of the promotion of political aspirants, against the interests of the people. Local legislation, therefore, ought to be avoided in these matters. There are objects enough, to consume all this local influence, without suffering it to operate in this way. One year the offices might be in the hands of two individuals, and the next, in the hands of three; all would be confusion, so that the people would not know under what system they were living, and what were the principles on which their officers were elected. If it shall be determined to give the election of these officers to the people, let it be given to them without restraint, and not attempt to control them, in the exercise of their rights. If they did not rule themselves well, it would be the first time he had ever heard of their injuring themselves. He did not see any good ground of objection to the amendment he proposed to insert, in lieu of the words, in the proposition of the gentleman from Adams. If that proposition were stricken out, the people would have the power to confer two or more offices on the same individual, if they should think proper to do so. He saw no inconvenience which could result from arranging the tickets; and he saw, or thought he saw, great evils which would result from lodging the power in the hands of the Legislature, to say what the people might do, and what they might not do. The people were on the spot, and were conversant with the qualifications of the officers, and knew whether they were competent to fill the offices; and we all know how local laws are procured in the Legislature. We know, how every member can shape local legislation to promote his own political views. He would go against all such modes.

Mr. DUNLAP liked the principle thrown out by the gentleman from Luzerne, very much, but he had doubts, whether the gentleman would be able to get at what he wanted to reach. His amendment ran thus, "and the same individual may hold two or more of the said offices, at the same time". If we insert this clause in the Constitution, and the Legislature should designate how many offices may be held by the same individual, or how many by different individuals, he would put this question: Suppose the Legislature should pass a law, designating how many officers there should be to each county, would that be inconsistent with the provision to the Constitution? Certainly not. The Legislature would have power to say what offices each individual may hold. Certainly they would. The amendment then, would not meet the object which the gentleman had in view. The amendment of the gentleman from Luzerne, is tantamount to what is already in the amendment of the gentleman from Adams, which reads, "the Legislature shall provide by law for the number of persons in each county, who shall hold said offices, and how many, and which of said offices, shall be held by one person". The Legislature would have precisely the same power, under the amendment of the gentleman from Luzerne. If you strike out the clause, the Legislature may pass a law, which would not be at all inconsistent with the provision in the Constitution, which would defeat the object of the gentleman from Luzerne. He had reflected a good deal on the subject, and saw no difficulty, which would be apparent to all, who had had much to do with politics and elections. There might be few candidates—in Cumberland, there were now fifteen, on the tapis, for one office—and there might be fifteen for each office. There would be electioneering for each office. Every one knows the disposition of the people, who never unite on any one,—

The offices, would be divided, however contemptible they might be. One candidate would say to a man who had promised to vote for another, "divide your vote—vote for me for this office, and for your friend for that". The Legislature should have the power to arrange the offices, and no individual member would have influence enough to change the law. An arrangement would be effected, by a general law, which would give a good deal of stability to the system. No Legislature could change the law, unless the change was agreed to, by the people, and no one would try to get it done, against the sense of the people. Remonstrances, and petitions, would assail him at every step. It would be better to leave it to the Legislature, and so get rid of the difficulty. If the gentleman wished to prevent incessant changes, he should leave it to the power of the Legislature. He had no mistrust of the people, but he believed the people themselves, would like best, to have a general law. They would prefer, that the Legislature should designate what elections should be held for particular offices, than to be called out to vote in a manner which was not regulated by a general law.

Mr. DARLINGTON, of Chester, said that he could not see with the gentleman from Luzerne (Mr. WOODWARD) the propriety of making any change in the amendment of the gentleman from Montgomery, although he was in favor of giving the people all the power they could conveniently exercise. He conceived that the exercise of this power, in the manner proposed, would not be satisfactory to them. He entertained the same opinion as the gentleman from Montgomery, that the Legislature should point out the number of persons who should hold offices, how many he should hold, &c. The objection urged by the gentleman from Luzerne, did not appear to him (Mr. D.) to be sound—that the Legislature might be influenced by members from the district about which they might be legislating. Now, it did not necessarily follow, that the Legislature would act on the information of members only. They could have information brought before them by petition, and act upon the matter as they did in all cases of a like character, and with strict impartiality. He could not see any objection against giving to the Legislature the power of regulating the manner in which these offices were to be filled. The inevitable consequence of giving to the people the election of their officers, would be, that they would act without understanding each other, and would elect as many officers as there are offices, and there might probably be, as observed by the gentleman from Franklin, as many as fifteen candidates for each office. It was not likely, too, that men so competent to fill them would be elected. In order to obtain men of character, capable of transacting the duties he would be called upon to perform, the offices must be so divided, as to make them worth holding. In the county of Philadelphia, they might be better separate; but even in the larger counties some of them would not even afford a living to the officer. In the county of Chester, the prothonotary, register and recorder, could be singly filled; but the clerk of the court of Oyer and Terminer, clerk of the Orphans' court, and clerk of court of Common Pleas, could not be, for no man could make a living. An individual would not give up his business to take office, as he would not be able to maintain his family. Now, if gentlemen wished to subserve the wishes of the people, they must so regulate these offices that men will take them and be remunerated for their services. The gentle-

man from Luzerne, seemed to think that the Legislature might exercise a discretionary power to the prejudice of the people, and in opposition to their interest, and therefore he would not trust them with this regulation. He (Mr. DARLINGTON) entertained no such distrust of that body. He believed, that the gentleman on a former occasion, was among those of his political friends, who went in favor of vesting the Legislature with discretionary power in regard to the creation of offices. [Here Mr. WOODWARD signified his dissent.] The gentleman shakes his head. He (Mr. D.) was certainly under that impression. However, be that as it may, he could not agree with the gentleman, for he had no doubt the Legislature would act with a due regard to the wishes of the people. He was, therefore in favor of retaining the clause as it is.

Mr. REIGART, of Lancaster, said—Mr. Chairman : It seems to be conceded by all, that we will take from the Governor the appointment of the county officers, and give it to the people, to whom it legitimately belongs. But the question arises, how are we to give it? As I at present view this matter, if we give the power to the people, let them have it, not in part or parcels, but wholly and entirely; they are perfectly competent to elect their officers, and they are just as competent to say how those offices shall be filled, and by whom; whether some of these offices shall be attached to each other and filled by the same persons, or whether they shall be detached from each other and filled by different persons. The amendment proposed by the gentleman from Luzerne (Mr. WOODWARD) leaves it to the people, while the other proposes to leave it to the Legislature, to say how these offices shall be filled, what offices shall be attached to each other, and what offices shall be kept separate and how they shall be filled. As it seems to me, sir, the objections to leaving this matter to the Legislature are numerous. In all local matters, the member or members from the particular district will be alone consulted, and they will arrange this matter as may best suit their own individual views; so that in the end, one, or two, or five men, will arrange for the people what they can do for themselves. Besides, there are many and great objections to leave any thing to the Legislature, as to carrying out this favorite constitutional measure, which the people think they can do better themselves, and which they can do better themselves. What, sir, will be the practical operation of this measure? It is well known that the people of the different counties in the State once in every year, at least, send delegates, for political purposes, to a county convention, one or two for each township. These gentlemen, selected for their intelligence or some other good quality, are most generally public men, who have the means of knowing the annual value of every county office, the amount of the annual income, &c. If gentlemen concede this, and it has not been denied, will they say that the people are not as good judges of their own interest as the Legislature are? But the gentleman from Franklin (Mr. DUNLOP) has told us, that it would beget confusion among the candidates for the different offices—that a man may refuse to vote for a particular candidate for register, when he would be willing to support him for recorder. For myself, sir, I cannot perceive the force of this argument, as the same confusion must also arise should the details already mentioned be left to the Legislature. This confusion might arise among volunteer candidates, but not among regularly nominated candidates; at all events, legislative enactment would not avoid it.—

The gentleman from Chester (Mr. DARLINGTON) has told us, that the people could not understand each other. Why, sir, is this business so complex that the people cannot manage it without the aid of legislative machinery? The gentleman has failed to point out the difficulty, and having failed to do so, it is fair to presume that there is none. Under the amendment proposed by the gentleman from Luzerne, if the annual income of two attached offices increased largely, the people themselves could detach them by a very simple operation; or if the annual income of a single office decreased considerably, they might, by the same simple operation, attach it to another, and thus regulate the matter as they, from time to time, think proper: but as the matter at present stands, they must petition the Legislature, from time to time, to effect these objects. For these reasons, as well as others that might be given, I shall vote for the amendment of the gentleman from Luzerne.

Mr. FORWARD, of Allegheny, said, that he rose to ask a question, and make a remark or two. There were five offices in a county to be filled, besides the Clerk of the Court of Oyer and Terminer, which was too small to be held separate. While the amendment of the gentleman from Montgomery would leave to the Legislature the regulation of the number of offices that might be held by one individual, the amendment of the gentleman from Luzerne provides, that an individual might hold two or more offices at the same time. [Mr. WOODWARD (in an under tone.) that is the election of those officers once in three years.] Yes, that is it. Well, here was a difficulty. At the first election, they were given to five different incumbents, and at the expiration of a year, one of those incumbents died. A new election took place, and the officer elected had held it three years under the Constitution, and at the end of that time, there would be four offices vacant, and the fifth would be disposed of. Before this election, another office became vacant; the late incumbent having held it three years. So that, at length, by death, resignation, or removal, at the end of three years, only one office was filled. Now, what, he would ask, was to be done? An election could not take place, for the office was filled.—And, thus, there was an end of the whole theory of the gentleman from Luzerne. He (Mr. F.) objected to the principle also, and contended that it was necessary that something like a general rule should be established by the Legislature. The Legislature may be just as well informed with respect to the qualifications of the different candidates, and the distribution of these offices. The amount of business in each county could be known, and a decision could be made accordingly. It would be necessary to look to what was done the previous year, as to the number of suits that were brought—the indictments framed, and cases in the Orphans' Court, It was easy enough to obtain all this information. So, in relation to the Recorder's Court, and Register's office.

It was expedient that some general rule should be established, and it was as easy to regulate the matter by the Legislature, as by the people. The Legislature could inform themselves as easily as the people of the county could, as to the number of suits in the different courts, and the amount of business to be done by each officer. They could then graduate the labor to the business in each office. The Legislature would not be so apt as the people to act on sheer local and party grounds. The regulation, too, would stand on permanent principles, and not be left to the shuffling and

cutting of parties. It was said, that the Legislature knew nothing about it, and that the people alone were competent to manage the distribution of the offices. But this he denied. Why did we not leave to the people the Sheriff's bond, and the alteration of the election districts? Because, they would lose sight of the public interest, in endeavoring to promote local and personal interests.

Mr. KERR was in favor of giving the elections of county officers to the people, and of leaving it to the Legislature to say, whether one person should hold more than one office, or not. He was opposed to the amendment of the gentleman from Luzerne, and the objection he had to it was, that it was not practicable for the people to decide how many officers should be chosen. There were but three ways in which the people could make the decision. The citizens of the county must assemble and decide it; or the voices of the different townships must be collected, or the county conventions, when they meet to nominate their candidates, must make the decision. These were the only ways in which the people could determine the question. But, the people were generally divided into two or more parties, and if one party determined that one person should hold two offices, and the other party, that he should not, how was it to be settled? The proposition was impracticable, and he trusted it would be rejected.

Mr. BELL was sure, he said, that his friend from Luzerne, in offering this motion, had not well considered the objections to which it was liable. It would lead to confusion inexplicable. It was utterly impossible, that the people of any county should agree as to the distribution of offices. In many counties there are several parties, each of which made a ticket, and they could never agree as to the number of persons who should hold the offices. The proposition was, undoubtedly, founded on respect for the people, but he did not think it practicable. There ought to be some rule fixed, and known, for determining the number of offices in each county. The business of the county should regulate the number. That was the proper principle; and, it might be assumed, that the business was in proportion to the population. He should, therefore, propose the enumeration of the taxable inhabitants, as the basis for the appointment of offices, among the several counties. He would propose to make it incumbent on the Legislature to distribute them, in proportion to the number of taxables, and at the same time, that they apportion the Senators and Representatives.

Mr STEVENS thought it was better, he said, to take the vote at once. The amendment had been modified about thirty times, to suit different tastes. We had a general principle in it, giving the election of certain county offices to the people, and when we come to the second reading, we could put it in proper form. He hoped, that some day or other, we should get a direct vote upon the proposition, as it stood. The amendment of the gentleman from Luzerne, would lead to inexplicable difficulty.

Mr. SHELLITO just wished, he said, to make one observation. He wanted to give the people the regulation of the number of county officers, In each county, could not a convention be held, and could not the delegates enquire, what is the amount of the business in the county, for each officer, and what is its emolument, and how many men it would require,

to perform the duty? And then, could not they make their tickets for officers, according to the number that might be wanted, and leave to the public the choice? It appeared as if the people were allowed to do nothing for themselves, and that they must have a dictator somewhere. Their representatives cared nothing for them after they had received their election. The public knew more about their local interests, than the Legislature did. What did a member of the Legislature, coming from Philadelphia, know about his constituents, or their interests? He did hope, that we should give the people the regulation of this matter; and if the committee was averse to it, let them say so.

Mr. DUNLOP said, this subject was full of difficulty. Before he came to the Convention, he had reflected much upon it, and he had come to the same conclusion, which the gentleman from Allegheny had so ably presented, that the Legislature must fix the number of officers. In some cases, there might be but a single officer to fix in each county; but that was no answer to the objections urged against the proposition. These officers did not stand before the people like the Sheriff of the county. No Sheriff in any county was chosen in relation to party consideration. Any one, who was a candidate upon party grounds, would be certain to lose his election. But it would not do, to tell him that the people at a convention could say, who should fill the offices, and how many officers there should be; for the different parties could never agree as to the number of officers, or their election. We wanted some means of distracting the demon of party, instead of giving it wider scope. It was easy to see that the system would be attended with much difficulty. The gentleman from Lancaster, might well feel indifferent to the result, because his was a large county. But, in the small counties, we should have as many candidates as parties, for every office. Some of the counties were divided into four or five parties, and it would be the object of each to multiply offices, as far as possible. He thought it much better that the Legislature should have the power, to fix the number of officers.

Mr. WOODWARD withdrew the amendment, giving assurance to its friends that he would renew it on the second reading. Then he would endeavor to satisfy the gentleman from Franklin, that his scruples were not well founded, and to convince the gentleman from Chester, that he had not offered the proposition inconsiderately.

Mr. PORTER, of Northampton, moved to amend the amendment, so as to provide that no person shall be elected a Prothonotary, or Clerk, unless previously examined by the court, or a board, appointed for that purpose, and be certified, by a majority of them, to be competent to discharge the duties of the office.

The motion was negatived.

Mr. BELL moved, to amend the amendment in the 9th line, by inserting, after the word "*shall*," the following: "at the several periods of making the enumeration of the taxable inhabitants, mentioned in section 4th, article 1st, designate by law."

Mr. BELL said, a difficulty had been suggested by the gentleman from Luzerne, (Mr. WOODWARD) in reference to the Legislature having the power, without restriction, of regulating and providing for the number of officers, in the several counties; and that they might change and alter them, from year to year, merely on political grounds, without regard to the interests

or convenience of the people. Now, the Constitution provided for the making of an enumeration of taxable inhabitants, every seven years, with reference to an apportionment of the Representatives. He thought, then, it would be conceded, on all sides, that the officers, in each county, ought to be in proportion to the inhabitants, or to the business of the offices, and he knew of no better way of ascertaining the amount of business, than by the number of inhabitants. Then, he considered, that the best means of ascertaining the number of officers which were required for each county, would be by the septennial enumeration of taxable inhabitants. In order to avoid an objection, which would undoubtedly arise, in relation to the Legislature improperly interfering in this matter, we should fix a particular period for it, to make this arrangement. Thus, you would have a uniform system, throughout the whole Commonwealth. The Legislature might, if a system of this kind was not adopted, be altering and changing the offices every year, giving, perhaps, the large county but one officer, while it would give the small counties two or three, and there would be no uniformity. He thought, you might as well allow the Legislature to have the distribution of the Senators and Representatives, without restriction, as to give them the regulation of these offices, without restriction.— He did not know, that there was any objection to this amendment, but if there was, he should like to hear it. At any rate, he hoped the committee would not vote it down, without due reflection.

Mr. MERRILL did not object to the principle contained in the gentleman's amendment, as he thought it was right that some provision should be made in relation to this matter, but he did not think the gentleman's amendment was in the best form. He thought, the provision should merely require the Legislature, to make a general law on the subject, as he did not apprehend so much danger from a Legislature, which was elected by the same people, who elected these officers, and who were under the additional obligation of an oath, for a faithful performance of their duties, as some gentlemen seemed to think. He had no fear of the Legislature becoming corrupted, and neglecting to perform their duties.

Mr. CLARKE, of Indiana, said it struck him that the committee ought to look upon this proposition with a favorable eye. He thought we had better not be troubling the Legislature every year with making changes in these offices. If the matter was left as it now stands, without this amendment, petitions would be coming in every year for changes and alterations, and the Legislature would be continually engaged in legislating on the subject. If, however, a particular time for all changes in these offices was to be established, then the people and the Legislature could act understandingly on the subject, the people could have their petitions prepared at the proper time, and send them all in at once; and the Legislature could then take up the matter, and the whole of the arrangements could be completed at once, which would be a convenience both to the people and the Legislature. Our Sheriff and Governor are elected for three years, and we have now come to the determination that all the county officers shall be elected for three years. This being the case, he thought it would be most proper that the enumeration of taxable inhabitants should, in some measure, conform to this, and with this view it was his intention, if he lived until we come to a second reading of the first article, to move to amend the fourth section, by changing the time of making the enumeration from seven to six years.

In doing this they would always have the advantage of comparing with the triennial assessment, which would be taken in the same year. This, he thought would be a very great advantage in comparing the lists and correcting them and preventing frauds. He hoped, therefore, as all our officers had got to run together for three years, that the amendment of the gentleman from Chester might prevail, and if the amendment he intended to propose on second reading should prevail, we would have a system entirely uniform.

Mr. FORWARD said, if he understood the amendment of the gentleman from Chester, the Legislature would have no power, to disturb the regulation, first agreed upon, for three years. The Legislature must, in the first place, fix upon some arrangement, to commence with, and then, if this amendment is agreed to, they will not have the power, to alter their own arrangement, for three years, no matter how defective it may be. Why, as the proposition stood, the officers were to be elected for three years, and at the end of that time would be the period, when the Legislature would be called upon to change, separate, and consolidate these offices, and therefore, he could see no necessity for it, in this point of view. Beside this, with all the respect which he entertained for the gentleman from Indiana, and the gentleman from Chester, it appeared to him, that their proposition was founded on a false basis. The number of taxable inhabitants, was no criterion, for the amount of business done, in the county offices. In the county of Washington, there was nearly as large an amount of population, as in the county of Allegheny, yet, in the county offices, of the county of Allegheny, there was a vast deal more business done, than in the county of Washington. The reason of this, was, that one was an agricultural county, and the other was made up, in a great measure, of a commercial, and manufacturing population. Wherever there were a great many bargains made, there would be found, to arise, a great many disputes, consequently, all trading communities would have a great deal more business to be done, in their courts, and county offices, than agricultural districts. We must, then, find some other basis, than the number of taxable inhabitants. The division of offices must be in proportion to the amount of business done, and that can be ascertained at Harrisburg, as well as any other place. Returns are made from the different offices in the State, of the amount of business done, to the Auditor General, of the State, and you can there, just as readily ascertain the amount of business done in each county, as at the county offices. The Legislature, then, can take up these returns, at the end of three years, and separate, or consolidate the offices, as the necessity of the case may require, and by this means, at the end of every three years, these offices would be regulated, just as well as though the amendment of the gentleman from Chester, was adopted. The number of taxables, would not, even, give a probability, of the amount of business done, in a county; therefore, it would be, an entirely erroneous basis, and ought not to be adopted.

Mr. DICKEY took the same view of this matter, which the gentleman from Allegheny had taken, and thought the amendment of the gentleman from Chester, entirely unnecessary, and that it ought not to prevail, because it will tend to restrict the people, in consolidating and dividing their offices, as they may desire, through the Legislature. Now, he thought,

that they ought to have the power, every three years, of dividing and consolidating their offices, to meet their own convenience. In the county of Beaver, the offices were consolidated, and they had but two offices, but as the county was rapidly increasing in population, wealth, and business, it might be necessary, in three years after the Constitution went into operation, to divide the offices, and increase the number of officers. Should the people of that county not have the right to ask this of the Legislature?—Certainly, they should. But this amendment, if adopted, would preclude them from doing so. The Governor has always been elected for three years, and these officers have been appointed for three years, and it was now proposed to elect them for three years, so that that appeared to be the established time at which changes should be made in the arrangement of these offices. The time for making changes, should certainly be shorter than six years. The offices being filled for three years, the Legislature would not be troubled with the matter short of that time, but at the expiration of that period, they ought to have the power of making such alterations, as the people might desire. He hoped, therefore, that the amendment of the gentleman from Chester, might not prevail.

Mr. DUNLOP was in favor of the proposition of the gentleman from Chester, (Mr. BELL) and he could see no necessity in making an apology to the committee, for detaining them a few minutes, in giving his views on the subject, neither did he think it necessary, that the gentleman from Chester should have apologised for troubling the committee, because, any gentleman who spoke so much practical good sense as that gentleman, would always be listened to with attention by the committee. We have come here to perform a work, which is in all likelihood, to last for ages, and we should approach it with caution and due consideration. The gentleman from Adams, (Mr. STEVENS) had said, that we might fix this thing any how, at present, and put it in proper form on second reading. He did not, however, think, that this was the way we should do our business. He was in favor of scrutinizing every sentence, and word, now, which we insert in this instrument, so that it may go out to the public as perfect as possible, if we send it out before it comes to second reading, for the consideration of the public. He, himself, should be in favor of having this arrangement of officers made but once in seven years, but as the gentleman from Indiana, (Mr. CLARKE) had expressed an intention of proposing a change, in the time of making the enumeration of taxable inhabitants, from seven to six years, for the sake of convenience, he did not know that he should object to that time. He should at least, be in favor of that length of time, so that there should be as few fluctuations as possible in these offices. Gentlemen might talk as they pleased, but popular opinion was not always right, any more than any other opinion; therefore, he should go for having some fixed time, for making these arrangements.

Mr. BELL had listened to the gentleman from Allegheny with some attention, and so far as his county was concerned, the number of taxables might not form a just criterion to judge from, but, he would ask that gentleman, if it would not be a just criterion for a large majority of the counties, which were agricultural counties. He was of opinion, that the business of all the counties in the State, excepting Philadelphia, Allegheny, and Schuylkill, could be determined on by the number of taxable inhabitants. His amendment was based on the number of taxable inhabitants,

and when we are seeking a basis, we must take that which is most general and applicable to the whole State. He would ask the gentleman from Allegheny, whether it was not necessary, that the Legislature should have some general rule for their guidance, and if so, what other rule would be applicable in this Commonwealth. The gentleman from Beaver (Mr. DICKEY) objects to the amendment, because, the time is too long, and says, that the people should have the opportunity of asking for a division and consolidation of these offices frequently, and at most every three years. Why, did the gentleman not know, that the people never troubled the Legislature, in relation to such trifling matters as these. It was none, but the demagogues, who meddled in such matters; men, who expected to derive some benefit from it. These were the persons who were continually harrassing the Legislature, in relation to these matters. He had no objection to see the time for making these arrangements, fixed at three, four, five, or six years; but, as the Constitution provided for the enumeration to be made every seven years, he took that to be the most suitable time. He was willing to except from the operation of this clause, the county of Allegheny, if it will not work well there, as he thought that county, and perhaps, the city and county of Philadelphia, were the only counties in the State where it would not work admirably well. He, himself, would prefer a shorter time, if it could be fixed, but, he thought gentlemen must see the necessity of having some particular period designated, for the Legislature to act on this subject, with reference to the true interests of the people of the Commonwealth. It was impossible, pursuing the suggestion made by the gentleman from Beaver, (Mr. DICKEY) to ascertain the precise wishes of the people, in relation to these matters, at any particular time, without going into a system of legislation, which will be endless; and, he would ask the gentleman from Allegheny, (Mr. FORWARD) looking at Pennsylvania as she is, an agricultural Commonwealth, generally, what other rule he can furnish, which will operate uniformly, or as nearly so as the one he had proposed. We all agree, that one man, in many of the counties, can execute the duties of the offices, yet we cannot pretend to say, what the state of the offices may be twenty years hence. If you take the northern range of counties, all the offices combined are not enough to support the officer, but in the course of time,, those now wilderness counties, will be flourishing and thickly populated districts, and it will be necessary for the Legislature to interfere, and regulate the number of officers in the several counties, but it would not do to trust them, to be making these arrangements at any time they please. It might be, that the objection of the gentleman from Allegheny, in reference to his own county, had some weight; yet, it applied but to a single county, and it still appeared to him, that the business of a manufacturing district, was increased only in proportion to the number of inhabitants.—The amount of population, in manufacturing districts, was greater than that of agricultural districts; consequently, the business of those districts, in their county offices, must be greater. If, however, gentlemen could point to any more certain rule than this, he would be willing to adopt it; but, he took it to be absolutely necessary, that we should adopt some provision, prohibiting the Legislature from interfering continually in this matter.

Mr. AGNEW, of Beaver, said the gentleman from Chester seemed to be

in dread of some imaginary evil. For forty-seven years we have lived under the provision of the present Constitution, he had heard of no evil which had actually existed. The Governor has had the sole disposition of the offices, and he could vest, by the power of appointment, office on any one. Why should the course be changed? Is it to be supposed that he would not change when expediency required it, as soon as the Legislature? He did not know what evil was to be apprehended under the amendment. Had not the Legislature the power to regulate the offices by law? What more was desired? Could changes be made oftener than in three years? The gentleman from Chester said he had no objection to every third year. What did the gentleman complain of? Changes could not be made so often as once a year. An officer could not be put out of office until his term had expired. If the periods of the enumeration are changed, the officers would have to be appointed at different times: and it would be better to leave it to the Legislature to apply some fixed rules. His chief object, however, in rising, was to enquire what evil is intended to be remedied? The Legislature might be trusted to exercise its own discretion. We have ten thousand interests on which the Legislature acts, in accordance with the wishes and wants of the community.—For what purpose then is it desired to restrict legislative action in this instance? Would that body give itself business and trouble for nothing?—We have gone on for forty-seven years, and have experienced none of the evils which the gentleman pictures as so great and glowing. It would be as well to tie up the hands of the Legislature on any other subject as on this. It is a body placed over us to examine into our wants, and to discover what will be for our benefit. Are we now afraid that it will do—what? He scarcely knew what, unless to give itself trouble. You would compel the Legislature to act when it is not required to act. The answer is—the Legislature could not act oftener, if required. Then why endeavor to compel it to do so. It is placed over us, and made answerable to us, for the purpose of ascertaining such matters. He saw no cause for such accurate legislation.

The committee then rose and reported progress, and obtained leave to sit again to-morrow, and

The Convention adjourned.

SATURDAY, JULY 1, 1837.

Several gentlemen having asked and obtained leave of absence for various periods.

MR. JENKS, of Bucks, expressed a hope, that when gentlemen asked for leave of absence in future, they would assign the reasons for the request. If they could show that they are laboring under personal indisposition, or that there was sickness in their families, he would be willing to grant leave of absence. But in the present state of the business of the Convention, he hoped, no other reason would be admitted. It would probably be found necessary to take a recess until some time in October, and if so, gentlemen would not occur much additional inconvenience until that should take place.

The PRESIDENT laid before the Convention a communication from the Secretary of the Commonwealth, accompanied by a statement relative to the number of all the justices of the peace, aldermen, and other judicial officers of this Commonwealth, together with their respective salaries, perquisites and official emoluments, and the dates of their respective appointments as far as the same could be ascertained, so as to show the cost of the administration of justice in the State, as follows :

Which was laid on the table.

SECRETARY'S OFFICE,  
*Harrisburg, 30th June, 1837.* }

SIR: In compliance with the resolution of the Convention, requesting to be informed of "the number of all the Judges, Justices of the Peace, Aldermen, and other judicial officers of this Commonwealth, together with their respective salaries, perquisites, and official emoluments, and the dates of their respective appointments, as far as the same may be ascertained, so as to show the cost of the administration of justice in the State," the undersigned has the honor to report—

That all the information required by the resolution, relative to Judges, was contained in a statement, sometime since submitted to the Convention, by the Auditor General, and himself, except that the name of ROBERT C. GRIER, Judge of the district court of Allegheny, whose salary is two thousand dollars per annum, was inadvertently omitted therefrom.

In order to obtain as full information as the case would admit, of the number and emoluments of Justices of the Peace, and Aldermen, circular letters were addressed to the Recorders of the several counties, to elicit the facts required, and to a number of the most intelligent Justices of the Peace in each county, and to the Aldermen of the cities, for the same purpose. The amount of information embraced in the replies, which very recently ceased to arrive, will be found in the second, third, fourth, and fifth columns of statement C, hereto annexed; from which it appears that the whole number of Justices in the Commonwealth, as reported by the Recorders, is two thousand three hundred and fifty-five, of whom two thousand and sixty-seven are supposed to be acting Justices. The average amount of emolument of the acting Justices, over the whole State, as estimated from the reports of the Recorders, is about sixty-five dollars; and from the reports of the Justices themselves, seventy dollars per annum.—

But it will be perceived, that Recorders of eleven counties have not reported the number of living Justices. These counties contain near one-fifth of the whole number in the State, and will therefore increase the aggregate of living Justices to about two thousand eight hundred, or perhaps three thousand. Neither have the Recorders of seven counties reported the acting Justices. A fair estimate in those counties, will bring up the whole number of acting Justices to two thousand three hundred. It is probable that these estimates cannot be far from the truth.

The average annual emolument of acting Justices, as estimated by the Recorders, and by the Justices themselves, at sixty-five dollars, to seventy dollars, is probably correct. If, however, the whole number of living Justices, including, at least seven hundred, who receive no emolument whatever, be assumed as the basis of calculation, the average for the whole State will be about fifty dollars per annum for each justice, or the gross sum of one hundred and fifty thousand dollars. To which, if the emoluments of aldermen, (table C,) amounting to not less than seventeen thousand three hundred dollars, be added, the whole cost of justice as administered by justices and aldermen, will be one hundred and sixty-seven thousand three hundred dollars.

While the means to obtain the foregoing information were in progress, an examination of the commission books in this department was made, and a list marked A, of Justices and Aldermen, and the dates of their appointments, prepared from December 1808, the commencement of Governor SNYDER's first term. It was not supposed necessary to begin further back than that period, and the list is carried forward till the first of the present month. Table B, will present a summary in counties, of all the Justices appointed by each Governor, during the period embraced in list A. The first column of table C, exhibits all appointments in each county, during the same period.

It must be remembered, that the commission book does not present a true statement of the number of living Justices, and Aldermen. Many, whose names appear upon it, have probably died, or removed, though the department has not been informed of these changes.

The foot of table B, will exhibit the whole number of appointments by each Governor, since 1808. The number appointed by Governor WOLF, should be one thousand three hundred and thirty-nine, instead of one thousand two hundred and thirty-seven. The true number appointed in his terms of office, was ascertained during the session of the Legislature of 1835-6, and reported to that body. Since that time, many of the individuals embraced in that list, have died, removed, or resigned, and their names, according to the practice of the office, were erased from the commission book, as others were appointed in their stead. The same practice has more largely reduced the number that stood on the commission book, as appointed by previous Executives.

The number (401) appointed by Governor RITNER in a year and a half may, at first sight, appear large. But in addition to the ordinary demands for appointments caused by the growth of population, and by deaths, resignations and removals, the peculiar political change which placed him in office, required an increase. It had been the unvarying rule, whether right or wrong, it is now needless to enquire, of former administrations to confer commissions on none but their own political partizans. This prac-

ties, controlled as it was believed to be, by the influence, and for the promotion of secret associations, was one of the strongest exciting causes of the election of Governor RITNER.

"When the public sentiment at length declared itself, on this subject and burst open the doors of honor and confidence," it became his duty, as far as could be legally and properly done, to "correct the procedure." The power of removal was elsewhere, placed by the Constitution. The only corrective, therefore, was to neutralize the evil, by appointing, sparingly, in different parts of the State, men, whose character, for intelligence and honesty, was equal to any, and whose entire freedom, from oaths and promises, unknown to the law, made them clear of suspicion as its ministers. It is also proper to state, that none were appointed, except upon the urgent solicitation of citizens of the vicinity, as will appear by the petitions on file in this office.

It was suggested to the undersigned, that it would be desirable to exhibit, in this report, the cost of audits, in the different courts of Philadelphia city, and county. A circular was accordingly addressed to the Prothonotaries and Clerks, requesting the necessary information. A reply has only been received, from the Prothonotary of the court of Common Pleas, who states that the number of auditors, annually appointed by the court, may be set down at twenty-four, with the cost to the parties of \$2,000 per annum.

Statement D, prepared by the Auditor General, exhibits, so far as that officer can furnish it, the amount of fees, received by the several county officers of the Commonwealth. From which it appears, that the gross income of the officers in question, for one year, is about \$117,632 97, in forty-eight counties, including the incomes of the Prothonotaries of two of the Supreme court districts. If to this be added, the like proportion of emoluments, in the counties not embraced in the statement, the total for one year, will be about \$128,000.

Statement E, exhibits the information required by the Convention in the resolution requesting "the number of officers, (exclusive of judicial officers, Prothonotaries, Registers, Recorders, and Clerks of the several county courts,) appointed by the Governor, setting forth their several titles, terms of office, compensation, and the places, wherein they exercise their offices," so far as the records of this department contain it. No means are possessed of ascertaining the emoluments of notaries public, commissioners of deeds in other states, and of many other officers embraced in the list.

All which is respectfully submitted.

THO. H. BURROWES,  
*Secretary of the Commonwealth.*

Hon. JOHN SERGEANT,  
President of Convention.

## A.

*List of all the Justices of the Peace and Aldermen, in the several counties of the Commonwealth of Pennsylvania, with the dates of their respective appointments, as the same stand entered on the Commission Books, in the office of the Secretary of the Commonwealth, from December 20th, 1808, to the 23d day of May, 1837.*

## ADAMS COUNTY.

Sampson Smith King	March 11, 1817	James Robinette	Feb'y. 18, 1822
George Welsh	Feb. 22, 1819	Anderson Ewing	May 27, 1835
David Middlekauf	May 17, 1820	James Robinette	Feb. 18, 1822
David Willis	March 5, 1823	Thompson T. Bonner	March 2, 1822
John Garvin	Dec. 2, 1823	James McElwee	April 1, 1822
Samuel Sloan	June 28, 1827	Samuel Blake	Oct. 31, 1825
George Kerr	Oct 17, 1827	John Myers	Jan. 28, 1826
Adam Walter Jr.	March 26, 1829	Levi Miller Jr.	March 8, 1833
George Zeigler	Feb 21, 1831	William McGrew	June 28, 1814
Samuel R. Russell	Oct'r 8, 1832	Charles F. Keener	March 29, 1821
Alexander Caldwell	Dec'r 24, 1833	William B. McGrew	Oct. 30, 1821
Joel B. Danner	do. 4, 1835	James Bell Jr.	June 12, 1822
Samuel A Lawver	do. 18, 1833	Jacob Fidler	Jan. 5, 1832
John F. McFarlane	do. 4, 1835	Simon Becker	Oct. 25, 1833
Jacob Keller	March 31, 1824	James Will	Oct. 26, 1835
Samuel Derborow	Dec'r 14, 1829	James Wilson	Jan. 3, 1811
John Shorb	June 10, 1833	James Cunningham	Dec. 12, 1822
Jacob Will	April 17, 1835	Isaac Robinson	March 24, 1828
Michael R. Nussear	July 10, 1834	Thomas Reed	Oct. 3, 1828
John Aulenback	April 3, 1809	James McKesson	March 26, 1829
John L. Gubernator	March 18, 1817	James McDevit	May 31, 1835
George Brown	March 27, 1818	Zephaniah Herbert	March 23, 1833
John Morningstar	Feb. 26, 1825	James Russel	May 19, 1836
Robert McIlvain	May 19, 1826	William P. Paxton	do
Michael D. G. Pfeiffer	June 28 1827	James McAllister	do
James Clark	Nov'r. 2, 1831	Robert W. Middleton	June 11, 1836
Jacob Melhorn	June 3, 1833	Frederick Diehl	Feb. 14, 1837
Joseph R. Henry	April 10, 1834	Joseph Fink	March 19, 1836
Joseph Kepner	Sept'r. 3, 1835	David Shriver	May 5, 1837
Samuel Lilly	Nov'r. 19, 1823	Frederick W. Hoehler	August 5, 1836
Henry Brinkerhoff	Dec'r. 2, 1823	Charles Kettlewell	May 21, 1836
Abraham King	do. 13, 1823	John Brough	June 11, 1836
Samuel S. Caldwell	Oct'r. 4, 1827	George Taylor Sr.	Jan. 15, 1836
Thomas M'Creary	June 12, 1834	Nicholas Bushey,	Sept. 19, 1836

## ALLEGHENY COUNTY.

James Young	March 22, 1813	John Gillelan	Jan. 7, 1820
James Johnston	Feb. 27, 1815	Thomas Chess	Dec. 12, 1823
John Wilson	Feb. 27, 1818	Isaac Williams	May 5, 1824
William Arthurs	Dec. 15, 1823	John Patterson	Dec. 12, 1827
Arthur F. Gow	Feb. 26, 1824	James Carter	August 19, 1828
David Gilleland Jr.	June 18, 1824	Thomas Verner	Dec. 15, 1829
Thomas Johnston	Jan. 3, 1825	Robert Williamson	Feb. 21, 1831
Alba Fisk	June 4, 1829	Rhinehart A. Bausman	March 18, 1831
James C Cummings	Jan. 13, 1830	James Steel	Dec. 20, 1834
William H. Hays	Feb. 15, 1831	James McCreary	Jan. 29, 1810
James Blakely	March 30, 1831	William Johnston	Feb. 15, 1812
John Sarver	Feb. 12, 1833	Andrew McCurdy	May 25, 1815
Robert Glass	Jan. 14, 1834	John A. Nesbit	Dec. 28, 1825
Alexander Miller	Oct. 23, 1834	Samuel Riddle Jr.	Feb. 13, 1826

David Boggs Oct. 19, 1815  
 James Logan Dec. 13, 1815  
 Robert Beatty April 30, 1819  
 Uzziah Stewart Nov. 21, 1831  
 Robert Carothers Dec. 9, 1831  
 William McJunkin Dec. 14, 1835  
 James Evans March 3, 1809  
 Larkin Stinchcomb March 30, 1821  
 George Gray Nov. 14, 1835  
 Charles H. Higby do  
 Garret Wall April 17, 1816  
 James Menown Feb. 19, 1827  
 John Calhoun Feb. 9, 1833  
 John Gamble April 14, 1835  
 John F. Richards Nov. 14, 1835  
 John Snodgrass March 4, 1809  
 Abraham Whitaker Feb. 5, 1811  
 Robert Curry Sept. 7, 1815  
 Harvey H. Peterson March 30, 1821  
 James Cunningham Dec. 8, 1823  
 John Kiddoo March 11, 1824  
 Wm. H. Whitman March 27, 1830  
 Samuel Hamilton May 20, 1830  
 Samuel Heath Sr. Jan. 14, 1834  
 Michael Snee Nov. 9, 1835  
 Samuel Cochran Dec. 7, 1835  
 James Espy March 26, 1813  
 John S. Scully Oct. 13, 1817  
 Samuel Hare June 25, 1819  
 Massey Peebles March 10, 1831  
 Robert A. Campbell April 18, 1831  
 Thomas Barlow do  
 William Robinson May 12, 1832  
 Horatio Weighley do  
 James H. Sewell Sept. 9, 1834  
 John Brown January 12, 1835  
 James Stevenson March 18, 1835  
 Andrew Watts Dec. 24, 1813  
 Robert Porter July 7, 1818  
 William Duncan March 31, 1823  
 Henry H. Parry December 8, 1823  
 Geo. Washington Martin March 16, 1824  
 John Graham Dec. 28, 1825  
 Nathaniel Miller, Jr. January 5, 1831  
 Peter Allen Beham Feb. 3, 1837

Thomas Philips do  
 Adam Potter Dec. 7, 1819  
 William Ewing August 18, 1833  
 James Thornburg Jan. 29, 1810  
 Thomas Brown April 1, 1812  
 James McCabe March 14, 1816  
 John Stevenson March 19, 1824  
 Andrew Crooks June 21, 1826  
 Thomas J. Hewitt August 6, 1827  
 John White June 6, 1823  
 William Woodburn Feb. 19, 1835  
 David Duff March 1, 1825  
 John Mitchel Dec. 20, 1825  
 Robert Anderson April 14, 1827  
 Hugh Duff April 7, 1828  
 Robert Forsythe Jan. 5, 1830  
 John Neely do  
 Andrew Stewart March 10, 1810  
 Robert Highlands Jan. 31, 1812  
 Thomas Gipson Feb. 3, 1817  
 John Crawford Oct. 4, 1821  
 John Snyder Feb. 26, 1824  
 Hugh Fleming March 16, 1824  
 Samuel Neely Jan. 24, 1825  
 Robert Hare August 19, 1828  
 Alexander Otterson Oct. 23, 1835  
 Thomas Sample Nov. 10, 1829  
 James M. Riddle Dec. 8, 1850  
 George Cooper Dec. 14, 1830  
 Thomas Cotton Lewis August 9, 1831  
 John C. Catherwood Feb. 13, 1833  
 William W. Hickey Nov. 20, 1834  
 Edward McCorkle Feb. 23, 1835  
 John Brown Dec. 1, 1835  
 Charles Carothers Jr. March 2, 1836  
 Thomas McCleary March 8, 1836  
 Thomas Daft March 15, 1836  
 John King March 21, 1837  
 David Bowman Feb. 19, 1836  
 Erastus Percival Dec. 19, 1836  
 John Oliver April 19, 1837  
 William Reno March 21, 1837  
 Archibald S. McCord June 9, 1836  
 Nicholas Vogtly April 19, 1837  
 Robert Duun June 9, 1836

ARMSTRONG COUNTY.

George Means Dec. 8, 1823  
 Alexander McCain March 23, 1824  
 George Elliott March 12, 1829  
 John McGarraugh October 5, 1829  
 John Morris Nov. 11, 1835  
 William Curl Feb. 26, 1825  
 Matthew McKillip March 11, 1825  
 William Smullen March 11, 1825  
 William Henry Jr. April 3, 1828  
 Samuel Riffenberich Feb. 13, 1832  
 Jesse Cookson August 28, 1834  
 John Hideley Dec. 20, 1834  
 John Foulke March 24, 1817

Philip Bohlen April 25, 1820  
 William W. Gibson April 11, 1827  
 John McCluny Feb. 28, 1831  
 David Scott March 4, 1833  
 Robert Creswell Nov. 9, 1835  
 John Beatty March 11, 1814  
 Joseph Shields June 8, 1827  
 James Adams Jan. 21, 1828  
 James Goe April 13, 1829  
 Samuel Marshall June 5, 1835  
 Elisha H. Bailey Nov. 27, 1835  
 Enos McBride Dec. 9, 1835  
 David McCauslin April 25, 1820

David Johnston	April 14, 1817	John Calhoun	Dec. 12, 1829
Samuel Matthews	March 18, 1818	John Thom	Dec. 12, 1829
James E. Brown	October 27, 1823	Alexander Clark	Dec. 8, 1823
Frederick Rohrer	Dec. 12, 1829	Joseph Lowry	July 2, 1824
Sammel McKee	April 21, 1831	Wm. Coulter	Jan. 31, 1829
John Hill	Dec. 16, 1818	Alexander Foster Sen.	Feb. 13, 1832
James Fitzgerald	May 16, 1826	Thomas Wilson	Dec. 27, 1832
Robert McKisson	Feb. 21, 1828	Ebenezer Smith	Nov. 23, 1835
Daniel Keppel	June 30, 1828	Wm. T. Smith	March 29, 1836
Elias McClane	Feb. 27, 1833	Thomas McKelvey	June 8, 1836
John Lafferty	Oct. 31, 1833	Joseph M. Jordan	March 19, 1836
Joseph Orr	Dec. 10, 1833	James Chambers	May 20, 1836
Jacob Hill	Sept. 23, 1834	Thomas Hickenlooper	May 20, 1836
Enos McBride	Jan. 24, 1818	Jacob Alter	Feb. 3, 1836
James Hill Sen.	Jan. 20, 1820	John Boyd	April 28, 1836
Wm. P. Rupp	Dec. 13, 1836	John Templeton	March 29, 1836

## BEAVER COUNTY

Michael Baker	March 21, 1809	Richard D. Hudson	April 7, 1835
Daniel Christy	April 29, 1809	David White	Dec. 5, 1815
John Kerr	Feb. 23, 1819	James Warnock	Feb. 13, 1816
Wm. Tidbale	July 3, 1821	Joseph T. Doshane	April 4, 1833
James Scott	March 21, 1829	Jordan M. Nye	April 4, 1833
Stephen Phillips Sen.	January 12, 1831	John T. Cunningham	Dec. 24, 1833
William Elliott	April 4, 1833	James Frew	April 24, 1834
James Lake	January 26, 1816	John M'Lane	June 3, 1834
David Gordon,	January 26, 1816	John Boggs	July 3, 1821
John Thompson	March 30, 1822	David Sheaner	Dec. 8, 1823
Robert McFerran	March 21, 1829	John Neely	Jan. 11, 1823
John Ewing	January 12, 1830	John Schreiber	March 11, 1829
Thomas Foster	March 28, 1836	Charles S. Reno	Nov. 20, 1828
Joseph Miller	May 27, 1835	James B. Clow	June 22, 1830
Jacob Frank	Dec. 1, 1835	John Boles	April 8, 1831
James Logan	Dec. 14, 1814	Enos Hill	June 9, 1832
Charles S. Reno	May 10, 1815	Isaac Walper	do. do.
Thomas Williams	March 14, 1817	Solomon Bennett	Feb. 3, 1834
William Bayle	Dec. 17, 1819	Martin Fisher	April 6, 1835
Robert Herron	Dec. 17, 1819	David Worcester	June 22, 1835
Frederick Haymaker	March 30, 1822	Henry Davis	March 28, 1836
Benjamin Adams	March 24, 1823	Thomas McGuire	Jan. 16, 1837
James Martin	August 12, 1823	James D. Eaken	April 3, 1837
David Baiss	March 27, 1824	John Ferguson,	March 29, 1837
Andrew Ingle	Jan. 19, 1825	Alexander Akin	March 30, 1837
James Johnston	April 13, 1825	Richard A. Carleton	Feb. 8, 1837
Samuel Jackson	Dec. 13, 1836	Daniel D. Garon	April 8, 1829
Wm. Lowrey	March 31, 1809	Matthew Brooks	Feb. 14, 1831
James Cochran	August 28, 1812	William Porter	March 15, 1831
John Nesbit	August 28, 1812	John Martin	June 9, 1832
John M'Clymonds	March 30, 1822	Elihu T. Pugh	Jan. 2, 1833
John Beer	Nov. 10, 1824	James Jackson	Jan. 2, 1833
John Imbrie	Feb. 23, 1830	David Porter	do. do.
Wm. Nesbit	Feb. 14, 1831	William Conn	Dec. 16, 1834
Robert Ramsey	March 18, 1831	John Slants	Feb. 25, 1835
Nathaniel Harnet	June 9, 1832	Andrew Welsh	April 7, 1835
Wm. Maginness	Jan. 22, 1835	Alexander McConahy	do. do.
Robert M'Clelland	Jan. 22, 1835	Joseph McCreary	May 17, 1837

## BEDFORD COUNTY.

Anthony Shoemaker	August 23, 1810	Henry Snider	Feb. 17, 1820
Francis Kendal	Dec. 13, 1826	Michael Reed	April 4, 1821

Wm. M'Intire Dec. 24, 1833  
 Henry Hoke do. do.  
 David Fore Feb. 25, 1835  
 David Rowland Dec. 12, 1820  
 Jacob Hess March 16, 1824  
 Andrew Mann Nov. 9, 1829  
 William Watt April 12, 1834  
 John Jordan June 13, 1822  
 Emanuel Sipe March 16, 1824  
 William Hart April 6, 1830  
 John T. Davis April 1, 1833  
 John Davis Feb. 15, 1813  
 Matthias Cline, August 7, 1821  
 John Chesnut March 12, 1828  
 Robert Campbell April 1, 1833  
 John Piper March 9, 1810  
 John Alexander March 12, 1811  
 Lewis Keith Dec. 4, 18 8  
 Joseph Edwards June 13, 1822  
 George M'Kinney Jan. 11, 1825  
 Isaac Kensingler Feb. 25, 1825  
 Charles Aschom Feb. 1, 1816  
 Christopher C. Enslow Dec. 4, 1818  
 Henry Whilt Dec. 12, 1831  
 Jno. Westley Akers Jan. 2, 1832  
 David C. Tate Feb. 20, 1835  
 Jacob Adams Feb. 18, 1817  
 Henry Weaver March 22, 1823  
 Elijah Perdew April 23, 1823  
 David Fetter, April 2, 2830  
 George Blankley Dec. 11, 1834  
 John Gump Sept. 2, 1818  
 Samuel Cessna May 2, 1827  
 Jacob Bruner Jan. 20, 1817  
 Philip Hardinger April 12, 1820  
 George McCoy Dec. 15, 1828  
 David Bonnell, Feb. 1, 1810  
 Josiah Miller June 13, 1822  
 Jacob Anderson May 17, 1832  
 Henry Mattingly June 16, 1834

Anthony Blackburn March 20, 1822  
 Milford Treadwell May 6, 1829  
 Duncan McVicker April 1, 1833  
 John Lindsey Nov. 4, 1835  
 Nicholas Kegg Dec. 1, 1835  
 William Crissman Nov. 3, 1820  
 Joseph B. Ake May 2, 1827  
 John Hardman April 7, 1828  
 William Atlee Vickroy Aug. 16, 1832  
 Alexander McGregor Dec. 8, 1832  
 John Ake, Junr. June 18, 1835  
 Jacob Claar June 17, 1835  
 Richard Shirley Feb. 1, 1810  
 George Linginfelter Feb. 1, 1810  
 Thomas Wallis March 9, 1820  
 Adam Black March 29, 1821  
 Edward McGraw Aug. 31, 1829  
 Christian Gost Oct. 22, 1829  
 Henry Bridenthal Sept. 7, 1815  
 Alexander W. Kinney Dec. 11, 1823  
 Henry Fluck Jan. 11, 1825  
 John Bingham April 4, 1832  
 John Rowser Jan. 8, 1833  
 Edward Pearson April 1, 1833  
 James Dougherty Nov. 5, 1835  
 Jacob Radebaugh May 21, 1816  
 Thomas R. Gettys Nov. 16, 1820  
 Jacob Bonnel June 10, 1833  
 Jacob Fletcher Oct. 13, 1826  
 Henry Hoblitzell July 18, 1828  
 Jacob Ripley Dec. 15, 1828  
 Samuel Drenning April 27, 1830  
 James King Feb. 15, 1836  
 Abraham Clevinger March 28, 1836  
 James Lane Feb. 15, 1836  
 Thomas Speer Feb. 27, 1836  
 Henry Messersmith Aug. 15, 1836  
 John Reiley Jan. 31, 1831  
 John G. Martin Jan. 9, 1834  
 Charles McDowell Nov. 5, 1833

BERKS COUNTY.

Christopher Sherer Sept. 17, 1813  
 John Addams May 13, 1816  
 William Shoener March 24, 1819  
 John Frantz Oct. 17, 1820  
 Matthias Richards Nov. 3, 1823  
 Edward B. Hubley Dec. 3, 1823  
 Joseph Tyson Dec. 8, 1823  
 do do  
 Peter Aurand Dec. 12, 1823  
 John Miller do  
 Henry Betz do  
 John S. Heister Dec. 15, 1823  
 Matthias S. Richards April 4, 1827  
 Jonathan D. Heister June 5, 1827  
 Peter Nagle, jur. August 1, 1828  
 Jacob Sellade, March 5, 1830  
 David Rightmeyer July 25, 1831  
 Lloyd Wharton Oct. 19, 1831

Elijah Bowen Dec. 16, 1820  
 Jacob Walborn March 16, 1822  
 John Reigle, Dec. 8, 1823  
 Philip A. Good Nov. 10, 1829  
 Jacob Tice Dec. 12, 1829  
 William J. Sheaff Dec. 14, 1829  
 George Harner Dec. 18, 1833  
 Frederick Muth Jr. Feb. 12, 1834  
 Adam Shoener Jan. 3, 1835  
 John Pottetiger Jan. 12, 1835  
 Myles Green Nov. 14, 1835  
 John Manderfield Dec. 1, 1835  
 David Diffenbach Dec. 9, 1835  
 John Beitenman March 1, 1820  
 Henry Lewars May 18, 1821  
 John Miller Dec. 12, 1823  
 George Reagan, March 26, 1824  
 Charles Augustus Klein Nov. 20, 1829

Lewis Rees	April 3, 1832	David Nice	Jan 26, 1831
Benjamin Parks	Jan. 18, 1823	Samuel Hoffman,	Dec. 13, 1832
Daniel Feger	Dec. 13, 1823	Daniel C. Gerldin	Sept. 3, 1833
William Red	July 1, 1825	Israel Derr	Sept. 29, 1834
Jacob W. Miller	Nov. 10, 1829	John Waggonhorst	March 14, 1835
Jacob Ely	March 30, 1831	Jacob Miesse,	August 16, 1822
Samuel Babb	March 10, 1835	Valentine Wagner,	do
John Evans	Oct. 23, 1835	Michael Porst	Dec. 18, 1828
Elias Moyer	Dec. 9, 1835	John Sherer	April 20, 1829
John Guldin	Dec. 30 1819	Daniel Deppen	Dec. 10, 1829
David Jones	May 3, 1819	John Opp	Feb. 4, 1824
John P. Rutter	Dec. 8, 1823	Jacob Rothermel	April 1, 1809
Jacob A. Beyer	Jan. 29, 1825	George Levan Jr.	April 1, 1814
Jacob Fisher	March 14, 1825	Benjamin Gehr	May 11, 1818
Peter Kline	Oct. 4, 1827	James Donagan	Dec. 13, 1820
Daniel Esterly	Feb. 3, 1829	Philip Hock	May 18, 1821
George L. Leaf,	Dec. 24, 1833	George Heisler	Oct. 7, 1822
Charles Ruth,	Oct. 3, 1835	Daniel Kemp	Dec. 3, 1823
Jacob Levengood,	do	Jacob Levan	Dec. 8, 1823
Jacob U. Schneider	April 19, 1817	Jacob Greaff	Dec. 12, 1823
Jonathan Cleaver	Oct. 21, 1824	John Deisher	Sept. 6, 1827
Nicholas Hunter	Jan. 24, 1827	Henry Heist	March 14, 1828
Henry Boyer	March 28, 1829	Benjamin Delong	Nov. 16, 1830
John Stauffer	Dec. 22, 1831	Frederick J. Haller	March 19, 1831
Daniel A. Bertolet	March 9, 1833	Jonathan Haas	March 28, 1831
Thomas Rutter	May 31, 1833	Jonas Rothrock	April 1, 1831
David K. Bertollette	May 19, 1834	John Wanner	Dec. 13, 1832
Jacob Bowman	Dec. 9, 1835	John M. Riter	Dec. 10, 1834
George Boone,	Dec. 14, 1835	Aaron Allbright	March 24, 1835
Henry Mowrer	Dec. 1, 1835	Peter Gift	Dec. 1, 1835
Mordecai Lewis, (C)	Sept. 30, 1812	John Jackson	Feb. 23, 1818
Evan Evans	April 24, 1820	David Moyer	May 25, 1820
David Finger	May 25, 1820	Abraham Behm	Dec. 12, 1823
James Good,	June 28, 1821	John Delcamp	June 5, 1827
Eh Trego	Jan. 8, 1823	George Schull	Dec. 15, 1828
Herman Beard,	July 13, 1825	Adam Mensch	Sept. 24, 1829
Frederick Linderman	March 14, 1828	Samuel Lobach	Sept. 24, 1830
Caleb Harrison	April 24, 1834	Lewis F. Kampman,	Jan. 5, 1833
Joseph Jackson	Dec. 12, 1835	George K. Rohrbach	Oct. 3, 1834
John Bollman	Feb. 7, 1817	William Walter	Dec. 2, 1834
Philip Reitzel	Jan. 8, 1823	Joseph Kemp	Jan. 22, 1835
David Shunk	Dec. 8, 1823	Frederick Sigmund	Dec. 9, 1835
Charles H. Adams	March 11, 1831	Samuel Gregory	Dec. 14, 1835
Jacob Fry	August 11, 1831	Benjamin Tyson	Dec. 1, 1835
Henry Boyer	Feb. 3, 1834	Thomas Morris	Jan. 4, 1836
John Vanderslice	Feb. 15, 1809	Mordecai Lewis	May 19, 1836
Joseph D. Biles,	April 28, 1825	Jacob M. Becker	May 19, 1836
William F. Duncan	Nov. 10, 1829	Thomas H. Jones	Dec. 6, 1836
Frederick Foltz	Dec. 7, 1829	Jacob George	Feb. 11, 1837
David W. Eirich	May 30, 1833	Jacob Kline,	Feb. 10, 1835
Jacob Gilbert Shoch	March 10, 1835	Henry Webber	Dec. 6, 1836
Richard Adams	Dec. 7, 1835	John Rich	March 2, 1837
John Kirlin	Dec. 1, 1835	John Flammer	Dec. 6, 1836
Philip Brown	July 29, 1819		

## BRADFORD COUNTY.

Parley Coburn	March 4, 1819	Jared Holcomb	Jan. 20, 1813
Henry Russel	Sept. 6, 1827	Noah Murray	March 11, 1816
Jeptha Brainard,	Dec. 29, 1830	Thomas T. Huston,	Jan. 20, 1820
Samuel Gore	March 26, 1812	Charles Comstock	March 6, 1823

Horace Williston	March 8, 1825	Harvy Morgan	May. 11, 1814
William Smith	March 18, 1825	Eliphalet Mason	Feb. 20, 1816
Silas C. Perry	Feb. 1, 1827	Charles Whitehead	July 5, 1821
John Watkins	April 7, 1828	Wilbor Bennett	August 30, 1823
Daniel Doune Jr	March 30, 1831	David F. Barstow	July 2, 1829
Daniel Parke	March 30, 1831	George Scott	Nov. 26, 1829
Thomas Overton	March 25, 1833	Frederick Fisher	do do
James Porter	April 8, 1833	William Sitt	March 1, 1830
James Ball	June 11, 1833	Alvin T. Myer	August 18, 1831
Ephraim W. Baird	Dec. 16, 1824	Elisha S. Goodrich	Feb. 13, 1832
George Kinney	April 6, 1835	Asa Stevens	March 6, 1833
Castle H. Herrick	Dec. 9, 1835	Arunah Wattles	May 27, 1834
James Matlock	March 28, 1812	Lucius Fuller	Nov. 9, 1835
Samuel Wood	Dec. 18, 1812	Isaac Scymour	March 28, 1812
Abiram Pierce	Feb. 5, 1818	Jacob C. Wasburgh	Nov. 23 1835
Joseph Stacy	March 8, 1825	Ira Crofut	do do
James Gerould	April 7, 1828	Charles Brown (T)	Jan. 20, 1823
Abraham Jones	Dec. 31, 1829	Burr Ridgway (F)	March 15, 1813
Reuben Smead	March 14, 1833	Theron Darling	Jan. 7, 1819
Samuel Strait	May 10, 1815	Aaron Chubbuck	do
Charles Taylor	March 14, 1818	Jesse Ross	March 21, 1813
Samuel H. Baker	Feb. 7, 1826	George Runney	April 6, 1827
Samuel Pettingill	June 22, 1835	Ira Stevens	Nov. 30, 1829
Burton Strait	Feb. 15, 1832	Chauncey Frisbie	Feb. 23, 1831
Shubel Rowley	June 11, 1833	Samuel Stevens Jr.	March 1, 1832
Bethnel Goff	Feb. 17, 1834	Jarvis Buttles	March 18, 1833
George W. Lewis	July 14, 1834	Jonas Ingham	March 6, 1823
John B. Clark	Jan. 16, 1835	Dyer Ormsby	March 27, 1824
Noah Wilson	March 26, 1812	William Terry	Jan. 24 1825
Churchel Barns	Dec. 9, 1816	Francis X. Hornet	Jan. 28, 1829
Samuel Knap	Feb. 7, 1818	John Elliott	April 13, 1829
David Soper	March 14, 1818	Chester Wells	March 25, 1830
Nathan Wilcox	Feb. 17, 1820	Ephraim Beeman	Nov. 14, 1835
Ebenezer Kendall	Dec. 13, 1820	Jacob D. Burbank	August 4, 1836
Uriah Baxter	Dec. 13 1826	Noel Rouse	June 16, 1836
Miron Ballard	March 24, 1828	Ezekiel Curry	Sept. 20, 1836
Asa Pratt	Sept. 3, 1828	David Griswold Jr.	May 9, 1837
Conklin Baker	Dec. 24, 1830	Alvan W. Thomas	March 7, 1836
Luman Putman	March 29, 1832	Isaac Miller	April 1, 1836
Allen McKean	Sept. 29, 1834	David Palmer	do do
Elihu Case	April 20, 1835	Silas Noble	July 6, 1836

BUCKS COUNTY.

Henry Atherton	Jan. 21, 1817	Levi Bond	May 13, 1816
Moses La Rue	July 24, 1820	John Chapman	March 22, 1817
Joseph Burton	June 12, 1822	Sonuel Atkinson	March 7, 1822
Joshua C. Canby	March 28, 1823	Peter Gwinner	Dec. 7, 1829
Samuel Allen Jr.	Dec. 8, 1823	William Baily	August 5, 1811
Wm. F. Swift	March 3, 1824	John Simpson	Jan. 14, 1812
John P. Hood	Feb. 27, 1828	Merrick Reeder	Dec. 21, 1812
James R. Scott	March 28, 1818	William Fenton	Jan. 18, 1831
Martil Mull	Jan. 2, 1829	Jonathan Ely Jr.	Dec. 4, 1832
Charles Lombaert	Oct. 16, 1829	Samuel Hart	March 26, 1833
Aaron La ue	May 30, 1832	John Dolby	April 30, 1833
Edward Yardley	do	Joseph Y. Shaw	Jan. 22, 1813
Allen Lippencott	March 9, 1833	Robert Thompson	May 24, 1817
Lewis Swift	April 25, 1831	John Pugh	August 23, 1821
Henry Krewson	Jan. 2, 1833	James Cummings	Jan. 24, 1825
Jonathan Leffert	March 14, 1823	Geo. R. Grantham	Dec. 7, 1829
Lemon Banas	Dec. 8, 1823	John Dungan	Dec. 12, 1829

William Addis	Dec. 9, 1835	Charles Green	Nov. 4, 1835
Jacob H. Rogers	do do	N. McCarty Sr.	March 7, 1822
M. H. Snyder	Dec. 14, 1835	Caleb Foulke	Jan. 25, 1829
John Riale	Dec. 2, 1818	Jacob Smith	Feb. 23, 1830
James Jones	March 12, 1819	Daniel Applebach	April 15, 1833
John Price	March 30, 1821	John G. Griffith	Nov. 4, 1835
Michael Walter	April 4, 1825	Joseph Hough	Nov. 10, 1829
Jesse Thomas	Nov. 25, 1828	George Burgstreser	May 12, 1830
William H. Henry	Feb. 27, 1828	Jacob Kintner	March 29, 1831
David Riale	Dec. 18, 1834	John N. Soliday	Dec. 16, 1831
Cornelius Sellers	Nov. 18, 1835	John Addams	Feb. 21, 1832
Abraham F. Stover	Dec. 8, 1823	David White	Jan. 12, 1835
Abraham Sellers	March 24, 1830	Daniel Boileau	Jan. 16, 1835
Henry Eckel	June 11, 1830	Michael H. Jenks	March 2, 1836
John Harple	Nov. 4, 1835	Aaron Tomlinson	March 24, 1837
John Stryker	Dec. 8, 1823	Charles W. Biles	March 18, 1836
Jacob Dill	July 10, 1824	James Townsend	Feb. 16, 1836
Andrew Walter	August 3, 1824	Morris W. Trego	April 25, 1836
David Drissell	July 27, 1829	Joseph H. Yardley	Dec. 19, 1836
Jacob Clymer	July 8, 1833	Daniel Poor	March 19, 1836
Michael Packerthall	March 4, 1816	Isaac B. Williams	Oct. 12, 1836
Jacob Hooker	March 3, 1817	Samuel Wetherill	Dec. 12, 1836
John Riley	Dec. 8, 1823	Josiah Rich Jr.	Feb. 20, 1837
James M. Long	Feb. 19, 1850	William H. Rowland	Feb. 16, 1837
Peter Shelly	March 7, 1832	Jacob Triechler	June 13, 1836
Samuel S. Long	April 30, 1832	John M. Purcell	June 8, 1836

## BUTLER COUNTY.

Hugh Henderson	Dec. 8, 1809	Robert Carnahan	May 20, 1835
James McKee	March 7, 1812	Abraham Brinker	May 13, 1817
Robert Reed	Jan. 24, 1820	Isaac Lefever	July 18, 1825
William McMichael	May 5, 1824	John Dodds	April 20, 1829
John Reynolds	May 16, 1826	William Walker	May 11, 1829
Samuel E. Harris	August 19, 1828	James Brown	July 14, 1829
Samuel Kerr	August 31, 1830	William R. Elliott	May 8, 1830
John Murrin	Oct. 23, 1834	William Dixon	Feb. 4, 1835
John Neal Jr.	Oct. 28, 1835	Johnston White	Sept. 9, 1835
Thomas Stephenson	do do	Joshua Stoolfire	Dec. 14, 1810
John Christy	April 26, 1815	Christian Buhl	March 17, 1813
Joseph Kerr	Dec. 17, 1817	Robert Boggs	March 20, 1820
Andrew Donaldson Jr.	April 14, 1827	Daniel Beltzhoover	March 31, 1823
Benjamin Fletcher	Oct. 12, 1827	Robert Brown	March 31, 1823
David Kelly	Feb. 11, 1834	William McLean	March 17, 1824
Levi Duchess	April 11, 1835	William Simpson	March 1, 1825
John Anderson	April 14, 1835	Boltzer G. Goll	April 13, 1825
Robert Scott	March 3, 1815	Andrew White	April 14, 1827
William Campbell	Dec. 14, 1813	Samuel Kerk	August 2, 1832
John Neyman	Dec. 12, 1816	James Frazier	Feb. 8, 1833
Samuel Kinkead	do do	Robert Martin	March 7, 1816
John Duffey	do do	John Timeland	Dec. 14, 1815
William Robb	March 2, 1818	Thomas Sullivan	June 2, 1819
Maurice Bredin	March 29, 1821	Thomas Chrisly	May 17, 1820
Thomas McCleary	Feb. 4, 1825	John Thompson	March 27, 1827
John Sweeney	April 13, 1826	Henry Duffert	April 7, 1830
James McCurdy	do do	Robert Hamson	Dec. 21, 1831
Daniel McLaughlin	May 2, 1826	George A. Kirkpatrick	Sept. 20, 1832
Moses Hanlin	April 3, 1828	Robert Stewart	Nov. 27, 1835
James Cunningham	Nov. 30, 1829	William H. McGill	March 31, 1836
David McCandleas	Feb. 23, 1832	Joseph Justice	May 19, 1836
John McClelland	Feb. 11, 1834	Alexander McBride	June 16, 1836

Joseph Hilliard	August 5, 1836	Daniel Graham	June 4, 1836
Bennet Dobbs	March 29, 1836	John Henry	June 16, 1836
Parker C. Purviance	Feb. 24, 1837	David Spear	Feb. 17, 1837

CAMBRIA COUNTY.

James Meloy	May 13, 1818	Joseph Burgoon	March 15, 1833
Cornelius McDonald	March 23, 1820	William Palmer	June 3, 1834
Richard Lewis	August 25, 1823	John Lucket	Nov. 9, 1835
Philip Noon	May 11, 1824	Christian Horner	Feb. 4, 1809
Anthony Lambaugh	Feb. 12, 1829	Samuel Douglass	Sept. 1, 1818
Arnold Downing	March 9, 1833	James McMullen	March 15, 1833
James McKinney	June 12, 1822	Samuel Kennedy	Dec. 1, 1835
Hugh Gallagher	March 14, 1823	John Myers	June 8, 1836
James McGeheh	Dec. 9, 1823	Michael Levy	Jan. 5, 1836
Jrmes Kean Jr.	do do	J. Duane Stark	July 11, 1836
Michael Dearmet	May 9, 1835	Jacob Slick	Nov. 8, 1836
Emericus Bender	Feb. 11, 1830	David Spielman	April 14, 1837
John Anderson	Jan. 22, 1833	Geo. W. Kern	Feb. 27, 1836
Joseph Trexeller	April 19, 1833	William Slick	May 17, 1837
Thomas McGough	May 9, 1835		

CENTRE COUNTY.

Miehael Bollinger	Dec. 1, 1817	David Jones	May 29, 1832
Samuel McKissen	Sept. 28 1818	James Crawford	July 4, 1814
George Bare	March 27, 1820	James Foster	Nov. 8, 1810
Philip Wohlfart	June 2, 1821	Thomas Waddle	March 9, 1819
George Buchanan	Nov. 21, 1823	John M. Calmont	Dec. 23, 1819
Samuel Miles	Dec. 8, 1823	Joseph Miles	Jan. 3, 1821
John Keen	Nov. 13, 1824	Hugh Riddle	Feb. 18, 1822
John G. Conser	June 5, 1827	Edward Purdue	March 7, 1822
Jacob Bollinger	Feb. 21, 1829	John Hall Sr.	March 14, 1823
Philip B. Mosher	March 13, 1834	Absalom Liggit	Dec. 9, 1823
John Tonner	Oct. 26, 1835	William Tipton	do do
James Cook	Dec. 7, 1835	Henry Vandyke	March 19, 1824
William Livingston	March 7, 1822	James Rothrock	March 22, 1824
Ezekiel Evans	Nov. 21, 1823	James Alexander	May 11, 1824
Charles Carpenter	do do	Joseph Montgomery	Jan. 23, 1825
William Keatly	do do	Samuel H. Wilson	April 18, 1825
Isaac Haslett	Feb. 26, 1825	William Carner	March 11, 1828
John Bell	Sept. 12, 1825	William Pettit	April 23, 1818
William Murray	Oct. 1, 1825	William C. Welsh	April 20, 1830
James Glenn	Nov. 20, 1829	Philip Benner Jr.	July 21, 1828
William Hewes	March 19, 1830	Samuel J. Green	March 4, 1831
George Jack	Sept. 19, 1831	John McBride	Jan. 15, 1833
William McCosky	Dec. 7, 1831	William Smyth Jr.	August 19, 1833
Levi Clemson	June 12, 1833	James Armor	March 27, 1834
John Barron	Dec. 1, 1835	Thomas McKee	Nov. 23, 1835
John Bell	Dec. 7, 1835	David Allen	June 5, 1818
Christian Dale Jr.	do do	William P. Brady	Dec. 8, 1823
John Adams	Nov. 2, 1820	David Allison	March 17, 1829
Thomas Barlow	April 4, 1821	Geo. Ohl	April 1, 1829
Jacob Way	April 4, 1822	Joseph F. Quay	August 3, 1829
James Kinnear	August 7, 1823	Mark Wilson	Dec. 24, 1833
John Dale	June 26, 1829	George Platt	March 7, 1834
Joseph B. Shugart	Dec. 10, 1829	Hugh M'Fadden	March 17, 1835
Samuel Way	Dec. 14, 1829	Lot Evans	March 21, 1836
Peter B. Gray	Feb. 7, 1831		

CHESTER COUNTY.

William Everhart	March 30, 1812	Jesse McCall	Dec. 4, 1823
William Newlin	March 12, 1813	George Meredith	May 5, 1826

James M. Gibbons	Feb. 6, 1829	Samuel Culbertson	March 7, 1815
John T. Denny	Feb. 9, 1833	Ezekiel Evans	Dec. 4, 1823
Jacob Boyer	June 6, 1835	John Templeton	May 29, 1829
Townsend Lamborn	Nov. 11, 1813	John M. Mullen	Nov. 10, 1829
John Worth	March 11, 1828	Jonathan Warrall	May 17, 1832
Thomas Clayton	Nov. 23, 1829	Isaac Finch	Oct. 26, 1835
Matthias Pennypacker	Dec. 19, 1833	Benjamin Tolbot	Feb. 8, 1815
John Crosgrove	August 3, 1827	Nichard Walker	June 1, 1814,
Abner Miller	March 3, 1830	Jesse James	June 1, 1821
Thomas Bennett	April 5, 1830	Jonathan Jones	March 26, 1822
John Craig	April 18, 1809	Robert Morton	Nov. 5, 1827
Jacob Lamborn	July 11, 1825	James W. Brown	May 29, 1829
James M'Fadgen	May 12, 1828	William Allen	Nov. 23, 1829
John Taggart	June 20, 1832	Beunard Way	April 9, 1834
Daniel Kent	Feb. 19, 1810	Rudolph Huzzard	Dec. 9, 1835
Joel J. Bailey	March 28, 1829	Evan Evans	Nov 26, 1816
Robert Wilson	March 12, 1833	Jonathan Andson	March 7, 1818
John W. Thomas	Oct. 19, 1821	Matthew Davis	Dec. 12, 1823
John Kelton	March 26, 1822	Samuel Packingham	Dec. 13, 1823
Robert M. Waugh	March 16, 1812	John Davis	March 6, 1827
Davis Whitting	Sept. 12, 1830	George Lloyd	do
Joseph Jefferies	Dec. 3, 1832	Samuel Willaer	March 7, 1834
James Wilson	Feb. 25, 1812	John Beerbower	Sept. 5, 1818
Matthew Wilson	March 24, 1814	Alexander Marshall	June 4, 1824
William M'Collough	July 7, 1818	Sampson Davis	August 9, 1830
James Hutcheson	March 22, 1819	Edmund S. Davis	May 27, 1834
Amos Bye	Dec. 4, 1823	Abram Philips	Feb. 14, 1814
Jesse Coulson	Feb. 9, 1833	Joshua Jones	May 25, 1818
Wm. T. Van Amringe	March 12, 1823	Daniel McCurly	March 14, 1825
James Monaghan	Dec. 4, 1823	Peter Suplee	July 2, 1829
John Gillis	August 3, 1827	John Beaman	Nov. 24, 1829
James Hustlett	do	Abraham Olwin	Jan. 14, 1834
George W. Park	April 3, 1823	Benjamin W. Cumberby	August 30, 1817
John Warner	April 18, 1831	Thomas Jones	March 27, 1819
Andrew McNeil	May 27, 1834	Joseph Mason	May 5, 1826
Samuel Miller	March 27, 1821	Elijah Lewis	Aug. 13, 1827
John Baldwin	March 31, 1823	David C. Lee	Feb. 23, 1831
Christopher Wig'lon	March 28, 1829	Thomas R. Trimble	April 29, 1833
Thomas S. Valentine	Feb. 17, 1832	Samuel Jacobs	March 30, 1835
Joseph Hughes	March 26, 1832	John Stem	March 31, 1836
James McFarlan	March 23, 1811		

## CLEARFIELD COUNTY.

Caleb Taylor	Sept. 2, 1822	Jacob S. Singer	April 11, 1827
Richard Shaw	Dec. 8, 1823	John Weld	Oct. 22, 1829
Thomas Cummings	March 31, 1827	Joseph McMurray	Aug. 21, 1824
Daniel Radebach	July 2, 1829	John Holiday	March 5, 1835
Ebenezer C. Winslow	June 4, 1832	Josiah Meed	March 31, 1823
Peter Lamin	De. 18, 1833	Chauncy Brockway	March 31, 1823
James B. Graham	do	Benjamin Bousall	Feb. 27, 1826
Alexander B. Reed	March 17, 1835	Smith Meed	April 27, 1829
Christopher Kratzer	do	Josiah Evans	Dec. 23, 1831
Elijah Ross	Oct. 31, 1821	James Jordan	Jan. 31, 1820
Samuel Turner	Dec. 8, 1823	Leonard Morey	March 31, 1823
John Gearhart	June 5, 1827	Thomas Dent	Jan. 13, 1831
John Matthias	Oct. 2, 1827	Joseph Mason	Jan. 2, 1832
James Thompson	Jan. 21, 1833	Jeremiah Miles	June 5, 1832
Thomas Hott	Feb. 6, 1833	James Gill	Dec. 22, 1836
John W. Miller	June 15, 1835	John Drancker	June 17, 1836
James Gallagher	Dec. 8, 1823	Thomas Ross	July 7, 1836
James McNeil	June 15, 1825		

## COLUMBIA COUNTY.

Charles Clark	Jan. 15, 1817	Jacob Melick Jr.	June 9, 1828
David Davis	June 11, 1834	Elisha B. Boone	Dec. 23, 1828
Griffith Lechtenthaler	July 10, 1834	John T. Davis	Oct. 22, 1829
Abner Moore	Oct. 18, 1821	Henry Trimble	April 6, 1830
James Boudman	March 26, 1835	Jesse Bowman	Nov. 22, 1830
William Haslett	Nov. 1, 1813	Isaac W. Musgrave	May 1, 1833
Jacob Swisser	do	David Fowler	June 12, 1832
John F. Derr	March 11, 1818	George Kelchner	Nov. 30, 1833
Thomas Laird	Dec. 10, 1813	Charles Kohler	Sept. 15, 1835
Marshal Girton	Feb. 22, 1819	Isaac C. Johnson	Dec. 7, 1835
John F. Ross	Oct. 30, 1820	John Yetter	Sept. 7, 1813
Caleb Thomas	Jan. 25, 1823	George Ely Jr.	Sept. 21, 1813
William Girton	June 12, 1832	Stephen Baldy	Nov. 28, 1826
David N. Krownover	Sept. 26, 1832	Tench C. Kentzing	do
Robert McRevnolds	May 27, 1834	Alexander Mears	April 20, 1829
Thomas Forster	June 11, 1834	Sebastian Hower	Sept. 7, 1832
Isaac Kline	June 19, 1815	Michael Brobst	Nov. 18, 1835
Benjamin Jones	Dec. 13, 1823	Peter Yohe Jr.	Sept. 22, 1818
Isacher Morris	March 3, 1824	Samuel Harman	Aug. 9, 1823
John Keeler	Feb. 4, 1825	John Hutching	March 9, 1830
John German	Oct. 16, 1829	Samuel Creesy	Feb. 7, 1834
John Shively	April 6, 1830	Rudolph Sechler	Dec. 14, 1820
Peter Girton	April 4, 1831	Joseph Prutzman	April 4, 1821
John Stoker	Feb. 20, 1834	Francis Young	Oct. 18, 1821
John Batlin	do	John Ohl	April 9, 1833
Abraham Young	June 11, 1834	Lyman Sholes	August 2, 1833
Benjamin Kester	May 7, 1835	William Girton	J. n. 3, 1835
Samuel Herin	April 10, 1815	George Doughty	Jan. 4, 1837
John Kennedy	April 16, 1819	Thomas Painter	Feb. 6, 1837
Samuel Hendley	March 16, 1813	John Covanhovan	April 27, 1837
Mathias Shipman	Oct. 1, 1818	Jonathan W. Laning	May 10, 1837
Iddings Barkely	Dec. 22, 1819	Christien Shoeman	March 7, 1837
Usal Hopkins	Nov. 25, 1823	Alexander Best	Sept. 17, 1836

## CRAWFORD COUNTY.

James Brawley	Feb. 22, 1810	Thomas Campbell	April 3, 1809
John J. Davis	Jan. 25, 1819	Henry W. Pirkins	May 26, 1820
James Hamilton	do	John Aliee	March 3, 1824
Wm. M'Knight	Dec. 3, 1821	Edward Hicks	June 24, 1824
Jacob Guy	Sept. 22, 1823	George Long	May 16, 1818
Thomas Atkinson	Feb. 28, 1828	Joseph Patten	do
James Cochran	April 20, 1829	William Curry	Jan. 25, 1819,
Robert L. Potter	Dec. 14, 1829	John Watson	Jan. 25, 1823
Wm. Kerr	April 7, 1830	Thomas Bloomfield	April 4, 1825
James Forman	Feb. 22, 1821	Jonathan Benn	April 7, 1830
Justin Dewey	July 13, 1832	Patrick Coyl	July 15, 1834
John Radle	Dec. 5, 1834	William B. Sterling	Feb. 19, 1835
Charles Loop	March 2, 1835	Hugh Andrews	June 19, 1817
Moses Bishop	Jan. 25, 1819	Moses Scott	Jan. 25, 1823
Jacob Gehr	May 25, 1821	James Mason	April 20, 1829
Arke Jenks	Sept. 22, 1823	Wm. Snodgrass	do
Alexander Power	Nov. 26, 1823	James Espy	April 2, 1832
James Meyler	July 14, 1829	John Gaugh	do
James McDowell Jr.	Oct. 5, 1829	Robert Andrews	March 13, 1809
Rodolphus Dewey	Feb. 22, 1831	David Brackenridge	March 21, 1817
Stephen W. Randall	March 2, 1835	Sheldon Sherwood	July 10, 1821
Ebenezer R. Hall	April 7, 1835	James R. Finlay	June 21, 1827
Samuel Lefever	March 28, 1823	Jacob D. Easterwood	Dec. 24, 1834
Andrew Bayley	April 27, 1829	Moses Logan	June 26, 1809

Francis Porter	Feb. 21, 1820	William Thickston	Jan. 16, 1837
William Andrews	June 25, 1832	Ezra Jones	June 23, 1836
James White	March 18, 1833	Tobias Grubb	Oct. 24, 1836
James Smith	July 10, 1814	Roswell C. Saxton	Jan. 25, 1837
William Williams	March 7, 1830	Samuel L. Hitchcock	June 23, 1836
George Davis	April 29, 1837	Rufus Hitchcock	May 31, 1836
Clark Little	August 29, 1836	John Tiffany	June 23, 1836

## CUMBERLAND COUNTY.

Robert Porter Jr.	Feb. 16, 1809	John Smith	Feb. 27, 1823
James Sturges	March 14, 1823	Robert D. Guthrie	Dec. 5, 1823
William Hamill	do	Wm. M. Henderson	Dec. 3, 1823
Joseph M. Means	Jan. 19, 1827	Peter B. Smith	Dec. 13, 1823
George M'Ginnis	August 6, 1827	John Phillips]	June 3, 1824
Samuel Wherry	Nov. 3, 1828	Charles Bell	April 27, 1829
Lemuel Davis	Feb. 22, 1831	Isaac Todd	Nov. 24, 1829
William Culp	March 30, 1835	Abraham Lambertson	Feb. 28, 1832
William Devor	Oct. 18, 1820	Robert Snodgrass	May 25, 1833
George Craft Sr.	Oct. 16, 1829	Wm. D. Ramsey	do.
Jonathan Smith Grier	May 23, 1834	Peter Lobaugh	March 13, 1834
James Snyder	Oct. 26, 1835	Thomas Craighead	Oct. 16, 1835
John Heap	Feb. 19, 1813	George Smith jun.	do.
James Shannon	March 14, 1823	John Clindinin	March 2, 1813
Jacob Stough	Nov. 26, 1823	Lewis Zearing	Jan. 9, 1817
William Alexander	Oct. 4, 1827	Michael Hebison	Jan. 1, 1818
John B. Vanderbelt	Jan. 6, 1829	Francis Eckols	Nov. 2, 1818
John Bleam	Feb. 4, 1830	John Coover	Sept. 1, 1821
David Forman	July 24, 1830	Thomas Carothers	June 12, 1822
John Davidson	Dec. 7, 1835	Martin Zearing	April 6, 1825
Samuel Weise	Oct. 29, 1817	Wm. Senseman	August 10, 1829
Robert Lusk	May 1, 1821	Michael Hoover Jr.	Oct. 5, 1829
Henry D. Dealhousen	Jan. 25, 1823	John Black	Jan. 6, 1831
Abraham Myers	Nov. 26, 1823	David Hume	June 16, 1835
Daniel Leckey,	Sept. 22, 1829	Nicholas Boar	Nov. 23, 1835
Joseph Thompson	April 17, 1830	Joseph Crain	Dec. 9, 1835
James Stewart	Oct. 17, 1818	Ira Day	do.
George Houk	Nov. 26, 1823	John Snyder	Jan. 3, 1815
Richard Woods	May 19, 1830	Alexander Wills	March 15, 1809
John Auld	Oct. 21, 1830	Rudolph Krysher	April 7, 1817
John Gray	April 4, 1822	Patrick Laferty	Nov. 24, 1818
John Davidson	July 9, 1823	Joseph Irvine	April 6, 1821
James Montgomery	Jan. 19, 1825	William Clark	June 12, 1822
Benjamin McKecheu	August 10, 1829	Alexander Officer	Dec. 5, 1823
Benjamin Cope	March 30, 1835	Andrew Mateer	Dec. 15, 1823
James Elliott	Oct. 22, 1835	Benjamin Anderson	do.
John Elliott	Feb. 15, 1809	George F. Cain	Oct. 25, 1825
Elisha Doyle	Feb. 20, 1818	Isaac Loyd Jr.	Oct. 19, 1829
Archibald Ramsey	do	Lewis Hyer Jr.	Dec. 10, 1829
Reinneck Angney	August 14, 1818	John B. Klein	June 20, 1832
Jacob Squires	April 28, 1820	John G. Taylor	May 17, 1833
John Creigh	do	William Dean	Oct. 22, 1835
Henry Sechler Jr.	Jan. 3, 1821	James Kennedy	Feb. 19, 1836
John D. Haverstick	May 11, 1821	James W. Allen	April 3, 1837
William Irvin	June 28, 1821	Lewis H. Williams	May 3, 1836
Andrew Boden	Feb. 14, 1822	Thomas Trimble	Feb. 19, 1836
Thomas Weakly	June 12, 1822	Henry Zearing	Jan 23, 1836
Alexander Learight	do.	Thomas Orr	March 31, 1836

DAUPHIN COUNTY.

Michael Enterline	Dec. 13, 1814	Joseph B. Henzey	July 22, 1833
John Hoffman	Feb. 9, 1816	William Kline	Oct. 14, 1833
Leonard Reidy	Dec. 29, 1818	Charles A. Snyder	Dec. 21, 1833
Henry Schreiner	March 29, 1831	Henry Chritzman	do.
Jacob Seal	Feb. 18, 1822	Daniel Stine	Jan. 7, 1834
Thomas Wells	Dec. 8, 1823	Jacob Smith	Jan. 3, 1835
John Happle Jr.	do	Thomas C Reed	May 4, 1835
Adam Leight	August 6, 1825	Jacob Vanderslice	Nov. 18, 1835
John Reigle	July 25, 1827	George Eichholtz	Nov. 28, 1835
Alexander W. Leyburn	Dec. 13, 1830	Christian Seiler	Dec. 4, 1835
John Paul Jr.	Jan. 10, 1831	Christain Spayd	Nov. 29, 1813
Joel B. Ferree	April 4, 1833	Ephraim Heller	May 16, 1821
William Wingart	Jan. 1, 1834	John Blattenberger	Nov. 18, 1829
Jacob Brua	Nov. 4, 1835	Wm. Clark	Dec. 16, 1820
George M. Waggoner	Dec. 6, 1815	Frederick Hummel	June 12, 1822
John Shamo	Dec. 12, 1822	Jacob Ernest	March 31, 1823
Archibald Orme	Dec. 1, 1823	Samuel Hoffert	Oct. 18, 1826
Israel Carpenter	Dec. 12, 1823	Michael Hill	July 2, 1829
Joseph Miller	March 17, 1829	Samuel Todd	Dec. 13, 1823
Benjamin Ferguson	August 17, 1829	David Ferguson	Jan. 26, 1824
Daniel A. Muench	July 22, 1833	John Early	Feb. 9, 1827
Alexander McIntire	Jan. 30, 1835	Joseph Moody	Nov. 30, 1829
John Brooks	Oct. 24, 1821	James Corbett	Dec. 9, 1835
John Walborn	Dec. 1, 1823	Benjamin Buffington	Jan. 18, 1836
John C. McAllister	Dec. 12, 1823	Joseph Miller	June 7, 1836
James Montgomery	Dec. 15, 1823	Daniel G. Hoffman	March 31, 1836
John Davies	Oct 29, 1833	John Adel	June 7, 1836
Frederick Heisly	March 27, 1827	Thomas Duncan	March 4, 1837
Mordecai McKinney	Nov. 20, 1829	Andrew McCoy	March 24, 1837
Obed Fahnestock	Dec. 7, 1829	William Fontze	Oct. 24, 1836
Samuel Breneiser	do.	Jacob Shope	Nov. 18, 1836
John Cameron	do.	John Walborn	August 29, 1836
Christain Walborn	July 23, 1832		

DELAWARE COUNTY.

John Caldwell	Nov. 15, 1814	Robert Hall	Feb. 8, 1831
Samuel Smith	March 12, 1822	Luke Cassin	March 27, 1809
George W. Bertram	June 3, 1824	Robert Greene	Feb. 23, 1816
Benjamin F. Johnston	Octr. 25, 1825	Daniel Abrahams	Dec. 14, 1825
Thomas D. Bernard	Aug. 18, 1829	Bernard Flynn	Nov. 18, 1835
Abraham Kerlin	June 7, 1830	Samuel Davis	Feb. 20, 1810
Samuel T. Walker	Nov. 11, 1831	Thomas Smith	July 3, 1821
John Afflick	June 6, 1834	Thomas Maddock	Jan. 8, 1834
Jonathan Warrall	March 5, 1835	William Martin	June 10, 1836
Samuel Shaw	Nov. 18, 1835	William Mendenhall	Dec. 6, 1836
Benjamin T. Johnston	Dec. 13, 1823	Abner Lewis	May 27, 1836
Joseph Bowen	Nov. 10, 1824	Thomas Sheldon	Dec. 20, 1836
Joseph Trimble	April 21, 1827	Charles Sellers	June 20, 1836
Robert Frame Jr.	Jan. 15, 1829	Oborn Levis	Feb. 21, 1837

ERIE COUNTY.

John Morris	Jan. 28, 1818	William Kelly 2d	March 11, 1830
Oliver Dunn	Dec. 4, 1819	Richard O. Hulbert	July 31, 1832
Thomas Forster Jr.	Nov. 2, 1821	Thomas Laird	Dec. 7, 1832
Thomas Stewart	March 16, 1822	George Moore	April 23, 1835
Jonathan Stafford	Dec. 12, 1823	David Zimmerman	Nov. 18, 1835
Giles Sanford	Dec. 14, 1823	James McConkey	do.
Ebenezer D. Gunnison	March 15, 1825	John Boyd	Feb. 28, 1809
William Kelly	August 1, 1828	Henry Colt	Feb. 18, 1822

Robert M. Douglass	March 1, 1825	Thomas L. Youngs	August 26, 1834
William Graham	April 12, 1827	Ira Woodbury	Oct. 24, 1834
William Vincent	Oct. 12, 1829	Alvan Ryan	Feb. 16, 1835
James Weston	May 22, 1832	Hiram Drury	Nov. 9, 1835
Francis Brawley	March 14, 1817	Sheperd Beels	Dec. 29, 1823
John McCord	March 11, 1818	Jacob Lefever	Jan. 16, 1832
Myron Bachus	Dec. 4, 1819	William T. Mackey	Feb. 16, 1833
William Hall	March 29, 1821	Michael Jackson	Feb. 20, 1834
Thomas Greenwood	Dec. 18, 1823	Elias Salsbury	April 10, 1834
Alexander McClaskey	April 11, 1825	Josiah Williams jun.	Oct. 31, 1834
John Brawley	August 3, 1825	William Gray jun.	March 3, 1824
Lewis S. Bowers	Dec. 5, 1828	John B. Jones	March 1, 1825
Mark Baldwin	Nov. 10, 1829	John Philips	Oct. 28, 1825
Albert Tuttle	Dec. 1, 1829	James Nelson	March 4, 1828
James Wilson	July 30, 1831	John Bennett	March 8, 1832
Philip Wells	June 13, 1832	Casper M. Rouse	Nov. 17, 1832
Thomas Mellon	April 24, 1823	James Smiley	August 8, 1833
Wm. W. Loomis	April 24, 1834	Robert Heath	Oct. 31, 1824
James Hall	Feb. 21, 1817	Joseph M. Sterrett	Jan. 15, 1836
Cardiff Taggart	Jan. 24, 1811	James Love.	June 13, 1836
Miron Hutchinson	April 12, 1827	Ansel Crouch	do
John L. Davis	April 3, 1828	Robert Dunn	do
John Brecht	April 3, 1830	George W. Addison	Aug. 26, 1836
James H. Woodworth	Dec. 23, 1830	Selah Pickett	June 13, 1836
Harry Mallory	March 14, 1834	Henry R. Terry	Oct. 24, 1836
David G. Webber	May 27, 1834	Samuel C. Price	Aug. 8, 1836

## FAYETTE COUNTY.

Samuel Smith	March 11, 1825	John M'Cormick	March 28, 1831
Clement Wood	Oct. 21, 1826	William Jackman	Dec. 13, 1831
James Piper	April 17, 1827	Robert Rogers	June 19, 1835
James Landsay,	June 4, 1829	Benjamin Roberts	Feb. 23, 1810
Moses Hopwood, jr.	do	Nathan Lewis	Feb. 26, 1819
Daniel Keller	April 15, 1833	John Ball	May 11, 1824
John Oliphant	Dec. 12, 1822	Abraham Stewart	Aug. 9, 1827
Daniel Thomas	July 2, 1824	Joseph Gadd jr	March 28, 1831
William Abraham	March 3, 1826	Andrew Linn	March 30, 1812
Squire Ayres	June 30, 1828.	James D. Cope	March 24, 1814
William Snyder	Jan. 6, 1829.	Robert Patterson	March 7, 1822
Richard Patton	Oct. 28, 1835	James Fuller	Aug. 22, 1826
Andrew Oliphant	June 13, 1817	William D. Mullen,	March 22, 1827
Peter Stentz	Aug. 30 1823	William Baldwin	April 25, 1831
Thomas Beatty	March 19, 1825	John H. Tarr	Jan. 19, 1832
Thomas Hibbin	Dec. 8, 1815	John Patterson	Dec. 20, 1816
Samuel Griffin	June 30, 1817	Joseph Christ	Feb 21, 1827
Moses A. Ross	March 17, 1824	Aaron Townsend	March 5, 1831
Robert Barton	Oct. 21, 1826	Robert M'Burney	Aug. 27, 1810
Jesse Besson	April 30, 1832	David A. C. Sherrad	Oct. 20, 1825
Andrew Porter	Jan. 6, 1816	Andrew Dempsey	Feb. 6, 1828
Samuel Jones	Feb. 17, 1817	John Bolton	Sept. 7, 1831
Moses Baird Porter	Dec. 8, 1823	Andrew Robertson	Dec. 8, 1814
James Truman	Jan. 9, 1826	Stewart H. Whitehill	Aug. 12, 1823
Hugh Gilmore	Nov. 25, 1831	Hugh Torrance	March 17, 1824
Joseph Manner	Sept. 3, 1824	Herman Gebhart	April 20, 1829
Johnzee Harn	Dec. 7, 1835	Henry W. Lewis	Aug. 16, 1831
William Lynn	Aug. 22, 1810	Abraham Pershing	June 8, 1832
Michael Sowers	Feb 16, 1811	Thomas S. Kilpatrick	Dec. 9, 1835
David Craft	Feb. 24, 1818	James M'Kune	Feb. 18, 1822
Nathaniel Isler	May 5, 1824	Frederick Drumbauld	July 15, 1824
Eli Abrams	March 5, 1830	William Keslar	March 19, 1825

Abraham Gallentine Sept. 6, 1828  
 Peter Drumbauld Nov. 25, 1831  
 Henry Collins jr. Dec. 1, 1835  
 John Lenhart April 3, 1818  
 Benjamin Price Oct. 21, 1824  
 Isaac Umble Jan. 29, 1827  
 William Ebert Feb. 9, 1828

James Sampey Dec. 14, 1831  
 John Henry Jan. 9, 1833  
 Thomas J. Nesmuth March 21, 1836  
 Ephraim Butcher March 30, 1836  
 George B. Stevenson August 22, 1836  
 Matthew Wray May 4, 1837  
 Peter Kooser Sept. 20, 1836

[FRANKLIN COUNTY.

Archibald McCune Jan. 20, 1809  
 Joseph Brown Oct. 20, 1818  
 James McIlheny Feb. 16, 1822  
 James McCartney do  
 Edward M'Vitty July 9, 1822  
 John Taylor Dec. 9, 1823  
 Thomas Campbell do  
 John Withrow, jr. March 17, 1824  
 John Holliday March 30, 1825  
 James Kilgore Oct. 13, 1825  
 William S. Lyons Dec. 20, 1828  
 David Kyle Dec. 9, 1835  
 Matthew Patton Nov. 13, 1811  
 Thomas M'Dowell March 26, 1821  
 William Pott Aug. 10, 1829  
 Nicholas Baker May 13, 1833  
 William M'Kinstry Feb. 28, 1810  
 John Beatty March 20, 1810  
 Thomas Carson Dec. 17, 1817  
 John Brownson Dec. 15, 1820  
 John Devilbiss June 13, 1822  
 Jacob Angles July 30, 1822  
 Peter Cook March 24, 1828  
 Alexander Spear April 2, 1830  
 William Auld Dec. 24, 1833  
 Benjamin Keyser Aug. 1, 1816  
 Andrew B. Rankin June 2, 1821  
 Arawine Miller Jan. 3, 1825  
 William Wood Oct. 6, 1825  
 William Bratton Dec. 11, 1828  
 Robert Crooke April 4, 1821  
 William Coffrouth Oct. 3, 1833  
 George W. Hewitt Dec. 10, 1833  
 Nathaniel Wilson March 26, 1821  
 James Smith Dec. 9, 1823  
 Thomas Leggitt do  
 Richard Haydin do  
 George Seabrooks Dec. 13, 1823  
 James J. Biddle May 11, 1830  
 James Reiley April 19, 1833  
 John Nill March 11, 1834  
 James Sibbett March 24, 1835  
 Thomas Gilland Oct. 28, 1835  
 Adam Vonderaw May 10, 1820  
 Solomon Miller March 24, 1823  
 John Snyder Dec. 6, 1828  
 John Hershberger Oct. 4, 1820  
 James M'Farland May 29, 1821  
 Thomas Johns Nov. 1, 1823

John Durborrew Dec. 15, 1823  
 Robert M'Crackin Dec. 13, 1824  
 Lewis Denig, Jun. Oct. 17, 1825  
 John Hutchinson Sept. 13, 1827  
 Hiram Cox March 11, 1828  
 Bernard Wolf do  
 John McClintick Sept. 12, 1829  
 James Wright March 31, 1832  
 William L. Davis do  
 William Gilmore March 10, 1834  
 John Bossert May 1, 1819  
 Samuel Dixon Sept. 4, 1822  
 James Welsh Sept. 5, 1822  
 Matthias Nead April 21, 1825  
 Josiah Allen March 21, 1834  
 Jacob Statter Dec. 7, 1835  
 William Cummings Jan. 12, 1818  
 Robert Robinson Oct. 31, 1821  
 David McKinney March 20, 1822  
 George Drayer March 26, 1824  
 John Boggs June 3, 1824  
 John Hunter Oct. 28, 1825  
 Thomas McClelland March 27, 1812  
 Samuel Tate March 27, 1817  
 James McKee June 13, 1822  
 Joseph Coale July 9, 1822  
 David Bowers Aug. 19, 1830  
 Andrew Thompson March 7, 1809  
 William McKisson Dec. 15, 1820  
 David Ebey May 26, 1821  
 William Hsbright Dec. 23, 1822  
 John Reiley Jan. 12, 1826  
 Robert Robinson Dec. 16, 1830  
 Jacob Hissinger, March 30, 1831  
 Seth Cline Nov. 30, 1833  
 John Cox March 14, 1816  
 Benjamin Reynolds May 26, 1821  
 Francis Heron March 17, 1824  
 George Johnston, Jun. Feb. 26, 1825  
 William Bard Dec. 20, 1828  
 Peter Snyder D. c. 13, 1831  
 Jonathan Peal April 9, 1833  
 James Baird Dec. 14, 1835  
 Archibald S. McCulloch March 13, 1837  
 Philip Beaver March 22, 1836  
 William J. Thompson Jan. 9, 1837  
 John McCourby Feb. 5, 1836  
 George Drayer March 26, 1836  
 Robert Wallace Oct. 13, 1836

## GREENE COUNTY.

Robert Milken	Jan. 14, 1811	William McCollister	March 18, 1833
Amos Tuttle,	Feb. 15, 1819	George Haver	Feb. 14, 1834
John Pettit	March 16, 1824	James Cree	June 9, 1834
John F Rineheart	March 17, 1829	David Taylor	April 28, 1815
Daniel Hook	March 15, 1830	Richard Kerwood	Feb. 21, 1820
Benjamin Miller	April 2, 1831	Aaron Stone	May 10, 1820
William Seals	March 18, 1833	Corlly Garard	Jan. 25, 1823
John McNay	April 22, 1833	James Garrison	April 20, 1829
Vincent Smith	May 27, 1833	Abia Minor	Dec. 21, 1829
Benjamin Jennings	June 9, 1834	Joab Bailly	July 4, 1811
John Heaton	Oct. 25, 1814	Henry Schriver	Dec. 24, 1816
Carey McClelland	Feb. 15, 1819	Thomas Kennen	July 7, 1818
Matthew Dill	March 24, 1823	Levi Morris	March 16, 1824
Jacob Ross	March 2, 1823	William Burge	April 14, 1828
Samuel Braden	March 15, 1830	Joseph Johnson	April 20, 1829
Joseph Adamson	Dec. 27, 1833	Levi Anderson	Dec. 21, 1831
Goodwin B. Goodrich	June 9, 1834	Lewis Headlee	March 18, 1833
Robert Boyd	Dec. 2, 1834	Boas Boydston	June 9, 1834
Jay Thompson	April 28, 1815	Fletcher Brock	April 6, 1835
Thomas Burson	Dec. 1, 1815	David Gray Jr.	Feb. 21, 1820
William Kincaid	May 15, 1816	William Elder	March 16, 1824
William Bailey	March 20, 1817	Edward McGlumphy	June 5, 1827
Thomas Lucas	Oct. 12, 1819	John Hoge	March 18, 1833
Isaac Weaver	Nov. 25, 1820	Jesse Kent	June 9, 1834
John Crawford	March 14, 1822	John Parkinson	August 31, 1835
Richard Long	April 2, 1823	Jesse Rineheart	Dec. 24, 1836
Thomas Teagarden	April 10, 1827	Ralph Drake	March 30, 1836
John Hiller	April 20, 1829	Henry Neil	do
James Mustard	Jan. 21, 1832	Benjamin F. Black	March 1, 1836
John Lindsey	Oct. 29, 1832		

## HUNTINGDON COUNTY.

George Gooshorn	Feb. 5, 1811	Dennis Buoy	July 22, 1834
Wm. Orr	March 30, 1821	John Metz	May 27, 1835
Thomas Morrow	Oct. 21, 1821	William Sampson	Dec. 7, 1835
Thomas W. Nealy	Dec. 8, 1823	Robert Wray	do
Hackett H rper	Sept. 18, 1834	George Buchanan	March 30, 1822
Hugh Maddin	Jan. 31, 1822	James Dearmit Jr.	March 13, 1820
Walter B. Hudson	Jan. 17, 1815	George Gray	April 4, 1822
Samuel Campbell	Jan. 16, 1817	William Hirst	Oct. 26, 1815
Bendeict Stevens	Feb. 21, 1817	Thomas Blair	May 7, 1830
William Harvey	Dec. 14, 1829	Stephen Davis	June 12, 1822
Randall Alexander	Feb. 16, 1832	Thomas Johnston	Jan. 25, 1833
Elijah Corbin	April 1, 1809	Thomas Weston	Dec. 8, 1825
Henry Barkstresser	March 27, 1827	Jonathan McWilliams	March 3, 1825
Jesse Wright	Oct. 25, 1830	Jacob Vanfries	Oct. 17, 1825
Matthew T. Campbell	Dec. 2, 1835	John Owens	March 1, 1830
William Stewart	Nov. 27, 1819	James Thompson	April 2, 1832
Israel Grafuis	Nov. 16, 1820	David Garret	Nov. 18, 1835
Isaac Vandeventer	Oct. 31, 1821	Christopher Wigton	Dec. 9, 1835
John Creswell	Nov. 24, 1823	Thomas Wilson	Oct. 30, 1821
Thomas H. Stewart	March 3, 1825	John Wilson	Dec. 9, 1825
Martin Orlady	July 10, 1826	John Stewart	Jan. 26, 1820
George Gable	June 28, 1829	James Pervy	April 23, 1829
Daniel Africa	Feb. 6, 1828	William Reed	July 8, 1833
John Patton	Jan. 15, 1829	Samuel Caldwell	Nov. 18, 1835
John Smart	Dec. 14, 1829	Aaron Burn	Dec. 17, 1818
William Moore	Oct. 22, 1831	David Ake	Dec. 8, 1823
Joseph McCoy	Dec. 24, 1833	Abraham Solliday	Feb. 21, 1832

Jacob Winter Dec. 29, 1832  
 William Smith Nov. 1, 1813  
 John Swoope June 10, 1823  
 Ephraim Gabraith Nov. 24, 1823  
 Jacob Wolf Jan. 26, 1830  
 Stowell F. Henry Feb. 1, 1831,  
 William Griffin Dec. 3, 1833  
 Alexander Johnston Oct. 27, 1834  
 Daniel McConnell June 12, 1835  
 Samuel Frampton June 20, 1835  
 Edward Bell Nov. 7, 1823  
 Thomas Williams April 14, 1827  
 John M. Gibboney April 24, 1833  
 Joseph Green Nov. 13, 1833  
 Graham McCamant May 4, 1835  
 Joseph Cadwallader Oct. 26, 1835  
 William Cornelius March 12, 1836

George Sipes Jan. 16, 1837  
 Jonathan Lias April 4, 1837  
 Jesse Halingworth June 16, 1836  
 Barton De Forest May 23, 1836  
 David Snare Jan. 28, 1836  
 William Brown March 23, 1836  
 Thomas Reed March 8, 1837  
 James Davis May 23, 1836  
 James Gillam Oct. 24, 1836  
 Thomas Wilson Aug. 19, 1836  
 James Thompson Jan. 28, 1836  
 William Murray May 23, 1836  
 John H. Stonebraker March 21, 1837  
 Alexander Dysart April 4, 1837  
 John Aurandt Feb. 16, 1837  
 Simon G. Hay May 23, 1836  
 David H. Moore Nov. 14, 1836

INDIANA COUNTY.

Sumel Templeton Jan. 18, 1823  
 Edward Carlton Aug. 29, 1831  
 James Roseborough Dec. 10, 1833  
 William McComb June 9, 1834  
 Edward Howard June 26, 1809  
 Stewart Davis April 8, 1832  
 Jacob Kuhns June 11, 1823  
 Gawin Sutton Feb. 13, 1826  
 Jesse M. Bishop March 19, 1823  
 James P. Johnston Nov. 8, 1830  
 Daniel H. Barr do  
 Nathaniel Brayn Feb. 18, 1822  
 Archibald Matthews April 7, 1828  
 James Elliott April 20, 1829  
 Samuel Wallace July 14, 1832  
 James Hill Jan. 8, 1835  
 Robert Given Feb. 16, 1835  
 James Stewart April 11, 1835  
 David Anthony Feb. 13, 1826  
 Fergus Cannon Dec. 28, 1830  
 Alexander Pattison July 14, 1822  
 Aaron Devitto Nov. 23, 1835  
 Robert M. Walker Dec. 9, 1835

William Lunas Aug. 12, 1823  
 Thomas B. Morgan Dec. 1, 1823  
 John Taylor Nov. 24, 1826  
 Thomas Sutton April 20, 1829  
 James Speddy Jan. 17, 1832  
 Woodroe Douglas Feb. 23, 1832  
 Andrew M. Porter Dec. 1, 1835  
 Peter Crotzar Jan. 2, 1816  
 James Y. Brady Dec. 1, 1823  
 David Thompson April 19, 1833  
 William Thompson Dec. 19, 1834  
 William Biddle Feb. 2, 1835  
 Archibald States April 9, 1835  
 William Robison Nov. 4, 1835  
 William Hart March 21, 1836  
 Samuel Matthews Oct. 26, 1836  
 David W. Wakefield March 30, 1836  
 Aaron Norris Feb. 21, 1837  
 William H. Dickey May 16, 1836  
 John Barr do  
 James Chambers June 8, 1836  
 Joseph Robison March 3, 1837  
 Jeremiah M'Allister April 20, 1837

JEFFERSON COUNTY.

John Bell March 18, 1818  
 Thomas Lucas Jan. 16, 1809  
 James Winslow May 20, 1831  
 William Stunkard Oct. 22, 1831  
 James H. Bell Nov. 13, 1832  
 John Robinson May 27, 1833  
 Alexander McKnight Oct. 25, 1833  
 Martin Shoaff Oct. 31, 1833  
 James M. Steedman Jan. 1, 1834  
 William Ferguson May 27, 1835

Joseph M'Culloch Dec. 1, 1823  
 John Stratten March 31, 1827  
 John Wilson Jan. 8, 1835  
 Stephen Tibbetts Feb. 14, 1835  
 Jared B. Evans Jan. 23, 1836  
 Matthew Dickey June 14, 1836  
 William A. Sloan August 29, 1836  
 James Gallagher March 16, 1836  
 James Bond June 14, 1836

JUNIATA COUNTY.

Albret Lichtenhaler Sept. 2, 1831  
 Wm. Cox Oct. 22, 1831  
 Wm. Sellars Sept. 24, 1833  
 Thomas North Dec. 9, 1835  
 Hugh T. McAllister April 1, 1831

James Butler Sept. 2, 1831  
 Henry G. Hesser Sept. 7, 1831  
 Joseph Cummings Sept. 12, 1831  
 David Elder Oct. 4, 1831  
 Samuel Rannels Oct. 22, 1831

James Trow	Jan. 8, 1833	Noah Hedden	Nov. 9, 1835
Samuel Heim	April 19, 1833	John Wyke	Nov. 18, 1835
David W. Stewart	March 13, 1835	John Ashfield	do
Wm. Ziegler	May 27, 1835	David Glenn	May 2, 1831
Solomon Hauss	Dec. 9, 1835	Thomas J. M'Connell	do
James Hughes	May 3, 1831	Samuel Wallck	Sept. 2, 1831
John North	do	Wm. Artuckel	Oct. 22, 1831
Patrick M'Kennan	Oct. 2, 1831	Joseph Bery	Dec. 1, 1835
Thomas Elliott	Oct. 20, 1831	David McClure	June 4, 1836
Robert Woods	do	John M'Allister	Oct. 28, 1836
Stewart Laird	Oct. 22, 1831	Jacob L. Lukens	March 10, 1836
Samuel M'Faddin	March 12, 1832	Jacob R. Haller	June 4, 1836
John Milken	do	Wm. M'Kee	June 15, 1836

## LANCASTER COUNTY.

George Matter	July 10, 1809	Samuel Bowman	Dec. 10, 1823
Christian Stenge	Dec. 6, 1811	Richard R. Heistler	August 4, 1824
James Clyde	Dec. 10, 1813	John Wilson	April 2, 1825
James Wright Jr.	Dec. 3, 1823	Jacob Hibshman	Nov. , 1825
David Myers	Dec. 9, 1823	Jacob Steiner	May 24, 1826
Jacob Metzger	do	Abraham Bixler Jr.	do
Christian Eggert	August 4, 1824	Anthony A. M'Donough	Jan. 11, 1832
Michael Stone	April 18, 1825	William Wilkinson	Feb. 8, 1816
John Musselman	June 5, 1827	Jacob Graybill	Jan. 5, 1818
Jacob Myers	Feb. 27, 1832	Jacob Peclor	March 7, 1818
Joseph Mosher	April 6, 1832	David May	Jan. 16, 1819
George Hoffman	May 17, 1814	Thomas Masterson	March 31, 1823
James Elack	July 5, 1818	James Mackey	June 18, 1823
Philip Foster	April 14, 1827	James Eagan	Dec. 9, 1823
Isaac Givin	Dec. 14, 1829	William Child	August 5, 1811
John Stury	Feb. 6, 1833	Henry Zellers	Feb. 16, 1832
James M'Phail	Dec. 2, 1834	William Goodyear	Jan. 24, 1835
John Quigley	June 5, 1835	Robert King	May 13, 1833
John Good	Sept. 11, 1809	John Thome	March 24, 1825
Henry Rush	March 23, 1813	Simon S. Seiple	May 27, 1834
Joseph Mosher	July 3, 1821	Henry Keyser	Nov. 5, 1835
Joseph Wenz	Sept. 23, 1822	Robert Richardson	April 25, 1825
Jacob News Wenger	Dec. 9, 1823	Peter Albright	do
William M'Creary	Nov. 20, 1824	Jacob Redecker	Dec. 7, 1835
Rudolph Wissler	Oct. 25, 1825	George Battenberger	Feb. 27, 1826
Jacob Shpler	March 21, 1829	Thomas Dickey Jr.	March 10, 1827
Daniel Knellig	Dec. 10, 1829	Andrew Waid	Dec. 10, 1829
Abraham Btner	do	Robert S. Curry	April 30, 1830
Daniel Fulton	August 2, 1831	John Auxer	April 25, 1831
Jacob Shink (miller)	Nov. 14, 1835	George M. Bowman	Feb. 16, 1833
George Beitz	Dec. 1, 1835	Michael Kline Jr.	May 16, 1818
Edward Smith	April 3, 1818	Benjamin Kreiter	May 27, 1820
Jacob Bushong	Sept. 7, 1818	Christian H. Rauch	August 24, 1821
John Lightner	March 6, 1822	George Illig	Dec. 13, 1823
Jacob S. Zell	Dec. 9, 1823	Henry Keyser	June 4, 1824
George Reed	Oct. 31, 1825	Leonard Miller	Feb. 4, 1825
William Shick	March 21, 1829	Benjamin Pennell	March 4, 1826
Jonathan D. Jones	April 4, 1833	Samuel Eberly	March 14, 1827
Daniel K. Bertolotte	May 19, 1834	Christian Bentz	April 8, 1829
Davis Hambright	June 15, 1835	Abraham Eichler	April 22, 1830
Michael Stover	March 26, 21	John Landis	August 7, 1822
Curtis Ream	March 29, 1821	John Esler	Jan 17, 1833
Benjamin Bowman	May 20, 1822	Peter Martin Jr.	Oct. 28, 1835
Andrew Fleisher	do	Joseph Keller	Dec. 15, 1818
Henry Reinhold	Jan. 8, 1823	Moore Connell	April 17, 1827

Henry D. Overholtzer	Dec. 13, 1830	Robert King Jr.	Jan. 30, 1823
Nathaniel F. Lightner	March 24, 1831	Jacob Job	Dec. 7, 1829
Andrew Dunlap	Jan. 23, 1832	Abtsalom Dubree	March 24, 1831
William Weidman	Feb. 2, 1835	James Hanna	Aug. 14, 1824
John Robinson	July 4, 1811	William W. Steel	Nov. 27, 1835
James Rea	March 19, 1812	William Oldfield	Dec. 14, 1835
Alam Foyle	April 4, 1822	Jacob F. Markley	May 19, 1836
Henry F. Slaymaker	Oct. 7, 1823	Jacob Fehl jr.	Dec. 22, 1836
William Henderson	Dec. 9, 1823	Peter Ranck	March 29, 1836
Thomas G. Henderson	March 29, 1850	William Hoar	Aug. 29, 1836
John A. Galt	Dec. 9, 1830	John Schneder	May 21, 1836
Archibald L. Henderson	Oct. 28, 1833	James Dysart	Oct. 31, 1836
James Jackson	March 23, 1820	David M. Martin	do
Daniel Eckman	Nov. 3, 1820	Joseph T. Anderson	Nov. 17, 1836
James M'Ginniss	March 31, 1823	Peter Baker	Jan. 23, 1837
John Black	Oct. 31, 1825	John F. Hummer	April 19, 1837
James Simpson	Sept. 8, 1828	Daniel Zuck	March 14, 1836
James Caldwell	August 22, 1823	Arthur Linville	do
Abraham Bar	Dec. 14, 1835	John Kidd	Jan. 6, 1836
James Johnston	August 2, 1811	David Souder	Feb. 6, 1837
Samuel Boyd	Dec. 6, 1813	John Webster	March 30, 1836
Daniel Morrison	June 10, 1822	Joseph S. Boyd	July 6, 1836

## LEBANON COUNTY.

Peter Shindle	April 11, 1816	John Bickel	Feb. 19, 1813
Frederick Stoever	Jan. 3, 1818	Abraham Seybolt	do
Jacob Goodhart	Dec. 8, 1818	John Kautz	do
Alam Heilm jr.	Sept. 9, 1819	Frederick W. Martin	Nov. 27, 1823
Henry Dehuff	Nov. 27, 1823	William Rank	May 5, 1824
Frederick Embich sen.	Sept. 7, 1824	John Hoffr	May 11, 1824
Tobias Kreider jr.	Feb. 12, 1828	Samuel Goshert	April 21, 1827
Jacob Smith	July 14, 1829	John Brunner	Nov. 10, 1829
Michael Kautz	Dec. 7, 1830	John Bickel jr.	Dec. 10, 1829
George Bowman	Feb. 11, 1831	Joel Spyker	Nov. 23, 1830
John B. Heiser	Jan. 25, 1832	James Wood	Feb. 19, 1813
John Marquart	August 3, 1832	Matthias Henning	March 2, 1813
John Philips	April 19, 1833	Adam Weise	May 16, 1818
Henry Schneek	Sept. 9, 1835	Christian Shuey	Nov. 27, 1823
Jacob Stoever	Dec. 14, 1835	Abraham Stine	Dec. 10, 1829
Jacob Schener	Jan. 20, 1817	Jacob Weidle	March 24, 1831
Henry Bower	May 3, 1821	Daniel Stroh	Feb. 19, 1813
Ezekiel Cheanington	June 4, 1821	Levi G. Hollingsworth	April 4, 1821
John Shultz sen.	August 27, 1821	Christian Sheller	Nov. 27, 1823
Samuel Rex	Jan. 3, 1822	William Ertle	Dec. 2, 1823
James Huston	Nov. 27, 1823	Abraham Phillips	March 27, 1834
Gottlieb Kinzel	Dec. 13, 1823	Philip Stine	March 14, 1827
George F. Miller	August 3, 1824	Adam Grittinger	Nov. 26, 1829
John Spangler	Sept. 15, 1826	Adam Miller	March 30, 1833
Michael Schoch,	Nov. 16, 1829	James Elliott	August 23, 1834
John Heterich	Nov. 23, 1830	Frederick Embich	April 28, 1836
Christian Strach	Dec. 9, 1830	Daniel Stine	Feb. 10, 1836
John Schertzer	Jan. 7, 1834	Allen B. Hibshman	June 10, 1836
Geo. Hess jr.	Oct. 28, 1835	George W. Ferstein	Dec. 15, 1836

## LEHIGH COUNTY.

Leonard Nagle	March 20, 1812	John J. Krause	April 19, 1826
Christian F. Beitel	Sept. 2, 1812	Charles L. Busch	Oct. 28, 1828
Nicholas Saeger	March 20, 1812	Jacob Newhard	Feb. 17, 1831
Geo. Heck	Dec. 12, 1823	Jacob Stein	Nov. 13, 1832
George Morx	Dec. 21, 1824	Jacob Hart	Jan. 24, 1834
John Knauss	Jan. 19, 1825	Frederick Jordon	May 11, 1812

Lawrence Stahler	Feb. 15, 1813	Jacob Zimmerman jr.	Jan. 6, 1832
Peter Cooper	Aug. 27, 1821	William Fenstermacher	May 21, 1834
Daniel Fretz	Dec. 9, 1831	Peter Schneider	Dec. 1, 1835
Philip Person	May 12, 1834	Peter Gross	May 15, 1812
John Vogel jr.	March 20, 1812	Jonas Hiker	Dec. 12, 1823
Jacob Klien	do	Abraham Traxell	July 14, 1826
John Henry Helfrick	Dec. 5, 1823	Daniel Saeger	Aug. 26, 1826
Jacob Romich jr.	do	Henry Barkholder	July 9, 1830
Samuel Marx	Dec. 16, 1823	George Frederick	May 21, 1834
George Samuel Eisenhart	Jan. 12, 1827	Benjamin Breinig	Nov. 9, 1835
George Christmen	do	Charles W. Wieand	April 1, 1836
Andrew Shifferstein	Nov. 3, 1820	Andrew Wittman	March 8, 1837
Peter Haas	Aug. 30, 1821	Jonas Seiberling	June 16, 1836
John Weider	April 25, 1822	George Rex	do
John Seager,	Dec. 12, 1823	Solomon Gable	do

## LUZERNE COUNTY.

John Myers	Dec. 14, 1820	Ebenezer Slocum	July 11, 1821
Roswell Welles	do	Orange Fuller	March 2, 1822
James Stark	Dec. 9, 1823	David B. Blanchard	July 25, 1829
Richard Drinker	Jan. 30, 1826.	Ziba Davenport	Oct. 25, 1830
Amasa Hollister jr.	March 31, 1831	Moses Vaughn	Sept. 14, 1831
Benjamin Perry	Nov. 27, 1825	Daniel Harding	Jan. 19, 1832
John Smith	Aug. 2, 1819	Joseph Griffin	Oct. 24, 1832
Benjamin Reynolds	Aug. 7, 1820	Thomas Hadley	April 4, 1833
Alvah C. Phillips	Nov. 15, 1822	Amzi Wilson	Dec. 20, 1833
John Bennett	Nov. 1, 1825	Erastus Smith	Jan. 10, 1835
Thomas Irwin	Dec. 19, 1826	Elisha Blackman 2d.	Nov. 4, 1835
Reuben Holgate	Nov. 24, 1829	Roger Orvis	Feb. 23, 1810
Simeon F. Rogers	Dec. 16, 1831	Lemuel Stone	Dec. 15, 1818
James Nesbit	do	Caleb Roberts	Jan. 2, 1822
Fisher Gay	Dec. 4, 1832.	Samuel Vail	Nov. 28, 1826
Jared R. Baldwin	May, 27, 1833	John Marcy	Sept. 6, 1830
Watson Baldwin	Dec. 20, 1833	Benjamin F. Baily	do
Sharf D. Lewis	April, 18, 1835	John Lowry	April 6, 1831
Schabod Shaw	Jan. 15, 1818	Thomas Smith	Jan. 14, 1834
Shadrach Austin	July 11, 1821	Asa Stevens	July 12, 1809
Christian Stout	Oct. 24, 1822	Cyrus Avery	Jan. 15, 1811
John Dodson	Dec. 9, 1823	Elisha Harding jun.	July 3, 1820
Sebastian Seibert	March 17, 1824	Alfred Hine	Dec. 8, 1823
Jonathan Westover	May 14, 1827	Jasper Fassett	March 19, 1824
Andrew Courtwright	Oct. 24, 1832	Miles Avery	Jan. 24, 1825
Lot Search	Nov. 3, 1832	Luman Ferry	March 24, 1825
Jacob Ogden	Jan. 12, 1835	Jonathan Parker	March, 3 1826
Newton Boone	Dec. 9, 1835	Ezekial Mowry	Dec. 11 1826
Isaac Hartzell	Jan. 14, 1814	Moses Overfield	Feb. 25, 1830
Jacob Remback	Jan. 28, 1819	Isaac Lacy jun.	June 15, 1830
Samuel Johnston	Jan. 2, 1822	Daniel Hicks	Oct. 6, 1830
Bateman Downing	Feb. 28, 1825	William S. Jayne	Dec. 20, 1831
Thomas Williams	May 19, 1831	James Brown	August 15, 1833
Abraham Shirtz	March 17, 1818	James Kelly	May 27, 1834
George Drum jun.	March 27, 1824	Schuyler Fassett	Nov. 23, 1835
Jonas Buss	April 13, 1826	Henry Osterhout	Nov. 27, 1835
Christian Kunckel	Dec. 6, 1828	John Stark	June 15, 1836
Moses S. Brundage	Jan. 21, 1832	Jacob J. Bogardus	July 15, 1836
Henry Yost	do	Stephen Burrett	March 5, 1836
John Briggs	Jan. 21, 1834	Samuel Hodgdon	Jan. 28, 1836
Peter Winter	May 16, 1818	Sylvanus Heermans	June 15, 1836
Isaac Harding	Dec. 15, 1818	James Pike	Feb. 18, 1837
Shermon Loomis	Jan 24, 1820	Peter Coraelius	Feb. 18, 1836
Deodat Smith	April 6, 1820	Elihu Parish	March 3, 1837

LYCOMING COUNTY.

Jeremiah Tallman	Feb. 29, 1812	John Purcell	Oct. 16, 1830
Apollos W. Howard	Feb. 1, 1818	Edward H. Russel	July 30, 1832
Benjamin Jones	Dec. 15, 1820	Henry Clingher	Sept. 27, 1832
Henry Lenhart	May 2, 1821	John Graffius	Feb. 13, 1833
Benjamin Piacock	Feb. 18, 1818	James Lowden	March 11, 1833
Jonathan Wilson jun.	Jan. 15, 1823	William Johnston jr.	Sept. 25, 1834
Jacob Graffius	Dec. 8, 1823	David Taylor	May 9, 1835
Nathaniel Borrows	Nov. 23, 1825	Nicholas Funston	Nov. 4, 1835
Peter Van derbelt jun.	Jan. 26, 1829	John Sloan	Dec. 14, 1835
Thomas Ellis	August 10, 1832	James Watson	Dec. 14, 1812
Jacob Rothrock	Jan. 8, 1833	Abraham Harris	Jan. 7, 1813
James M'Lean	June 4, 1834	Andrew Snyder	March 23, 1817
Coraelius Vanfleet	March 21, 1809	Washington Dunn	Dec. 16, 1819
William Chamberlin	March 2, 1814	Solomon Bastress	Nov. 1, 1820
John Shaffer	April 2, 1816	Jacob Warren	May 2, 1821
Samuel Shoemaker	May 1, 1821	William Turner	Dec. 21, 1821
John Hunter	March 28, 1823	Thomas Price	Jan. 15, 1823
Henry Funston	Dec. 9, 1823	John Salmon	Dec. 8, 1823
John B. Maxwell	Jan. 23, 1826	Stephen Winchester	do
James Lawson	Jan. 17, 1827	William Babb	Dec. 13, 1823
Simon Schuyler	May 17, 1827	Robert M'Masers	March 22, 1824
Robert M'Corrick	Jan. 11, 1831	Thomas Hurtz	do
Israel Ludlow	Dec. 12, 1831	Joseph T. Quay	June 3, 1824
Daniel Huntzinger	March 16, 1832	Joseph Autes	Feb. 13, 1823
William Colley	March 28, 1832	William A. Wikoff	June 12, 1830
Peter Dimm	Sept. 12, 1832	William Watson	August 17, 1830
John J. Crouse	Jan. 8, 1835	John Quigley	Jan 11, 1831
James Galloway	Nov. 23, 1835	Michael Quigley	April 8, 1831
William Smith	April 9, 1835	John M. Floyd	Oct. 31, 1833
George Bennett	June 11, 1810	William Pence	Jan. 26, 1835
James M'Nicken	March 27, 1811	Robert Lusk	Jan. 11, 1809
Anthony Moore	Feb. 16, 1830	Andrew Irwin	Jan. 3, 1817
Samuel Torbit	Sept. 8, 1813	James Carskadden Jr.	Nov. 12, 1828
Richard Hays	Dec. 15, 1815	Jared P. Huling	Jan. 8, 1835
Alexander Stewart	March 28, 1823	Amos Ellis	July 11, 1828
John Clark	March 22, 1824	Henry Scott	Jan. 5, 1836
Jacob Beck	March 7, 1825	John Hill	March 25, 1837
John Reed	Sept. 27, 1828	Benjamin F. Pawling	do
John Murphy	April 6, 1829	Cephas Bachelor	March 14, 1836
Andrew A. Stewart	August 21, 1829	Dennis Callaban	Sept. 17, 1836

McKEAN COUNTY.

James Halstid	Feb. 3, 1817	Solomon Stoddart	March 24, 1835
Nathaniel White	March 31, 1823	Alfred Forbes,	June 18, 1835
Hyde B. Rice	March 22, 1827	Nathaniel C. Gallop	August 8, 1822
Daniel Forster	March 31, 1827	Daniel Stanton	June 5, 1827
John Fobes	Nov. 15, 1828	Levi Coats	July 14, 1834
William M. Bennett	do	Ebenezer Pattison	Oct. 26, 1835
Asa Sartwell	April 20, 1829	Brewster Freeman	Dec. 5, 1818
William Gibbs,	Sept. 9, 1830	Oshea R. Bennett	March 21, 1836
Abner Lull	Oct. 4, 1831	George W. Couch	do
John E. Niles	April 1, 1833		

MERCER COUNTY.

Alexander Dumars	March 26, 1811	John Keck	Jan. 16, 1826
Francis Beaty	Dec. 9, 1823	John Leech	Nov. 9, 1829
George W. Fell	do	John Christly	May 13, 1833
Robert Bean	March 23, 1824	Henry D. L. Cossett	July 17, 1833
George Fell	do	Edward Campbell	Nov. 2, 1809
Adam Thompson	do	Samuel Caldwell	March 20, 1816

David McKnight	March 23, 1824	Benjamin Woods	Dec. 9, 1823
Amos Ball	May 17, 1831	James Locke	Feb. 3, 1834
George Reynolds	July 8, 1833	Joseph Smith	Jan. 3, 1811
Abraham G. Stoner	July 17, 1833	Samuel Hinds	Feb. 1, 1820
Morris Leech	April 23, 1834	James Templeton	Oct. 24, 1822
John Murrin	do	James Braden	March 14, 1823
James T. Black	Dec. 7, 1835	John Chambers	March 6, 1827
William McMillin	Jan. 30, 1816	Bevan Pearson	Feb. 9, 1831
William G. Welsh	Dec. 29, 1818	Joseph Kerr	Dec. 16, 1834
Joseph Kirk	Jan. 24, 1827	Enoch Prine	Oct. 24, 1822
John Golloway	Jan. 29, 1830	Thomas Coulson	Jan. 2, 1830
Malcom McComb	Dec. 22, 1830	Robert Henderson	March 7, 1834
Thomas Irvine	Jan. 6, 1831	Allen Dunn	Sept. 12, 1824
John Mitchell	Jan. 10, 1832	John McElwain	Jan. 2, 1811
William Graham	Feb. 19, 1835	David Condict	March 1, 1813
William Budd	Jan. 9, 1815	Samuel Glenn	March 29, 1820
Alexander Wright Jr.	March 28, 1814	William Church	Jan. 24, 1827
Mathew Small	Oct. 24, 1822	James McCracken	Feb. 12, 1828
Arthur Chenoweth	Dec. 14, 1825	George Sheakly	April 5, 1830
John Fisher	March 27, 1826	James R. Wich	May 19, 1836
Alexander Miller	April 12, 1827	Joseph B. Herrick	March 21, 1837
William Porter	Jan. 21, 1828	Samuel Webster	April 4, 1837
Joseph Emery	do	William A. Bean	do
John Frazier	April 5, 1830	Thomas Pomroy	March 23, 1836
James McKean	April 24, 1834	Robert McCormick	Jan. 25, 1837
Samuel J. Bowlby	Nov. 9, 1835	John C. Smith	June 16, 1836
Thomas Allen	Dec. 7, 1835	William McKean	June 15, 1836
Andrew Denniston	Dec. 14, 1815	James J. Smith	March 23, 1836
Hugh McKee	April 15, 1816	Samuel B. Hagen	June 15, 1836
John Emery	Dec. 9, 1818		

## MIFFLIN COUNTY.

Arthur McNaught	August 31, 1809	David Bell	July 12, 1833
Jacob Hoffman	August 20, 1813	James McDonald	Dec. 24, 1833
Henry Groce Jr.	Nov. 11, 1818	Joseph Bowers	March 13, 1835
Lewis Evans	Dec. 1, 1820	James Wills	April 4, 1810
John Jamison	March 28, 1823	Jesse Adams	Nov. 28, 1823
John McAllister	March 31, 1823	Abraham Hoover	Dec. 8, 1823
James North	Nov. 24, 1823	William P. McClay	Feb. 6, 1828
William Cox	Nov. 29, 1825	James Gibbony	April 13, 1829
David McClure	April 11, 1827	David Milliken	Jan. 28, 1824
Albert Lichthenthaler	Sept. 12, 1829	John Everhart	Feb. 21, 1833
Andrew N. Gallaher	June 28, 1821	Richard Hope	Feb. 10, 1810
John Wallace	March 5, 1824	John Hahn	August 8, 1826
Henry Groce	April 6, 1815	George Green	May 2, 1827
Robert Woods	Feb. 20, 1819	Alexander Thompson	Jan. 28, 1834
Steward Laird	August 5, 1822	James Nixon	May 4, 1813
John Watson	Dec. 9, 1823	Thomas Magee	Dec. 16, 1820
William Patton	do	Amos Strode	Nov. 24, 1823
Joiah McMeen	April 13, 1829	Francis Boggs	March 10, 1831
David Glenn	March 20, 1821	George Zigler	April 3, 1832
William Aruckle	do	Stephen Hinds	April 30, 1832
William T. McMillin	August 5, 1824	Thomas Horrell	Dec. 25, 1833
Samuel Wallick	April 21, 1825	Robert McNeal	Jan. 16, 1835
Elijah Davis	March 7, 1813	George Davis	Dec. 9, 1835
Thomas J. Postlewaith	Sept. 8, 1818	William P. Elliott	June 10, 1821
William Swanzy	Feb. 2, 1820	William McCoy	do
John Ba ton	Dec. 8, 1823	James Kinsloe	Nov. 26, 1823
Lukens Atkinson	Jan. 29, 1825	Andrew Keiser	March 24, 1825
Jonathan J. Cunningham	Feb. 25, 1830	Henry Kulp	April 16, 1831

James McCord	Jan. 30, 1833	Charles Brattun	Dec 29, 1836
Henry Eisenbise	Jan. 16, 1835	James H. Berryhill	March 29, 1836
Benjamin Major	Dec. 14, 1835		

MONROE COUNTY.

John Price	August 29, 1836	Jacob Eilenberger	Oct. 28, 1836,
Jonas Hanna	do	Samuel Myers	Nov. 9, 1836
Rudolphus Smith	Jan. 23, 1837	Levi Sultter	Dec. 14, 1836
Frederick Eilenberger	Feb. 10, 1837	Peter Shaw	Jan. 23 1837
Robert Newell	August 27, 1836	Francis J. Smith	Jan. 24, 1837
John Datesman	do	John C. Strunk	Jan. 25, 1837
Henry Smith	do	Simon Gruber	May 16, 1837,
Charles Taylor	do	Jacob Frantz	August 17, 1836
Franklin Satrbrid	August 26, 1836	Joseph Trock	do
Samuel G. Eschenback	Oct. 21, 1836	Joseph Johnson	Nov. 11, 1836
John Musch	Oct. 26, 1836	Charles H. Heaney	Dec. 5, 1836
John H. Miller	do		

MONTGOMERY COUNTY.

John Pike	April 28, 1817	Jacob Gerhard	May 1, 1824
John Shaubberger	July 7, 1818	Abraham Haney	March 24, 1826
Philip Hahn jr.	Sep. 13, 1819	Jacob Stlemmer	June 3, 1824
John Heit	March 29, 1820	Alfred Bitting	April 21, 1831
Johu Boyer	Dec. 16, 1820	John Geyer	Dec. 16, 1831
Alexander Moore	Dec. 15, 1823	John Shaffer	Jan. 9, 1832
Benjamin F. Hancock	April 3, 1828	John D. Apple	June 11, 1834
Jesse Almstead	July 9, 1829	Tobias Sellers	Feb. 28, 1835
Joseph Kauman	Sep. 24, 1820	George Richards	May 1, 1821
Francis C. Burns'ide	Dec. 1, 1829	William Baird	Sep. 6, 1822
Josiah W. Evans	May. 3, 1832	John Steiner	May 16, 1823
Samuel D. Patterson	May 17, 1832	Jacob Hubley	Dec. 2, 1823
Michael Zolling	March 31, 1835	Jacob Drinkhouse	May 16, 1824
John Munshower	Nov 14, 1835	Peter Miller	March 27, 1824
John F. Scheetz	Dec. 9, 1835	Frederick Delecher	Dec. 14, 1824
Peter Waggon seller	Dec. 24, 1816	Jesse Umstead	Jan. 20, 1825
Benjamin Tyson	June 30, 1817	Benjamin B. Yost	Dec. 29, 1825
Isaac Linderman	Dec. 16, 1819	Peter Bastress jr.	July 14, 1826
Abel Thomas	Feb. 29, 1820	Jesse Kline	Feb. 23, 1830
John Shearer	Dec. 15, 1820	Adam Hemmer	Oct. 24 1831
John S. Missimer	Nov. 15, 1822	Jacob Fryer	Jan. 22, 1833
Henry Longacre	July 5, 1825	Jacob S. Yost	Jan. 8, 1835
Robert Evans	April 4, 1827	John Supplee	Dec. 5, 1823
Jacob Dewees	April 20, 1829	James Anderson	Jan. 9, 1827
Joseph Henry	Nov. 16, 1829	Samuel Young	April 13, 1829
Jacob Highly	Oct. 3, 1831	David N. Egbert	August 31, 1829
Henry Zoucks	Dec. 10, 1831	Thomas Lower	Dec. 14, 1829
John Todd	July 15, 1833	Henry Doub	Dec. 8, 1818
David Baird	Jan. 5 1835	Daniel Davis	August 5, 1819
John Dismont	April 4, 1835	Jonathan Shoemaker	March 24, 1823
John Razor	May 28, 1835	Thomas Egbert	May 16, 1823
Henry Dehaven	Dec. 7, 1835	George Piper	July 14, 1826
John Giffin	Oct. 2, 1818	Thomas J. Webber	Sep. 13, 1834
Isaac Morris	March 24, 1823	William Moore	Dec. 9, 1835
John Gordon	do	Mahlon V. Booskirk	May 6 1811
Morgan Morgan jr.	Dec. 12 1823	Hiram M'Neill	Dec. 18, 1815
Peter Hoxworth	June 9, 1832	Christian Snyder	Dec. 15, 1820
Martin Hocker	Dec. 4, 1835	Jacob Fitzwater	March 6, 1822
David C. Kulp	May 21, 1816	George H. Pawling	Dec. 8, 1823
Benjamin Reiff	Oct. 19, 1831	George Rex	Dec. 1, 1829
George Billger	Dec. 14, 1836	Christian Heisel	Oct. 16, 1830
Philip Reed	May 25, 1816	Charles Palmer	April 6, 1833

John Morrison	June 27, 1816	Frederick B. Lewis	Feb. 5, 1837
Joshua Tyson	March 6, 1822	George Miller	March 23, 1836
Joseph Shaw	Dec. 5, 1823	Henry Potts	Nov. 26, 1836
Ardemus Stewart	Feb. 3, 1827	Philip Lauer	Jan. 5, 1837

## NORTHAMPTON COUNTY.

Jacob Kammereer	Dec. 18, 1811	John Connelly Sr.	April 2, 1832
Jacob Weygant Jr.	Dec. 22, 1817	Jesse Gibb	Jan. 28, 1833
Jefferson K. Hickman	Sept. 6, 1822	George Klinefelter	Nov. 9, 1835
Christopher Mixell	Nov. 26, 1823	Matthew S. Henry	Jan. 6, 1823
John Boas	Feb. 16, 1826	John A. Edmonds	Feb. 20, 1823
John Zigenfues	Jan. 28, 1833	Lewis Mike	Nov. 26, 1823
Charles L. Eberle	Sept. 24, 1828	Charles Zitchen	Feb. 26, 1825
P. Fraderick	Nov. 10, 1829	Thomas Kitchen	June 1, 1829
B. Schmid	do	John H. Keller	Feb. 25, 1830
Matthias Gress	July 19, 1830	David Knauss	March 1, 1834
Abraham Sigman Sr.	Dec. 9, 1835	Abraham Bower	April 13, 1835
James Searle	Jan. 7, 1834	Abraham Stouffer	Nov. 18, 1835
George Brader	March 15, 1809	Peter Shaw	Jan. 18, 1819
Joseph Rice	Feb. 25, 1820	Michael Misener	June 1, 1819
Jacob Wölle	Dec. 7, 1826	Aaron Dupue	March 29, 1820
John Leonard Geiger	July 22, 1831	John Keller	Nov. 26, 1823
Michael Yost	Jan. 20, 1832	John D. Frailey	March 11, 1823
Thomas Hope	April 2, 1832	James H. Stroud	Sept. 13, 1827
Michael Myers	Nov. 13, 1832	Francis J. Smith	Jan. 15, 1829
John F. Rouch	March 14, 1833	John Eddinger	April 2, 1832
Peter Ritter	April 20, 1835	Benjamin V. Bush	March 1, 1834
Peter Moser Jr.	April 23, 1835	Michael Shoemaker	Dec. 1, 1835
Benjamin F. Thomas	Oct. 26, 1835	William Sax	Dec. 5, 1835
George Hess jr.	Jan. 20, 1817	John Mush	Dec. 7, 1835
Matthias Reigle	April 25, 1822	Jacob Frantz jr.	March 19, 1819
John Arnott	Nov. 26, 1823	Joseph Lester	March 2, 1822
Hugh B. Hinclyne	do	John Christman	Nov. 26, 1823
John Weaver	Jan. 18, 1831	Jefferson Bushkirk	Dec. 10, 1829
J. P. Boehm	March 13, 1835	Joseph Trach	Nov. 10, 1827
Philip N. Woodring	Nov. 27, 1835	John Harleman	do
David Barnet	Dec. 1, 1835	Charles H. Heaney	Feb. 28, 1831
Matthias Miller	Jan. 6, 1823	Daniel Heberling	Oct. 22, 1835
Conrad Royer	Nov. 20, 1826	John Stein	Oct. 26, 1835
Christian D. Busse	Jan. 6, 1829	Jacob Shaffer	Nov. 18, 1835
Jacob Yuong jr.	Jan. 18, 1831	John Horn	Jan. 6, 1818
John Hepler	Nov. 9, 1835	Jacob Dinkey	March 29, 1820
James Ralston	March 24, 1823	John Pryor	Feb. 6, 1822
Jacob Deihler	March 28, 1823	Isaac T. Dobson	Jan. 9, 1828
William Lattimore	Dec. 30, 1825	Charles H. Williams	Oct. 22, 1829
Adam Höck	June 20, 1828	Samuel Holland	May 25, 1830
Peter Stichel jr.	Nov. 14, 1831	Nathan R. Penrose	May 27, 1834
Abraham Gish	May 29, 1832	Samuel S. Barber	Nov. 18, 1835
John J. Hower	June 8, 1832	Jacob S. Wallace	Dec. 7, 1835
William G. Scott	Nov. 9, 1832	John King	Feb. 18, 1837
Jacob Kern	Dec. 9, 1835	Jacob Boorem	April 3, 1837
Peter Butz	March 27, 1811	Jacob J. Reighel	Oct. 12, 1836
Peter Frischey	March 13, 1818	Amos E. Rittenhouse	Dec. 16, 1836
Anthony M' Coy	Nov. 26, 1823	William Shurlock	Feb. 10, 1837
Adam Keller	May 16, 1825	Reuben Trein	April 3, 1837
Andrew Darling	August 6, 1825	Henry Smith	March 19, 1836
Joseph Ink	April 10, 1827	Samuel G. Eschenbach	Oct. 21, 1836
Henry Winters	Oct. 22, 1831		

NORTHUMBERLAND COUNTY.

Samuel Bloom	Feb. 28, 1809	David Kelly	May 31, 1824
James A, Campbell	Jan. 7, 1816	Elida John	Sept. 1, 1830
Abraham Rotharmel	May 19, 1819	Hugh H. Tats	Jan. 21, 1834
Jeremiah Simpson	May 14, 1810	David S. Dodge	do
George Martin jr.	June 19, 1815	Jonathan R. Waters	Nov. 23, 1825
Peter Weimer	Dec. 7, 1822	Jeremiah Trego	Nov. 15, 1815
John Colsher	Dec. 9, 1823	Daniel Hilbush	March 31, 1823
Henry Masser	Sept. 5, 1825	Peter Bixler	July 13, 1825
Samuel Auchmuty jr.	July 25, 1827	John Malick	May 6, 1829
George Weiser	Dec. 7, 1829	George Reed	June 22, 1880
James R. Shannon	March 30, 1830	Martian A. Sthck	Jan. 9, 1832
Peter Snyder	Sept. 1, 1830	John Hass	Jan. 8, 1835
George W. Keihl	April 20, 1833	John Smith	Dec. 7, 1835
Abraham M'Kinney	Oct. 18, 1833	Philip Housel	May 2, 1815
Samuel Awl	Jan. 21, 1884	Thomas Smith	May 16, 1818
Solomon Shaffer	Dec. 7, 1845	Samuel Barr	Jan. 18, 1819
George C. Walker	Jan. 24, 1835	James Tharp	Sept. 26, 1822
Abraham Shipman	Oct. 26, 1835	Joseph Bound	Dec. 9, 1823
Christian Heck	Nov. 1, 1825	Andrew Guffy	March 7, 1826
William A. Martin	Oct. 22, 1829	Kebr Russell	March 28, 1831
John Wheatley	Nov. 10, 1829	Joseph Hunter	Nov. 29, 1831
Lawrence Campbell	Oct. 18, 1833	William Barr	Oct. 26, 1835
Henry H. Burr	Oct. 3, 1834	John Vincent	Nov. 23, 1835
Henry Gossler	Jan. 22, 1835	Hamlet A. Kerr	do
John B. Boyd	April 20, 1835	William Reed	May 2, 1815
Hugh Hullihen	Oct. 26, 1835	William Nesbit	May 16, 1818
Alexander Moore	August 2, 1814	William Housel	May 19, 1821
Abia Jo in	Feb. 28, 1809	John Clayton	Jan. 9, 1832
Lambert Pitner	May 15, 1816	Charles Gale	Jan. 11, 1832
William Kase	Dec. 7, 1822	George Weitzel	Dec. 20, 1832
Caleb Fisher	Dec. 12, 1823	Samuel John	April 26, 1836
Charles Gearhart jr.	March 22, 1824	Christopher Goodlander	Feb. 8, 1837
William Muench	March 27, 1824	James F. Murray	Feb. 24, 1836

PERRY COUNTY.

Robert Adams	Nov. 17, 1820	John Boden	April 1, 1830
Jacob Bergstresser	do	Charles Bovar.l	April 1, 1833
John Kookon	Sept. 6, 1822	Shortess White	Dec. 1, 1835
John Calhoon	Dec. 10, 1823	George Munroe	Nov. 17, 1820
James R. Schtt	April 18, 1825	James Black	do
Fisher Nesbit	Dec. 14, 1829	Jacob Fritz	Sept. 11, 1827
Samuel Loy	Dec. 14, 1835	John Harper	Sept. 8, 1829
John Taylor	Nov. 17, 1820	Robert Kelly	Nov. 18, 1829
Jacob Stroop	do	Michael Donely	June 1, 1830
Wilson M'Clare	May 9, 821	John Souder	Dec. 10, 1833
Samuel Lion	do	Thomas O'Brian	Dec. 14, 1835
Francis Gibson	Jan. 2, 1822	Abraham Adams	Nov 17, 1820
George Baker	Dec. 10, 1823	William Linton	do
Andrew Linn	do	Richard Bard	do
William Cook	Dec. 14, 1829	Robert Thompson	May 20, 1822
Robert Gibson	May 16, 1832	Thomas Gallaher	Oct. 24, 1822
John English	June 6, 1835	George Mitchel	August 5, 1824
William Dalton	Oct. 19, 1835	George W. Crane	Feb. 22, 1838
Matthew Adams	Dec. 7, 1835	James H. Case	Feb. 28, 1834
John Owen	Nov. 17, 1820	William Hunter	Nov. 9, 1835
Robert Clark	Nov. 22, 1820	George Baird	Nov 18, 1835
Frederick Speck	Dec. 10, 1823	John Lindsay	do
Alexander Branyan	April 18, 1825	Jacob Weibley	June 25, 1836

Jacob Steel	Feb. 9, 1836	Samuel Thompson	April 28, 1836
Joseph Marshall	April 25, 1836	Samuel Krehl	Nov. 26, 1836
Peter Arnold	March 31, 1836		

## PHILADELPHIA COUNTY.

James Carter	Feb. 7, 1816	William M'Corkle	Dec. 9, 1823
Jacob Coats	Dec. 4, 1816	John F. Warner	Feb. 28, 1825
Theophilus Harris	Nov. 2, 1818	Liberty Browne	Dec. 6, 1826
John Holmes	Oct. 14, 1820	Francis Mitchel	April 4, 1827
Lynford Lardner	May 16, 1823	Peter F. Fritz	April 7, 1828
George W. Morgan	May 17, 1823	Franklin Lee	Dec. 5, 1828
Daniel Thomas	Dec. 10, 1823	Jacob Coats	May 23, 1829
Samuel F. Danes	do	Jacob F. Heckley	Sept. 22, 1829
Benjamin Crispin	do	William S. Frederick	Oct. 8, 1829
Jonathan T. Knight	Oct. 30, 1835	Jacob Filter	Oct. 16, 1829
George R. Frailey	Feb. 18, 1825	Joseph P. Le Clerc	do
John Blake	Dec. 1, 1835	John Rice	Nov. 29, 1829
Alfred Ingreham	June 16, 1829	Joseph Smith	Nov. 30, 1829
Benjamin Clift	Dec. 14, 1829	Joseph B. Norbury	do
Isaac Shallcross	Jan. 26, 1830	James S. Spencer	do
George K. Budd	Feb. 19, 1830	John Nicholson	Dec. 10, 1829
Franklin Comly	April 30, 1830	Nicholas Essling	Dec. 14, 1829
Leonard Knight	May 24, 1830	Alexander Wentz	do
Ellis Lewis	July 9, 1830	Isaac Bedford	do
John Foulkrod	Feb. 23, 1831	Mordecai Y. Bryant	Feb. 25, 1830
John Rupert	July 11, 1834	Nathan Harper	March 29, 1830
John D. Harper	Dec. 9, 1835	John Laws	April 5, 1830
Silas Wilson	March 27, 1812	Benjamin Hutchinson	July 16, 1830
Jacob Reaver	Jan. 13, 1817	Henry Sparks	Feb. 23, 1831
Joel Deprofontain	August 25, 1819	George F. Goodman	Feb. 28, 1831
Jedediah Strong	June 4, 1821	William A. Lee	August 2, 1831
John Kelter	Nov. 27, 1823	George Rehn	Nov. 11, 1831
Jacob Sommers	do	Morton M'Michael	May 27, 1833
Jerome Keating	Dec. 15, 1823	Freeman Scott	July 3, 1833
Joseph Hergesheimer	June 3, 1824	Robert Hodgson	July 30, 1833
Daniel Snyder	Oct. 21, 1824	Hugh Clark	Dec. 18, 1833
William J. Brooke	May 23, 1829	Robert R. Spain	Jan. 14, 1834
Francis Murphy	Sept. 22, 1829	Peter Albright	Nov. 23, 1835
Abraham B. Amerman	Dec. 7, 1829	William Sorber	Nov. 9, 1835
Charles N. Hagner	Sept. 24, 1832	William O. Klime	Dec. 7, 1835
Samuel H. Slinghuff	Nov. 6, 1832	William Rheiner	do
Israel S. Elliott	Dec. 7, 1835	John M. Cannon	Dec. 9, 1835
John Filton	Dec. 9, 1835	Henry King	Dec. 11, 1835
John Shaw	Nov. 28, 1811	William B. Mott	Dec. 9, 1835
William Moulder	Dec. 13, 1811	James J. Belair	Dec. 14, 1835
Martin Ludie	Dec. 21, 1812	John Thompson	Jan. 24, 1815
John L. Woolf	Oct. 23, 1819	Robert L. Loughhead	Dec. 18, 1822
Thomas Coats jr.	Nov. 7, 1820	William L. Norton	Dec. 23, 1822
David Welpfer	Dec. 13, 1820	James Eneu jr.	August 5, 1824
Tiberius J. Bryant	Sept. 4, 1821	Samuel Black	March 6, 1829
Joseph B. Sims	April 4, 1822	Andrew Hooton	July 14, 1829
Charles Souder	Dec. 22, 1814	John Johnston	Dec. 1, 1829
Thomas Wilson	Feb. 22, 1823	Augustus D Tarr	Dec. 10, 1829
Lewis D. Belair	March 21, 1823	Samuel Hergesheimer	do
Isaac Boileau	April 1, 1823	William Harvey	April 23, 1830
Thomas M. Rush	May 17, 1823	William King	July 19, 1830
Robert Brooke	Dec. 9, 1823	George Howorth	Dec. 16, 1820
Tracy Taylor	do	Robert Carr	March 7, 1822
Isaac Horn	do	Henry Leech	Dec. 14, 1829
Joseph Parker	Dec. 10, 1823	Joseph B. Haines	Sept. 2, 1831
John Hanison	do	Justis Culin	Oct. 23, 1834

Jacob Smith	Nov. 27, 1835	John H Cavender	May 16, 1836
Jesse Duffield	June 1, 1836	Stephen Payran jr.	July 16, 1836
James Comly	Jan. 9, 1837	George Erety	Feb. 24, 1837
John Lybert	August 5, 1836	Jacob Engleman	March 25, 1837
Robert Buckman	Oct. 31, 1836	Leopold N Wikoff	April 27 1837
Joseph R Brown	April 14, 1837		

PIKE COUNTY,

George Lahar	Nov: 4, 1814	John Cross	Oct, 5, 1814
Henry Decker	March 18, 1817	Jacob Quick	Dec. 9, 1814,
John Price	April 12, 1823	Richard Eldred	Feb. 26, 1824
Jonas Hanna	do	Jacob Bonnell	Feb. 27, 1827
Henry Rush	May 30, 1832	Charles B Ridgway	Oct. 4, 1829
Samuel Gunsaulus	July 7, 1835	Francis Al. Smith	Nov. 3, 1828
Garret Broadhead jr.	Dec. 2, 1823	Samuel De Rey	April 5, 1830
Jacob Westbrook	Feb. 26, 1824	John Brink	March 4, 1833
Mason Dimmock	Oct. 2, 1829	Daniel Judson	do
John M Helier	Nov. 10, 1832	Moses Kellam	Oct. 5, 1814
Henry S Mott	March 4, 1834	Moses Kellam jr.	Feb. 26, 1824
William T Wilson	Dec. 7, 1835	Moses Bingham	Jan. 15, 1829

POTTER COUNTY.

John Taggart	July 7, 1818	Horatio A. Nelson	Dec. 13, 1832
John Lyman	Feb. 6, 1819	John Ives	Feb. 21, 1833
Israel Merrick jr.	do	Gideon Turner	Jan. 25, 1833
Isaac Lyman	April 4, 1811	George Estes	March 10, 1834
Alva Clark	May 5, 1824	Orange J. Lewis,	March 11, 1835
Ej hram Fuller	Jan. 29, 1825	Foster Reynolds	do
Benjamin Vancampen	March 11, 1828	John Earll	March 15, 1836
Timothy Ives jun.	Jan. 20, 1831	William Ellsworth	Dec. 10, 1836
Joseph Rew	Feb. 6, 1832	David Ross	May 8, 1836
William H. Warner	March 17, 1832		

SOMERSET COUNTY.

John Phillippi	Jan. 13, 1813	John Rischeberger	do
John Kurtz	March 13, 1820	George Walker	May 26, 1819
George Pile	Oct. 30, 1829	Jacob Kimmel	June 12, 1822
Jacob Loud	March 25, 1820	Jacob G. Miller	do
George Ross	Oct. 24, 1821	Alexander H. Philson	April 8, 1831
Jacob Knable	May 5, 1824	Solomon Bare	Nov. 23, 1835
George Gebhart	Nov. 22, 1822	John Miltenberger	Dec. 12, 1822
Joseph Morrison	Jan. 11, 1825	D. niel Birkey	Jan. 4, 1827
Samuel G. Baily	April 7, 1826	Thomas Lane	Aug. 8, 1833
Abraham Beata	Feb. 1, 1850	Bernard Connelly jun.	March 13, 1820
Andrew Stewart	May 12, 1830	John Hanna	April 4, 1825
Robert Fletcher	Oct. 17, 1831	Michael Sanner jun.	March 26, 1829
Elijah Dennison	August 10, 1833	Thomas Hanna	do
Alexander B. Flemming	Oct. 28, 1835	Jacob Augustine	Dec. 14, 1829
George Lenhart,	Nov. 23, 1835	Zalmon Luddington	Feb. 1, 1830
John Neff	do	Andrw Craig	April 4, 1832
William Philson	Dec. 1, 1835	Hugh Connelly	April 6, 1833
Henry Fisher	Jan. 16, 1810	Henry L. Holbrook	Nov. 23, 1835
Thomas Gahegan	Jan. 21, 1815	Samuel Gaultier	do
Peter Rhoads	April 15, 1816	James Black	Dec. 9, 1835
Joshua Cooper	Feb. 14, 1818	Peter Deal	March 16, 1813
Renel Peterson	Feb. 21, 1820	Michael Dively	April 10, 1816
George Foy	Dec. 16, 1820	Doug'ass Baker	Feb. 15, 1820
Henry Howard	March 30, 1822	John Shiver	Oct. 16, 1829
George Hartzell	Dec. 15, 1823	Yost Stutzman,	Dec. 14, 1829
Andrew Campbell	April 20, 1829	Samuel Finley	May 16 1831
Jacob N. Clark	Nov. 23, 1835	John S. Weimer	Feb. 24, 1835

Jacob Martz	Feb. 5, 1818	John B. Miller	May 16, 1836
George Fleckiner	May, 16, 1818	John Lohr	March 27, 1837
George Weller	Dec. 15, 1828	John G. Tantlinger	April 14, 1837
Christopher Beam	Jan. 27, 1836	William Fletcher Dively	Dec. 9, 1836
Benjamin Masters	June 13, 1836	David Black	June 13, 1836
Mark Ross	April 3, 1837		

## SCHUYLKILL COUNTY.

Bernard Kepner	April 6, 1811	Jacob Kimmel	May 26, 1823
George Raush	Jan. 12, 1813	Jacob Kissinger	April 15, 1833
Frederick Landerbrun	Dec. 16, 1820	Jacob Reed	August 30, 1817
James Price	Dec. 10, 1823	Jacob Seitzenger	Dec. 16, 1820
George Medler	March 17, 1824	John Putt jr	Dec. 10, 1823
Samuel Huntzinger	Dec. 1, 1835	Amos Yarnell	Dec. 10, 1833
Jacob Karchner	Feb. 3, 1818	Isaac Blue	Jan 31, 1826
Charles Dengler	Feb. 24, 1829	Benjamin Spayd	March 3, 1830
George Heisler	Nov. 7, 1833	Thomas Morris	August 20, 1830
Samuel Depui	Sept. 3, 1835	Daniel Krebs	April 19, 1831
George Reber	July 23, 1814	Henry Porter	do
Jacob Leiby	Sept. 12, 1821	Isaac Taylor	August 26, 1833
Christian Haldiman	Nov. 4, 1816	John Franklin	Jan. 20, 1832
Nathan Palmer	Oct. 31, 1832	Francis B. Nichols	June 8, 1832
William F. Dean	May 27, 1834	William Bosbyshell	June 13, 1832
Joseph E. Sorber	Nov. 14, 1835	John Stees	Jan. 30, 1834
John Allbright	Feb. 21, 1817	John Strimpfler	Dec. 1, 1835
Abraham Fertig	April 6, 1811	Elisha Yarnell	March 18, 1835
Jacob Christ	Oct. 3, 1821	John Dennison	Dec. 14, 1835
George Reifschneider	Feb. 27, 1833	Solomon Lindner	Jan. 10, 1835
Lot Evans	July 6, 1833	John P. Shinkle	March 11, 1836
William B. Hull	Nov. 2, 1835	Henry G. Robinson	March 3, 1837
Peter Yoder	May 11, 1818	Edward Y. Farquhar	April 12, 1837
George Klinger	April 17, 1811	Philip Osman	May 9, 1837
H. F. Heinzelman	Oct. 16, 1821	M. Neuschwender	Jan. 28, 1837

## SUSQUEHANNA COUNTY

Isaac Brownson	March 25, 1812	Dilton Yarrington	Dec. 12, 1835
Seth Taylor	March 21, 1814	Joab Tyler	April 13, 1813
John Passmore	Feb. 20, 1816	Samuel Bisset	April 4, 1825
Robert Griffiss	Jan. 20, 1825	William Hartly	March 7, 1828
Daniel Cooley	March 28, 1832	Samuel E. Kingsbury	Nov. 12, 1828
Cyrus H. Avery	Feb. 12, 1833	Hosea Tiffany jr.	Dec. 14, 1831
Seril P. Hyde	June 4, 1834	Abel Hewit	June 1, 1832
William G. Handrake	Sept. 6, 1834	Marvin L. Mack	Feb 12, 1833
Reuben Faxon	July 7, 1818	Joshua W. Raynesford	March 28, 1812
William Salmon	Oct. 31, 1825	David Post	May 1, 1815
Ansel Hell	May 17, 1827	Samuel A. Brown	Feb 6, 1817
John C. Wright	August 24, 1829	James W Hill	March 19, 1818
Samuel W. Truesdell	Jan. 14, 1830	Spencer Hecox	Dec. 11, 1823
Benaiah Barney	March 23, 1833	Miner Kelly	March 7, 1828
Lyman Trowbridge	August 12, 1823	Jonathan C. Sherman	Nov. 12, 1828
Seth Mitchell	Dec. 11, 1823	Albert Beardsley	March 24, 1830
Josiah B. Bile	March 19, 1824	Ebenezer Kingsbury jr.	Sept. 12, 1831
Abraham Du Bois	Nov. 20, 1824	James Lathrop	Nov 9, 1835
Jesse Lane	August 8, 1825	Walttin Love	March 30, 1836
Wm. Ward	Feb. 1, 1830	Ralph Tarbox	May 4, 1837
Charles Dimon	Dec. 3, 1832	Stephen Barnum	March 30, 1836
Pelatah Gumison	Feb. 12, 1833	Gurdon Moxley	May 6, 1836
Walter Lyon	Jan. 15, 1816	Martial Dimmick	Feb 20, 1837
Joseph Washburn	May 16, 1818	Payson Kingsbury	Dec. 21, 1836
Alexander C. Phelps	May 5, 1824	Samuel Barkley	March 30, 1836
Thomas Welles	May 29, 1827	Myron Tuttle	Aug. 29, 1836
Charles Chandler	July 22, 1831	Horatio N Brewster	Feb. 10, 1836

## TIOGA COUNTY.

Daniel Kelsey	Jan. 25, 1813	Horace E. Spencer	April 4, 1833
Benjamin B. Smith	June 11, 1822	Horace Frizelle	April 8, 1833
George Huyler	March 31, 1823	Calvin Cowley	March 26, 1835
Benajah H. Ives	Dec. 20, 1825	William Rose	March 15, 1813
Jacob Babb	June 16, 1826	Benjamin Miller	Feb. 7, 1826
Luscious Berlow	Jan. 19, 1827	Rufus Daggett	April 20, 1829
David Ellis	Dec. 14, 1830	Hoziel Howland	do
Jesse B. Jay	April 4, 1833	Theodorus Larrison *	June 14, 1832
Daniel Holliday, Jr.	April 6, 1835	Josephus Clark	April 6, 1835
Titus Joca	Jan. 21, 1818	Daniel Lamb	March 15, 1813
Arnold Hunter	Feb. 3, 1819	Isaac L. Dewey	April 4, 1822
Godfrey Bowman,	Jan. 8, 1823	John Cochran	Dec. 1, 1824
Jonathan Bonney,	March 22, 1824	Ebenezer Ripley,	Dec. 2, 1824
Luke Scott, Jr.	Dec. 19, 1827	John Gray	March 9, 1825
James C. Turner,	March 24, 1828	Thomas Dyer	March 27, 1827
Sheldon Tuttle,	do	John Shaffer	Oct. 5, 1829
John Goodspeed	do	Thomas Putnam	March 1, 1830
Isaac Metcalf	Dec. 23, 1828	Rufus Smith	April 1, 1831
Cotton Knox	June 14, 1832	Martin Bobinson	June 14, 1832
Archibald Campbell	Feb. 22, 1833	Lanson Miller	Dec. 2, 1834
Edward C. Young	Jan. 14, 1834	Solon Richards	April 6, 1835
John Walker	Feb. 12, 1835	William Hill	April 20, 1835
Nathaniel Seely	Dec. 16, 1819	Simeon Houghton	March 23, 1836
Cyprian Wright	do	Levi J. Nichols	June 9, 1836
Amariah Hammond	Dec. 20, 1825	Stephen Babcock	June 20, 1836
Reuben Cloos	Jan. 19, 1827	John C. Whittaker	Dec. 10, 1836
Martin Bowen	Feb. 24, 1831	Erastus W. Derow	Feb. 13, 1836
Samuel Snow	March 16, 1832	Charles S. Spencer	Sept. 19, 1836
Jacob Lichtenthaler	Feb. 17, 1834	Lewis Meads	Nov. 2, 1836
Abraham Compton	do	Clark Stillwell	March 31, 1836
Samuel McDougall	Dec. 16, 1819	John Marvin	June 9, 1836
Job Geer,	Jan. 12, 1825	Alfred Ripley	do
Levi Vail	March 9, 1825	Evan Harris	Jan. 24, 1827
William Wellard, Jr.	Feb. 27, 1827		

## UNION COUNTY.

John Bolender	March 26, 1813	Isaac Jones	March 27, 1835
George Weyrick	do	Samuel Raush	Dec. 1, 1835
Thomas Youngman	Nov. 10, 1813	Henry Noll	Dec. 9, 1835
John Cummings	Dec. 10, 1813	Frederick Gutelius	Nov. 11, 1814
George Abrand	Jan. 4, 1820	Henry Yearick	March 26, 1813
Charles Weierman,	Dec. 11, 1823	Samuel Haupt	Oct. 4, 1821
Solomon Engel	April 17, 1827	John Glover jr.	March 21, 1822
Michael Wittenmoyer	April 20, 1829	Henry Strubble	April 14, 1828
Isaac Smith	do	Robert G. H. Hayes	March 21, 1829
William Rashong,	Sept. 3, 1834	James Madden	Feb. 24, 1831
Jonathan Fernsworth	Feb. 2, 1835	Samuel Geddis	August 2, 1831
John Highly	Nov. 18, 1835	Peter H. Hawk	Nov. 4, 1835
George Schnable	July 14, 1817	Robert Foster	Dec. 1, 1835
Samuel Wilson	June 3, 1819	Michael Rathfon	March 16, 1819
John Nesbit	March 26, 1821	John Roifsnnyder	June 3, 1819
James McClelland	June 4, 1821	Jacob German	March 29, 1822
Joseph Stilwell	Nov. 18, 1823	Valentine Haas	Sept. 23, 1822
John Mauck	June 22, 1825	Henry Herold	April 14, 1828
Thomas R. Lewis	Nov. 23, 1827	Simon Snyder	Feb. 3, 1829
James Flemming Linn	Jan. 2, 1829	Jacob J. Morr	May 31, 1831
John Maclay	Dec. 7, 1829	John Lenig	April 20, 1835
Jacob Musser	May 17, 1832	John Basslerr	May 17, 1819
William Kessler	Jan. 11, 1833	John Peter Hackenberg	Dec. 6, 1822

Mathew Brewer	Dec. 10, 1823	David Schwenk	June 7, 1836
Isaac Hottenstine	March 12, 1828	James Harrison	Feb. 3, 1836
Amos Stroh	May 5, 1830	Philip Ruhl	March 27, 1837
John Emmett	March 14, 1835	Samuel B. Barber	March 23, 1836
Andrew M'Lenahan	May 30, 1817	Daniel Bellman	March 3, 1837
John Ranck	Feb. 3, 1829	Andrew Glover	March 27, 1837
Jacob M'Curly	do	Joseph Schnee	June 7, 1836
George Clingan	Dec. 15, 1829	Peter Hackenberg sen.	June 8, 1836

## VENANGO COUNTY

William Kinnear	Dec. 24, 1816	John Livingston	Dec. 7, 1835
John Broadfoot	Feb. 17, 1813	John Fetterman	Feb. 23, 1809
John W. How	July 22, 1831	John Wilson	March 24, 1817
Aaron M'Kissick	July 30, 1832	John Lamberton	July 4, 1818
John Graham	Feb. 3, 1834	Richard Hamilton	April 23, 1828
John G. M'Guire	Feb. 11, 1834	James Irwin	June 22, 1830
James Adams	March 13, 1835	James Haslet	April 24, 1834
Alexander M'Calmont	June 15, 1835	James Allender	June 10, 1822
William W. Connelly	Sept. 8, 1835	Henry McCalmont	April 23, 1823
William Crawford	April 5, 1810	Aaron Benedict	Dec. 9, 1823
Robert Mitchell	March 24, 1817	Thomas Thompson	Feb. 9, 1810
William Hovis	Nov. 16, 1829	Alexander Hoteaman	April 7, 1828
John M'Clarron	do	Samuel Zink	April 23, 1829
Robert Crawford jun.	March 26, 1832	Robert Watson	Nov. 16, 1829
Thomas Beard	Feb. 3, 1814	Abraham G. Siverly	June 12, 1832
Abraham Witherup	Dec. 15, 1823	Peter Smith	April 4, 1831
Barnhart Martin	Sept. 16, 1824	George B. Hamilton	Jan. 14, 1834
John L. Porter	March 1, 1827	James Wallaston	Jan. 13, 1835
Benjamin Junkin	Oct. 22, 1827	Charles Hoteaman	Feb. 14, 1835
Daniel Delo	April 23, 1828	Aaron W. Raymond	August 29, 1836
John H. Groce	July 14, 1829	William Connelly	Jan. 20, 1837
John Shannon jun.	Nov. 16, 1829	James Hughes	March 13, 1837
Daniel Smith	do	Andrew Fleming	Jan. 25 1837

## WARREN COUNTY

Isaiah Jones	July 4, 1809	Samuel McGee	June 26, 1823
Daniel Jackson	May 30, 1817	Daniel Horn	Dec. 10, 1823
Lathrop S. Parmlee	Jan. 12, 1820	William Siggins	Feb. 15, 1827
John Andrews	March 29, 1821	Elijah Smith	April 5, 1830
Frederick Miles	July 16, 1822	Joshua Richardson	Aug. 1, 1831
Hiram Gilman	Dec. 10, 1823	Solomon Dutton	Nov. 14, 1832
Hiram S. Newman	March 15, 1825	William Jackman	Jan. 22, 1833
James Martin	April 3, 1828	Warner Perry	March 15, 1833
William Pier	May 13, 1830	Linus H. Miller	Feb. 26, 1834
Caleb Thompson	Aug. 1, 1831	Mason Fish	April 26, 1836
Gilman Merrill	Feb. 1, 1832	John Hamblin	Nov. 18, 1836
Martin Reese	April 15, 1833	Carter V. Kinnear	May 19, 1836
Samuel Williamson	Nov. 28, 1834	Ebenezer Aiken	Nov. 18, 1836
Sewall Fisher	Feb. 13, 1835	Henry G. Sargent	Jan. 19, 1837
Jonathan Marsh	June 15, 1835	James Vanvolkenburg	do. do.
James Irwine	March 21, 1817	Robert Campbell	Feb. 18, 1837
John Camp	March 29, 1821	Mark S. White	April 3, 1837

## WASHINGTON COUNTY.

James Orr	Feb. 8, 1812	James McDowell	May 19, 1830
James Blain	Jan. 1, 1817	Dickerson Roberts	May 8, 1833
Daniel Palmer	May 7, 1819	Archibald Kerr	Nov. 14, 1835
Matthew Mc Nary	Dec. 14, 1820	John McMillan	March 3, 1809
David Quail	Jan. 31, 1822	William Reed	Jan. 21, 1814
Matthew Linn	Dec. 20, 1825	James Allison	do
Thomas Smith	Jan. 23, 1826	James Smith	April 3, 1821

James Brownlee July 24, 1821  
 Isaac Holzgens Oct. 13, 1835  
 Joseph McKee Nov. 18, 1835  
 Robert McCready April 1, 1811  
 David Boyd August 23, 1813  
 Mathew R. Acheson Nov. 1, 1813  
 William McClain May 16, 1818  
 George Pinner June 13, 1822  
 William Ray March 6, 1833  
 David T. Auber Dec. 8, 1823  
 Thomas M-Kever jun. July 2, 1824  
 James McFadden March 3, 1826  
 John Ramsey Oct. 29, 1829  
 James Lee Nov. 18, 1835  
 Nathan Patterson do  
 James D. nahoo Nov. 18, 1835  
 George Elliott do  
 James Proudfoot March 11, 1809  
 Robert Patterson Dec. 5, 1818  
 James Leech do  
 James McFarren August 29, 1821  
 Thomas Bigger jr. June 10, 1822  
 Edward McDonald August 15, 1822  
 Benjamin B. bbbett Dec. 8, 1823  
 David Miller March 11, 1824  
 Archibald Hunter Feb. 4, 1825  
 Ebenezer Boyer Oct. 21, 1828  
 William L. Robb April 3, 1835  
 Alexander Kidd Nov. 18, 1835  
 John Watson April 14, 1809  
 John White March 21, 1810  
 William Berry Dec. 13, 1815  
 John White jr. April 14, 1819  
 William Co'mary Jan. 5, 1825  
 James Moore April 14, 1819  
 Jeremiah Emory Jan. 11, 1832  
 John Morgan Oct. 15, 1832  
 David Hay May 21, 1834  
 Henry McAfee Jan. 1, 1835  
 James Gordon Dec. 7, 1811  
 John Bowers Jan. 16, 1819  
 Washington Parkinson Dec. 13, 1820  
 Enoch Phillips March 31, 1823  
 Elijah Townsend Dec. 8, 1823  
 Sheshbazzar Bently jr. Feb. 18, 1830  
 Enoch Wright Oct. 16, 1830  
 Daniel Darragh Nov. 17, 1840  
 George McGibony Dec. 2, 1834  
 James McGrew Nov. 18, 1835  
 Elijah Steeple Dec. 7, 1835  
 Seth Buffington Jan. 23, 1819  
 Parker Scott May 28, 1819

Sannuel Hill March 6, 1826  
 Andrew Gregg April 20, 1829  
 Joseph Mills April 24, 1834  
 George McFarland April 1, 1835  
 George Passmore Nov. 18, 1835  
 James R. iney Jan. 18, 1813  
 Sheshbazzar Bently Feb. 8, 1819  
 James Smith Dec. 13, 1820  
 George Hipple May 30, 1831  
 John Bower Dec. 10, 1813  
 Jesse Baumgartner Jan. 23, 1816  
 John White July 1, 1817  
 Robert Quail March 6, 1823  
 Ephraim L. Blaine April 12, 1827  
 John M. Davis April 3, 1828  
 Jesse Cooper April 20, 1829  
 John Freeman Jan. 23, 1834  
 William Hopkins Jan. 24, 1834  
 Jonathan Gable April 24, 1834  
 William McElroy Jan. 16, 1835  
 Jonas Condit Dec. 20, 1813  
 William Hallam Dec. 23, 1818  
 John Carter Dec. 8, 1823  
 William Lindly March 11, 1824  
 Ellis Hughes March 7, 1825  
 William Creacraft Oct. 2, 1832  
 David P. Hathaway March 26, 1833  
 Thomas Vennum May 18, 1833  
 David J. Evans June 13, 1834  
 Isaac Mayers July 13, 1811  
 Joseph Alexander March 26, 1817  
 David Winter Sept. 20, 1819  
 Thomas Miller April 4, 1822  
 Jesse St. Clair August 13, 1827  
 Jacob McVay do  
 Nathan Rockeyteller April 24, 1834  
 Alexander Frazier Dec. 9, 1834  
 John Burns do  
 Humpirey Blakeway May 6, 1835  
 David Peden do  
 William M. Moore June 7, 1836  
 John Smith Dec. 17, 1836  
 Ebenezer Robb March 28, 1837  
 William McClelland March 15, 1836  
 John Clemens March 18, 1836  
 John Kennedy jr. June 1, 1836  
 John Samuels Nov. 1, 1836  
 Moses Bennington Oct. 17, 1836  
 Andrew Bower August 13, 1836  
 Luther Day March 15, 1836  
 James Noble Feb. 18, 1837

WAYNE COUNTY.

Abraham J Stryker Feb. 11, 1817  
 Daniel Kimble March 21, 1823  
 Jesse Goodwin May 28, 1832  
 Enos Woodward May 5, 1834  
 John Fobes Dec. 20, 1809  
 Amos Polly June 30, 1817

Henry Avery March 23, 1818  
 Richard Lancaster March 21, 1823  
 Wareham Day July 2, 1824  
 John McIntosh Dec. 2, 1835  
 Moses Miller Sept. 7, 1815  
 David S West Dec. 20, 1816

Henry D Williams Dec. 23, 1828  
 Henry W. Stone June 6, 1829  
 John S. Milford Jan. 20, 1831  
 Christopher P. Talman March 29, 1833  
 Ransom F. Wheeler April 14, 1834  
 Thomas Wheeler Dec. 10, 1833  
 David Burnett April 8, 1815  
 Thomas Sageberg Oct. 8, 1817  
 Seti Yale March 23, 1821  
 Moses Tyler Feb. 26, 1824  
 Nathan Skinner do  
 Pop. B. Lane Jr. 2, 1824  
 David Farbox Oct. 2, 1829

Richard L. Seely March 7, 1832  
 Peter Wentz March 4, 1834  
 Lucretia Collins Nov. 1, 1834  
 Ebenezer Kingbury Feb. 21, 1836  
 Noah Rogers March 23, 1836  
 George Goodrich March 31, 1836  
 William F. Coggins Dec. 16, 1836  
 Ralph Case May 31, 1833  
 Phineas Cuzzey June 16, 1836  
 Aunson Childen April 13, 1837  
 George F. Wilsa April 19, 1837  
 William L. Appley April 20, 1837

## WEST-MORELAND COUNTY

Samuel M. Cole Feb. 1, 1814  
 Edmund E. Collins Sept. 6, 1816  
 Dennis Connor Jan. 24, 1825  
 Samuel Scott Sept. 12, 1835  
 Thomas Sammon Dec. 13, 1831  
 William T. Baldridge June 11, 1832  
 John Horrell Feb. 6, 1833  
 John Cason Dec. 7, 1835  
 James McLane Feb. 13, 1811  
 William Thompson May 1, 1819  
 John Crupple Nov. 30, 1829  
 Peter Gray Aug. 29, 1831  
 Matthew McKeever Oct. 21, 1822  
 Robert Riddle March 27, 1824  
 Jacob Doble Feb. 2, 1833  
 John McQuaid March 8, 1833  
 John Larimore Feb. 4, 1834  
 William Greer Dec. 17, 1834  
 John M. Laird Dec. 7, 1835  
 John Clark April 9, 1817  
 John Caldwell Jan. 7, 1820  
 William Little March 31, 1823  
 Janison Hendricks Nov. 28, 1823  
 James McKelvey March 27, 1824  
 James Horrell Oct. 2, 1827  
 John Covode March 14, 1832  
 John McFarland April 13, 1835  
 William Dripps Nov. 18, 1835  
 John Moorhead Nov. 27, 1835  
 John Fleegar March 24, 1821  
 John Welsh Dec. 13, 1821  
 George Machlin do  
 Alexander Johnson Oct. 24, 1822  
 John Surum May 5, 1824  
 Henry G. Spayth Jan. 14, 1826  
 Andrew Fulton Feb. 6, 1836  
 William McKinney Jan. 20, 1829  
 Abraham Niswander Dec. 14, 1829  
 Robert Montgomery Feb. 5, 1830  
 James Irwin March 8, 1815  
 Andrew Beyerly March 17, 1809  
 John Guffy Oct. 7, 1823  
 Samuel McGrew Nov. 24, 1823  
 William Logan Nov. 30, 1829  
 Jacob Byerly, Jr. do

John Brasher June 3, 1825  
 G. Serfar March 25, 1812  
 Philip Ragan Feb. 1, 1814  
 Henry Fulton March 7, 1822  
 Joseph Stokely Dec. 13, 1823  
 John Vance April 11, 1825  
 John E. Fleming May 31, 1825  
 John B. Farr April 23, 1829  
 Patrick Jack Jan. 17, 1831  
 Joseph Smith April 2, 1833  
 Benjamin Miller April 22, 1831  
 Samuel H. Montgomery Jan. 22, 1835  
 Charles Fulwood August 17, 1813  
 Joan McGinnis March 30, 1821  
 Samuel Wakefield Dec. 10, 1829  
 Thomas Latt Dec. 7, 1835  
 Manassah Reeves Oct. 7, 1832  
 Hugh Wright Jan. 8, 1836  
 William Beazel jr. Jan. 14, 1826  
 David Rival Feb. 23, 1827  
 John S. Adair Jan. 21, 1818  
 Thomas Bigham May 17, 1819  
 Robert Rainey Dec. 13, 1821  
 James Tittle Sept. 11, 1827  
 Thomas Wilson April 14, 1828  
 Andrew Love March 9, 1823  
 John Morrison July 2, 1824  
 James Keenan Jan. 12, 1825  
 John Welch Feb. 6, 1828  
 Hugh Jamison Nov. 20, 1828  
 John Kaylor Feb. 27, 1832  
 James Toner Jan. 22, 1835  
 James C. Kelly Nov. 9, 1835  
 Daniel McRowen May 24, 1817  
 John Gwinn July 3, 1821  
 George Dugan Dec. 12, 1823  
 Alexander Thompson April 13, 1829  
 George F. Crawford Dec. 15, 1831  
 William Kennedy June 11, 1832  
 John Reed March 8, 1833  
 Thomas Myler March 13, 1835  
 George W. Martin March 23, 1835  
 James Scott do  
 Robert Doty March 31, 1836  
 David Baldrige Dec. 9, 1836

Robert Louthier Apr. 25, 1833  
Joseph Morehead Jan. 7, 1836  
Hugh M. Skiles Aug. 26, 1836  
William Rumsey Sept. 17, 1836

Samuel H. Daily Aug. 20, 1836  
Alexander Ross April 1, 1828  
Benjamin Bythe Aug. 4, 1833  
Joseph Elder Nov. 19, 1833

## YORK COUNTY.

Daniel Heckert May 15, 1815  
Charles F. Fisher Dec. 17, 1819  
Martin Boyer Nov. 1, 1829  
Lewis Shive July 7, 1821  
Penrose Robinson Oct. 31, 1821  
Philip Symser March 10, 1823  
George Kleinfelter Dec. 9, 1823  
Jacob Sitz Dec. 12, 1823  
George Lanman Nov. 10, 1829  
Anthony Knively March 26, 1824  
Zachariah Spangler Aug. 25, 1828  
Benjamin Lanus Dec. 10, 1829  
Jacob Eichelberger Dec. 14, 1829  
John Maul August 12, 1831  
John A. Wilson Jan. 23, 1832  
Benjamin Zeigler Feb. 25, 1833  
John McCurdy Feb. 19, 1835  
Jacob Clessner Oct. 22, 1835  
Thomas McAcer do  
Francis M'Dermott Nov. 9, 1835  
Jacob Grim Nov. 14, 1835  
David Shultze Dec. 18, 1816  
Michael Lechner Feb. 28, 1819  
Michael Buckner jr. Nov. 27, 1823  
Peter Overdeer May 5, 1824  
Luther H. Skinner Oct. 20, 1825  
George Frisinger Oct. 31, 1825  
William D. Gobrecht Nov. 20, 1833  
Benjamin Welsh Nov. 27, 1835  
George Bowersox Dec. 1, 1835  
George Pitt Dec. 9, 1835  
Mills Hays Aug. 13, 1817  
George Ashton Jan. 7, 1820  
Henry Etter O. L. 7, 1822  
John C. Greoom Feb. 7, 1825  
John Thompson March 30, 1831  
John G. Keister April 1, 1831  
James Nichols April 24, 1833  
Jacob Smith do  
Joseph McCreary Jan. 30, 1834  
Hannajah Moore May 20, 1835  
John Sel Nov. 4, 1835  
John Lane Jan. 11, 1816  
Hugh Long Feb. 4, 1818  
Samuel Nelson Dec. 11, 1820  
Andrew Clarkson April 1, 1822  
Hugh Ross March 31, 1823  
William Reed Dec. 1, 1835  
Frederick Harman March 28, 1811  
Jacob Suckel Dec. 9, 1823  
Robert Haversly Dec. 14, 1825  
William Ross March 5, 1830  
John S. Smith May 23, 1833  
Abraham Griffith, jr. Feb. 27, 1834  
John H. Mull Apr. 20, 1835

David Myer March 17, 1813  
William McMullen Jan. 9, 1816  
Peter Whart March 15, 1820  
Hugh O'Hail April 1, 1822  
Matthew Black do  
Hugh McMullen Dec. 5, 1823  
Daniel Bailly June 19, 1827  
Thomas Goufrey Sept. 24, 1829  
James O'Hail July 15, 1831  
Peter Sille Nov. 4, 1835  
Joshua Hendricks May 16, 1818  
Jacob Ritrack June 17, 1822  
Henry Snyder Sept. 15, 1828  
Jacob N. Hildebrand May 8, 1833  
Frederick Bahn Jan. 16, 1835  
John Pedrick March 18, 1817  
Graham McCamant March 21, 1821  
Daniel Leese May 28, 1828  
George Fisher Feb. 23, 1833  
Jefferson Droul Feb. 25, 1833  
Jacob Dehoff March 21, 1834  
Henry Stover Feb. 15, 1839  
William Caldwell Jan. 20, 1814  
Joan McCreary, jr. June 10, 1823  
Ross Bull Dec. 9, 1823  
John Becker Jan. 10, 1835  
William S. Pickering March 19, 1835  
Henry Myer July 11, 1809  
Jacob Ernst June 11, 1810  
Henry Buse April 4, 1833  
John Quicke Dec. 19, 1809  
Adam Wolf March 24, 1817  
John Weyer April 2, 1818  
Jacob Smuser June 12, 1822  
Charles Bishop March 25, 1824  
John Stale Jan. 17, 1827  
Anthony Dissenberger Feb. 6, 1833  
Samuel C. Bonham March 25, 1833  
John Reser Jan. 10, 1835  
Matthias Baker March 13, 1809  
Joseph Welchans March 29, 1813  
William Wilson March 2, 1818  
William White March 23, 1821  
Samuel Johnson March 26, 1824  
Jacob Fies do  
John Ruby Feb. 25, 1828  
Adam Paulus August 3, 1829  
George Adlig June 7, 1830  
Samuel Landes July 18, 1834  
Samuel Ker jr. Dec. 1, 1835  
John Smith August 18, 1821  
Adam Ebaugh Feb. 6, 1831  
Henry Fulton Feb. 11, 1834  
Simpson Smith jr. April 22, 1834  
John Manifold Nov. 14, 1835

Samuel Jourden	Dec. 5, 1815	Jesse Bryen	Jan. 18, 1836
James Wilson	Jan. 24, 1818	Samuel Keister	March 5, 1836 o }
James Johnston	March 1, 1830	George Klugh	March 28, 1836
William Coulston	Dec. 9 1823	Jeremiah M. Young	June 11, 1836
Joseph James	March 26, 1824	Jacob Feiser	Feb 24, 1837
James Ramsey	Ma ch 5, 1830	Jacob S. Bear	Oct. 26, 1836
Joseph Bennett	April 4, 1834	James K. Menough	June 7, 1836
Thomas Henderson	Feb. 20, 1834	Samuel Cross	March 19, 1836
Joshua Oliver	Nov. 14 1835	Treat Benson	March 26, 1836
Jacob Shive	March 5, 1836	Michael Ruby	do
William Sayers	Feb. 2, 1836	Philip Schneider	March 23, 1836
Henry Myers	March 5, 1836	Joseph Webb	Nov. 9, 1836

ALDERMEN.

CITY OF PITTSBURG.

Matthew B. Lowry	July 23, 1829	William Steele	July 28, 1829
Robert Christy	March 30, 1820	Samuel Petigrew	Feb. 16, 1831
Magnus M. Murray	March 8, 1821	Francis Bailey	June 1, 1830
Charles Von Bonnhorst	August 3, 1824	Leonard S. Johns	April 8, 1834
Dennis S. Scully	Dec. 1, 1825	David Drennen	Nov. 25, 1836
Charles H. Israel	July 23, 1829	George Watson	April 3, 1837

CITY OF LANCASTER.

Samuel Dale	April 16, 1818	James Cameron	April 6, 1829
Daniel Moore	July 24, 1820	George Musser	Feb. 23, 1831
John Mathiot (Mayor)	Nov. 20, 1824	William Frick	Feb. 11, 1833
Henry Keffer	Nov. 12, 1828	Frederick Hambricht	do

CITY OF PHILADELPHIA.

George Bartram	April 30, 1813	Joseph Burden	Jan. 12, 1830
Samuel Badger	July 24, 1815	Thomas McKean	July 25, 1831
Peter Christian	March 4, 1818	Jonathan K. Hassinger	Nov. 16, 1832
Joseph Watson	April 23, 1822	Peter Hay	April 15, 1834
John Binns	Dec. 3, 1822	Samuel Heintzelman	Nov. 25, 1835
William Milnor	Jan. 7, 1823	John R. Vodges	Dec. 11, 1835
Andrew Geyer	April 30, 1809	David S. Hassinger	Dec. 13, 1835

PHILADELPHIA COUNTY.

FOR THE NORTHERN LIBERTIES.

John Laws	Jan. 10, 1833	Frederick Wolbert	April 15, 1834
John R. Walker	Jan. 29, 1833	Mordecai Y. Bryant	April 17, 1833
John Conrad	do	John Goodman sen.	Jan. 7, 1833
Michael Andress	July 16, 1836	Nathan Harper	do
John M. Cannon	April 15, 1834		

FOR THE DISTRICT COMPOSED OF MOYAMENSING AND PASSTUNK.

Robert L. Loughhead	Jan. 29, 1833	Andrew Hooten	Jan. 7, 1833
George Westenberger	do	James Enew jr.	do

FOR THE DISTRICT OF SOUTHWARK.

William H. Hood	Jan. 29, 1833	John Oakford	Dec. 7, 1835
John Thompson	Jan. 7, 1833	John Johnson	March 24, 1836
Richard Renshaw	do	William F. Hughes	Oct. 26, 1836
Henry Manderfield	Nov. 12, 1833		

FOR THE DISTRICT OF KENSINGTON.

David Snyder	Jan. 29, 1833	William B. Mott	Dec. 7, 1835
Isaac Boileau	Jan. 7, 1833	Samuel Weyant	Dec. 9, 1836
Hugh Clark	do		

FOR THE DISTRICT OF SPRING GARDEN.

Freeman Scott	Jan. 29, 1833	Morton M'Michael	Jan. 7, 1833
John L. Wolf	do	Martin W. Alexander	June 30, 1836
Charles Souder	Jan. 7, 1833		

## B.

*A table exhibiting the number of Justices of the Peace appointed by each of the following named Executives, viz: Snyder, Findlay, Hiester, Shulze, Wolf, and Ritner, in the several counties of this Commonwealth, and the aggregate in each county, and in the State.*

COUNTIES-	Snyder.	Findlay.	Hiester.	Shulze.	Wolf.	Ritner.	Total.
Adams, -	5	3	12	14	21	12	67
Allegheny, -	21	5	9	27	44	12	118
Armstrong, -	3	5	5	18	18	9	58
Beaver, -	12	3	9	11	34	7	76
Bedford, -	12	9	11	18	29	5	84
Berke, -	8	12	27	31	56	9	143
Bradford, -	14	10	4	22	32	8	90
Bucks, -	10	4	13	15	31	13	86
Butler, -	13	6	3	20	19	9	70
Cambria, -	1	3	5	3	10	7	29
Centre, -	3	6	17	21	21	1	69
Chester, -	15	6	14	24	24	2	85
Clearfield, -	0	1	8	10	13	3	35
Columbia, -	9	8	7	9	27	6	66
Crawford, -	7	8	10	12	16	9	62
Cumberland, -	9	10	27	18	26	6	96
Dauphin, -	4	2	14	15	21	9	65
Delaware, -	4	0	3	7	8	6	28
Erie, -	4	4	7	19	26	8	68
Fayette, -	13	3	6	30	21	5	78
Franklin, -	9	8	26	24	24	6	97
Greene, -	9	8	5	11	22	4	59
Huntingdon, -	7	5	15	13	30	18	88
Indiana, -	2	0	6	7	22	9	46
Jefferson, -	1	1	1	1	10	5	19
Juniata, -	0	0	0	0	31	5	36
Lancaster, -	12	11	27	34	34	16	134
Lebanon, -	8	4	12	15	15	4	58
Lehigh, -	8	1	8	9	11	5	42
Luzerne, -	4	13	10	17	36	8	88
Lycoming, -	13	5	13	16	28	5	80
McKean, -	1	1	2	6	7	2	19
Mercer, -	11	4	7	15	24	10	71
Mifflin, -	7	5	17	13	17	2	61
Monroe, -	0	0	0	0	0	23	23
Montgomery, -	9	10	18	22	29	4	92
Northampton, -	4	9	17	21	44	8	103
Northumberland, -	9	5	8	12	28	4	66
Perry, -	0	11	10	8	16	6	51
Philadelphia, -	9	7	24	33	40	10	123
Pike, -	5	0	3	8	8	0	24

TABLE B.—CONTINUED.

COUNTIES.	Snvder.	Findly.	Hiester.	Shufze	Wolf.	Ritner.	Total.
Potter, -	1	3	0	3	9	3	19
Somers-t, -	6	10	7	13	21	8	65
Schuylkill, -	8	4	6	3	24	5	50
Susquehanna,	8	3	3	14	17	9	54
Tioga, -	3	5	4	22	22	11	67
Union, -	8	5	10	15	16	8	62
Venango, -	8	1	4	13	16	4	46
Warren, -	3	1	6	3	13	8	34
Washington,	20	15	15	19	37	11	117
Wayne, -	7	2	2	7	10	9	37
Westmoreland,	10	4	17	26	31	10	98
York, -	17	12	21	21	48	15	134
	394	281	535	788	1237	401	3633

## C.

*A tabular statement of the number of Justices of the Peace, as taken from Commission Book, the number as given by Recorders, the number of acting Justices as given by Recorders, the average annual emolument as given likewise by Recorders, and the annual average emolument as given by Justices.*

COUNTIES.	Number of Justices, as taken from Commission Book, from Dec. 8, 1868, to June 1, 1887	Whole number as reported by Recorders.	Number of acting Justices, as given by Recorders.	Average emoluments, as given by Recorders.	Average, as given by Justices of the Peace
Adams, - - -	67	Not given	51	\$59 00	\$50 00
Allegheny, - - -	118	86	70	60 00	57 00
Armstrong, - - -	58	50	46	85 00	
Beaver, - - -	76	66	50	30 00	
Bedford, - - -	84	56	50	50 00	73 00
Berks, - - -	143	96	85	65 00	62 00
Bradford, - - -	90	69	36	75 00	
Bucks, - - -	86	72	68	40 00	77 00
Butler, - - -	70				54 00
Cambria, - - -	29	27	25	150 00	115 00
Centre, - - -	69	52	42	40 00	100 00
Chester, - - -	85	80	73	25 00	45 00
Clearfield, - - -	35	27	23	55 00	
Columbia, - - -	66				54 00
Crawford, - - -	62	51	48	50 00	
Cumberland, - - -	96	75	64		90 00
Dauphin, - - -	65	55	55	100 00	
Delaware, - - -	28				24 00
Erie, - - -	68	44	40	19 00	136 00
Fayette, - - -	78	60	51	50 00	58 00
Franklin, - - -	97	73			
Greene, - - -	59	50	45	60 00	
Huntingdon, - - -	88	78	74	135 00	
Indiana, - - -	46	39	36	65 00	69 00
Jefferson, - - -	19		15	106 00	
Juniata, - - -	36	26	26	33 00	
Lancaster, - - -	134		80	40 00	74 00
Lebanon, - - -	58	41	36		
Lehigh, - - -	42	34	33	74 00	40 00
Luzerne, - - -	88	96	90	55 00	145 00
Lycming, - - -	80	66	48	50 00	86 00
McKean, - - -	19		9	20 00	

TABLE C.—CONTINUED.

COUNTIES.	Number of Justices, as taken from Commission Book, from Dec. 8, 1808, to June 1, 1837.	Whole number, as reported by Recorders.	Number of acting Justices, as given by Recorders.	Average emolument, as given by Recorders.	Average, as given by Justices of the Peace.
Mercer, - - -	71	56	54		
Mifflin, - - -	61	35	24	\$199 00	
Monroe, - - -	23	23	21	75 00	\$50 00
Montgomery, - - -	92	92	69		30 00
Northampton, - - -	103	69	69	55 00	67 00
Northumberland, - - -	66	51	46	50 00	25 00
Perry, - - -	51	32	32	62 00	100 00
Philadelphia, - - -	123				
Pike, - - -	24	13	13	45 00	55 00
Potter, - - -	19				
Schuylkill, - - -	50	41	34	70 00	116 00
Somerset, - - -	65	58	54	100 00	
Susquehanna, - - -	54				43 00
Tioga, - - -	67				65 00
Union, - - -	62	47	41		
Venango, - - -	46	40	40	18 00	
Warren, - - -	34	24	14	160 00	
Washington, - - -	117	83	81	20 00	
Wayne, - - -	37	34	32		
Westmoreland, - - -	98	88	Not given.	40 00	86 00
York, - - -	134	100	75	50 00	32 00

Whole number of Justices, as per Commission Book, - - -	3,636
Whole number as given by Recorders, - - -	2,355
Number of acting Justices, as given by Recorders, - - -	2,067
Average annual emolument, as given by Recorders, - - -	\$65 00
Do. do. do. do. do. - - -	70 00

## ESTIMATED INCOME OF ALDERMEN.

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 IN PHILADELPHIA CITY.

First class,	(five officers,)	\$1,200 00	\$6,000 00
Second class,	(five officers,)	600 00	3,000 00
Third class,	(four officers,)	200 00	800 00

No information from PHILADELPHIA COUNTY.

## IN LANCASTER.

First class,	(one officer,)	\$800 00	\$800 00
Second class,	(three officers,)	300 00	900 00
Third class,	(four officers,)	100 00	400 00

## IN PITTSBURG.

First class,	(three officers,)	\$1,000 00	\$3,000 00
Second class,	(five officers,)	400 00	2,000 00
Third class,	(four officers,)	100 00	400 00

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 \$17,300 00
 

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D.

*Statement of the annual amount of Fees received by the several County Officers of the Commonwealth, so far as the same can be ascertained in the Office of the Auditor General.*

COUNTIES.	OFFICES.	Fees of several Offices.	Aggregate.
Allegheny, - - -	Prothonotary, - - - - -	\$2,172 68	
	Clerk of Sessions, and Oyer and Terminer, - - -	3 5 19	
	Clerk of Orphans' Court, - - - - -	176 19	
	Register and Recorder, - - - - -	2,451 92	
	Mayor's Court, - - - - -	475 43	
Adams, - - -	Prothonotary, - - - - -	1,077 70	\$5,661 41
	Clerk of Sessions, and Oyer and Terminer, - - -	145 88	
	Clerk of Orphans' Court, - - - - -	214 86	
	Register, - - - - -	396 86	
	Recorder, - - - - -	102 73	
Armstrong, - - -	Register, Recorder, and Clerk of Orphans' Court, - - -	397 50	1,938 03
	Prothonotary and Clerk of Sessions, - - - - -	No return,	
Beaver, - - -	Register, Recorder, and Clerk of Orphans' Court, - - -	928 58	397 50
	Prothonotary and Clerk of Sessions, - - - - -	No return,	
			928 58

## STATEMENT D.—CONTINUED.

COUNTIES.	OFFICES.	Fees of several Offices.	Aggregate.
Bedford,	Prothonotary,	\$560 66	\$1,131 78
	Register,	186 58	
	Recorder,	118 23	
	Clerk of Sessions,	175 40	
	Clerk of Orphans' Court,	86 56	
	Clerk of Oyer and Terminer,	4 35	
Berks,	Prothonotary,	906 00	4,233 80
	Clerk of Sessions and Oyer and Terminer,	724 52	
	Register,	1,065 92	
	Recorder,	795 75	
	Orphans' Court,	741 61	
Brazford,	Prothonotary, Clerk of Sessions, and Oyer and Terminer,	885 42	1,262 89
	Recorder,	328 83	
	Register,	30 71	
	Orphans' Court,	17 93	
Bucks,	Prothonotary, Clerk of Sessions and Oyer and Terminer,	1,484 68	5,100 29
	Register,	1,271 50	
	Recorder,	1,342 66	
	Orphans' Court,	1,001 45	

Butler.	Prothonotary,	490 24	600 57
	Clerk of Sessions,	104 49	
	“ Oyer and Terminer,	5 84	
	Register and Recorder,	No return.	
Cambria,	Prothonotary,	256 80	592 39
	Clerk of Sessions,	101 83	
	“ Orphans’ Court,	13 00	
	Register,	78 47	
	Recorder,	142 29	
Centre,	Prothonotary,	598 71	1,388 21
	Clerk of Sessions,	140 82	
	Recorder,	291 74	
	Register,	244 52	
	Orphans’ Court,	112 42	
Chester,	Prothonotary and Clerk of Sessions,	1,746 44	4,948 97
	Clerk of Orphans’ Court,	563 03	
	Register,	1,205 61	
	Recorder,	1,433 89	
Clearfield,	Prothonotary,	268 75	462 26
	Quarter Sessions,	80 40	
	Orphans’ Court,	7 46	
	Register,	16 24	
	Recorder,	89 41	

STATEMENT D—CONTINUED.

COUNTIES.	OFFICES.	Fees of several offices.	Aggregate.
Columbia, - - -	Prothonotary, - - - - -	\$328 78	\$1,183 30
	Quarter Sessions, - - - - -	212 45	
	Orphans' Court, - - - - -	96 70	
	Register, - - - - -	341 25	
	Recorder, - - - - -	204 12	
Crawford, - - -	Prothonotary, - - - - -	775 86	1,041 02
	Quarter Sessions, - - - - -	215 79	
	Orphans' Court, - - - - -	32 87	
	Oyer and Terminer, - - - - -	16 50	
	Register and Recorder, - - - - -	No return.	
Cumberland, - - -	Prothonotary, - - - - -	1,142 18	2,536 99
	Quarter Sessions, - - - - -	165 14	
	Orphans' Court, - - - - -	381 29	
	Oyer and Terminer, - - - - -	75	
	Register, - - - - -	586 13	
	Recorder, - - - - -	261 50	
Dauphin, - - -	Prothonotary Quarter Sessions and Oyer and Terminer, - - -	1,866 42	4,101 43
	Register and Recorder, - - - - -	1,310 92	
	Orphans' Court, - - - - -	924 09	

Delaware,	Prothonotary.	8374 92	\$1,441 00
	Quarter Sessions and Oyer and Terminer,	117 78	
	Orphan's Court,	66 28	
	Register.	561 02	
	Recorder,	521 00	
Erie,	No return.		
Fayette,	Prothonotary, Quarter Sessions, Oyer and Terminer, and	1,219 56	1,925 96
	Orphan's Court, Register and Recorder,	706 40	
Franklin,	Prothonotary.	No return.	1,888 80
	Quarter Sessions,	244 88	
	Oyer and Terminer,	49 11	
	Orphans' Court,	368 56	
	Register,	839 67	
	Recorder,	386 58	
Greene,	No return.		
Huntingdon,	Prothonotary,	1,289 06	2,165 39
	Register,	301 00	
	Recorder.	277 78	
	Quarter Sessions,	135 81	
	Orphans' Court,	159 49	
	Oyer and Terminer,	2 25	

## STATEMENT D.—CONTINUED.

COUNTIES.	OFFICES.	Fees of several officers.	Aggregate.
Indiana,	Prothonotary,	\$228 42	\$795 02
	Register,	211 12	
	Recorder,	211 74	
	Orphans' Court,	82 41	
	Quarter Sessions,	60 58	
	Oyer and Terminer,	75	
Juniata,	Prothonotary and Clerk of Sessions,	505 83	505 83
	Register and Recorder,	No return.	
Lancaster,	Prothonotary,	2,908 46	7,224 30
	Register,	2,197 14	
	Recorder,	1,429 12	
	Quarter Sessions and Oyer and Terminer,	859 65	
	Orphans' Court,	830 02	
	Mayor's Court,	No return.	
Lebanon,	Prothonotary, Quarter Sessions and Oyer and Terminer,	1,134 61	2,137 19
	Register and Clerk of Orphans' Court,	832 59	
	Recorder,	169 99	

	Lehigh, - - -	No return.		
VOL. III.	Luzerne, - - -	Prothonotary, - - - - -	\$569 71	
		Quarter Sessions, - - - - -	343 58	
		Orphans' Court - - - - -	50 42	
		Register, - - - - -	122 78	
		Recorder, - - - - -	530 30	
			<hr/>	\$1,616 79
13	Lycoming, - - -	Prothonotary, - - - - -	350 52	
		Quarter Sessions, - - - - -	215 41	
		Register, - - - - -	208 92	
		Recorder, - - - - -	446 81	
		Orphans' Court, - - - - -	61 25	
			<hr/>	1,272 91
M'Kean, - - -	Prothonotary, - - - - -	Prothonotary, - - - - -	232 38	
		Quarter Sessions, - - - - -	61 50	
		Register, - - - - -	3 50	
		Recorder, - - - - -	73 93	
		Orphans' Court, - - - - -	6 75	
		For Potter county - - - - -	39 00	
			<hr/>	417 06
	Mercer, - - -	No return.		
Mifflin, - - -	Register, Recorder, and Clerk of Orphans' Court, - - -	Register, Recorder, and Clerk of Orphans' Court, - - -	510 14	
		Prothonotary of Quarter Sessions, - - -	No return.	
			<hr/>	510 14
	Monroe, - - -	No return.		

STATEMENT D—CONTINUED.

COUNTIES.	OFFICES.	Fees of several offices.	Aggregate.
Montgomery, - -	Prothonotary, - - - - - Quarter Sessions, - - - - - Recorder, - - - - - Register, - - - - - Orphans' Court, - - - - -	\$1,281 50 479 13 1,173 07 1,059 04 611 09	\$4,603 83
Northumberland, (1833,) (1835,)	Prothonotary, Quarter Sessions and Supreme Court, - Register, - - - - - Recorder, - - - - - Orphans' Court, - - - - -	725 59 140 60 495 42 90 00	
Northampton,	Prothonotary, - - - - - Sessions, - - - - - Register, - - - - - Orphans' Court, - - - - - Recorder, - - - - -	1,293 22 No return. 824 87 541 89 No return.	1,451 61
Perry, - - - Philadelphia, - - -	No return, Prothonotary Common Pleas, - - - - - Prothonotary District Court, - - - - - Quarter Sessions and Oyer and Terminer. Orphans' Court, - - - - - Recorder, - - - - -	5,903 78 8,079 78 1,479 70 1,963 20 9,184 74	2,659 98

Somerset,	-	-	Register,					5,301 38	\$31,912 58
			Mayor's Court,					No return.	
			Prothonotary,					1,341 28	
			Quarter Sessions,					129 02	
			Orphans' Court,					107 61	
Schuylkill,	-	-	Register,					305 03	2,043 99
			Recorder,					171 05	
			Prothonotary,					1,100 61	
			Sessions and Oyer and Terminer,					246 90	
			Orphans' Court,					169 46	
Susquehanna, Tioga,	-	-	Register,					243 83	2,342 21
			Recorder,					591 41	
			No return.						
			Prothonotary,					367 92	
			Sessions,					184 22	
Union,	-	-	Orphans' Court,					6 64	566 02
			Circuit Court,					7 24	
			Prothonotary,					737 08	
			Sessions,					140 78	
			Orphans' Court,					157 08	
Wayne,	-	-	Register,					366 01	1,741 54
			Recorder,					340 59	
			Return imperfect,					459 65	
								459 65	

STATEMENT D—CONTINUED.

COUNTIES.	OFFICES.	Fees of several offices.	Aggregate.
Washington,	Prothonotary,	\$945 02	\$2,720 30
	Sessions, Oyer and Terminer and Orphans' Court,	565 26	
	Register,	772 21	
	Recorder,	447 81	
Westmoreland,	Prothonotary, Sessions, Oyer and Terminer and Orphans' Court,	1,401 43	2,312 21
	Register,	451 43	
	Recorder,	459 35	
York,	Sessions, Oyer and Terminer and Orphans' Court,	599 65	3,188 12
	Prothonotary,	1,269 47	
	Register,	1,059 16	
	Recorder,	259 84	
Supreme Court,	Eastern District,	1,352 62	2,211 03
	Middle " "	858 41	
	Western " "	No return.	
			<u>117,632 97</u>

Respectfully submitted,

NATH. P. HOBART, Auditor General.

Auditor General's Office, June 26, 1837.

Mr. PURVIANCE, of Butler, submitted the following resolution, which was laid on the table, and ordered to be printed :

*Resolved*, That this Convention will adjourn *sine die*, when all the articles of the Constitution, together with the report of the committee, providing a mode for future amendments, shall have been finally acted upon, and that it is inexpedient and unnecessary, at this time, to make any alterations or amendments, on the subject of corporations, the currency, public highways, eminent domain, state debt, lotteries, bank of the United States, secret societies, abolishment of capital punishment, exoneration of society of Friends from payment of militia fines, extension of trial by jury to fugitive slaves, and abolishment of imprisonment for debt.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

The question pending, being on the amendment of Mr. BELL, to the amendment of Mr. STERIGERE, as follows, viz: to strike out from the ninth line the words "provided by law", and insert in lieu thereof the words, "At the several periods of making the enumeration of the taxable inhabitants, mentioned in section four, article first, designate by law".

The question was taken, and the motion to amend was decided in the negative.

Mr. DUNLOP, of Franklin, moved to amend the amendment, by striking from the seventh line the word "three", and inserting in lieu thereof the word "five". He thought the fixing of so short a term was too great a *belittling* of the officer, while nothing of advantage was gained by the people. The best officer in Franklin county had held his office for twenty-four years. He was a man to whom lawyers and judges could refer as to the practice of the court, whose accuracy, industry and efficiency had never been called in question. Another Prothonotary had, for ten or twelve years, executed the duties of his office, with a degree of urbanity, ability and industry, which had given entire satisfaction to every one.— These gentlemen had held their offices, for the length of time he had stated, in Franklin county, and there had never been a complaint breathed against them. Experience in offices of this kind gave the officer a facility not to be otherwise acquired, and a knowledge of the practice of the courts and the course of legislation, which commanded the respect and confidence of the people. Such men would not agree to hold their offices against the consent of the people, or with the liability to be turned out. The officers must be made respectable, and respect was the result of probity, ability and experience, in office. All may have a chance, if short terms are established, but the public interests will not be benefited; on the contrary, the people would be losers. To fill the office of Prothonotary requires a man of experience, and knowledge of the practice of courts, of the modes of making entries, of the different writs, and the various forms and formula in law. Sometimes he is required to modify the regular forms, and sometimes to issue process in terms not prescribed in the formula. In such situation, every new officer must be sometimes at a loss. He did not expect the committee would agree to his amendment. It was a matter of indifference to him, if they did or not; he had considered it to be his duty to offer it. If gentlemen would read over the amendment, they would see that it could not stand as it is. The last words in the

seventh line run thus: "They shall hold", &c. What "they"? Why, the Recorders of deeds, Clerks, &c. You will see the Prothonotary of the Supreme Court is to be appointed at the pleasure of the court. "They", therefore, does not apply to him. If there should be a vacancy in the clerkship of the Supreme Court, it would be filled by the Governor. So, that the court would appoint in the first instance, and the Governor would afterwards appoint. It was proper and right, that the appointments should be all from the same source. He did not know any thing which more conclusively shows, that the framers of the present Constitution knew better what they were about than we do; and, if they ever were the apprentices of BLACKSTONE, they were superior to the journeymen of the present day. It would be unnecessary to change any other than the seventh line—the parenthesis in line three being taken out. In the language of the old Constitution the style is logical, beautiful and simple, and this parenthetical style, which is introduced in the amendment, has a tendency to confuse; nothing entangles laws so much as parenthesis, and nothing perplexes judges so much, as to find in a proviso an enactment. Every gentleman who would take the trouble to look at the amendment of the gentleman from Montgomery, (Mr. STERIGERE) must be satisfied, that it cannot be adopted in the language in which it is couched. He was satisfied, that the arrangement of the gentleman from Susquehanna, (Mr. READ) the chairman of the committee on the sixth article, would, at least, receive the approbation of the committee, and he was therefore willing to vote down this proposition, and take that gentleman's mode. He was anxious to see that brought forward. There would be no waste of time, and he was sorry to hear an apology on that score. So being, as the discussion was to the point, there was no waste of time, and no need of apology. He did not wish, when the Constitutional amendments were sent forth, to have them sent in such a form as to be subject to the criticism of every whipster of a printer's boy. We had been too apt to neglect verbal criticism, which required no ordinary share of talent and discrimination.

Mr. STEVENS reminded the gentleman from Franklin, that he had taken up the rough printed copy of the amendment, as it was originally offered, and not as it had been subsequently amended. He would see, on reference, that the language had been changed. The exception comes in in less words; there is less verbiage than in the half dozen sections. The amendment must conform to the style of the original section. Mere verbal criticism was not all that was required to make an amendment sensible. He knew that they should be obliged, after the whole had gone through the committee of the whole, to appoint a committee of grammarians. It would be impossible, in the progress of amendment, to put in that ornate language which is fit for a Constitution. All we could do now was to adopt principles, and adapt the language afterwards.

Mr. DUNLOP said, this explanation did not remove his objection; he had no doubt as to the object of the gentleman from Adams.

Mr. EARLE, of Philadelphia, called the gentleman from Franklin to order, on the ground that he was discussing the language of the Constitution, instead of the motion before the committee.

The CHAIR decided, that the gentleman from Franklin was not out of order.

Mr. DUNLOP made a few verbal criticisms on the language of the amend-

ment, in order to shew the necessity of amending it, to sustain and illustrate what he had before said.

Mr. CUMMIN had the honor, he said, to belong to the committee which reported on this subject, and he would offer a few remarks in relation to it. The subject had undergone considerable discussion in committee, and the report was finally agreed on by a majority. The gentleman from Franklin was for life offices; he was not. He says it requires three years to give men qualifications necessary for the office of Prothonotary. I think the contrary. Experience was the best instructor, and he knew, from his own observation, that the gentleman's supposition, that many years' experience and practice were necessary to enable a person to discharge the duties of a Prothonotary, was unfounded. But, in the county of Juniata, when newly created, all the officers were new. We called a Prothonotary from the plough, and he discharged the duties to the satisfaction, both of the bar and the court. This man went from the plough to the office, and remained there until he was removed by the Executive. The gentleman told us, that the office was filled in his county by two men for thirty-six years, and argued from it, that long experience was necessary to discharge its duties. But this was not the fact, as experience has proved. It was true, when a new officer came into court for the first time, he would be a little deficient. The gentlemen of the bar were always polite, and gave young Prothonotaries information to enable them to get through the business. He regretted the opposition made to this proposition. It appeared to him, that the labors of this body were to have no useful results; that, for any practical purpose, our proceedings would be a mere blank. We might as well give up at once, if we were to be met at every moment with such objections. We had a right to go on and do what the people asked us to do, and the files of this body would show that the people had called for this amendment—for the power of electing their officers for the term of three years, and then of re-electing them for three years more, if they had done well. They did not wish to give a monopoly of office to a few, and there would be no propriety in such a course. If there were two brothers equally competent, and meritorious, was it not right that one should have an equal chance with the other to enjoy the emolument, and the honor, of any particular office? Would it be right that one should hold on to the office, and that his brother should have no share, but that one should have all the profits? But, in members of the same community, we were all brethren, and were all equally entitled to fill such offices of trust and emolument as we were qualified for.—Who were they who refused to carry this principle into execution? The people would not bear them out, though their party might. He hoped this amendment would not pass, and that, in time to come, no more such amendments would be offered—particularly, as there was prevalent in the Convention an impatience of business, and a feverish anxiety to go home. The question was then put on Mr. DUNLOP's motion to amend, and decided in the negative.

Mr. DUNLOP moved to strike out "three" and insert "five", which was also negatived.

Mr. MEREDITH, of Philadelphia, said, it seemed to be the opinion of the majority of the Convention, that the appointment of the clerks of courts should be taken from the Governor and given to the people. So

far as regards taking the appointment from the Governor, he agreed in the propriety of the course: but he disagreed on the subject of its being better in the hands of the people. That the appointments of the Executive have not been satisfactory to the people, has arisen from that fertile source of evils—party discipline. He did not believe that this discipline and party influence would be moderated by sending those officers to the people to be elected. He had confidence in the people in all parts properly subject to the immediate action of the people. As one of the people, as a member of that class of which he must feel proud—a freeman of Pennsylvania, he did not wish to have any share in the election of these officers. The old practice of appointment by the courts he considered to be the best. He thought it proper that the Judges should have the privilege of appointing their clerks. The records would be better preserved if the appointment of clerks be given to all the courts, as we were now prepared to give that privilege to the Supreme court. It would be admitted that although a clerk might record a letter accurately, there are few who could make up a record of fifty years to make titles perfect which run back through that period. The last tenant may have lived beyond the reach of ordinary proof. He had known records taken from the pigeon holes, when it became necessary to make room, and thrown into the cellar. Judges are to be deprived of agency in reference to papers. The Prothonotary feels himself independent of them, and between him and the county commissioners, who have no interest in the security of records, they are arranged and disposed of. This was wrong. He did not believe the committee would agree with him, but he desired to take the sense of the body on an amendment which he would propose. He then moved to amend the amendment by striking therefrom in the first and second lines, the words “except the prothonotaries of the Supreme court who”, and inserting the word “respective” in the second line, between the word “the” and the word “court”, and striking from the fifth and sixth lines the words, “or the districts over which the jurisdiction of said courts extends”.

Mr. DORAN asked for the yeas and nays on this motion, and they were ordered.

Mr. DUNLOP said, there was a general disposition throughout Pennsylvania, to cut down the power of the Executive, to lessen the asperity of elections, and dilate the bitterness of party. It had been well remarked by the gentleman from Northampton, that the party which was likely to have the Governor was desirous to take away from him the power of appointment. He thought the majority party ought to take the amendment, because it would take the elections out of the hands of the minority who have the Governor.

With regard to parties, he held that the minority party were the business part of the community, and that they only make politics their pursuit when it will improve their business, and the moment the election has gone by, they continue their regular pursuits and do not meddle with the matter; but the majority party is composed of men of not so much business, and who have more time to wrangle for appointments. Then it seemed to him that those of the majority party ought to go for giving these appointments to the courts, who were appointed by a majority Governor. He asserted that the great mass of the population were generally in error, and that it was not more than once in twenty years, when right

principles got uppermost; but as he had no doubt it was the wish of the people of Pennsylvania, that the patronage of the Governor should be cut down, he was willing to gratify that wish, and if this patronage was taken from the Governor, he did not know where it would be more proper to vest it than in the courts. It certainly was proper that the courts should have the appointment of their own clerks. They undoubtedly were more competent to judge of the qualifications of these officers, than the Governor or the people.

Mr. DORAN thought the Judges had too much power already, and if this power was taken from the courts, it should be given to the people.

Mr. EARLE thought, if the gentleman would modify his amendment so as to give the courts power to remove those officers for misconduct, it might be more acceptable to the committee.

Mr. MEREDITH could not assent to this, because it might bring the courts in conflict with the people.

Mr. EARLE did not wish this observation to be so construed, as to convey the idea that he was in favor of giving the courts the power to appoint these officers. He was for having them elected by the people.

Mr. MEREDITH had understood the gentleman, but he could not adopt the suggestion, because he did not think it would be right to bring the courts into conflict with the people. The people might elect a Clerk of the court, who would misbehave the very first day; and if he was a popular man with the people, and the court turned him out, it would at once create a difficulty between the people and the court.

Mr. DUNLOP said, that the few words which had just fallen from the two gentlemen from Philadelphia, showed that an election of these officers, for a term of years, would be improper. They were the officers of the court; the mere hand of the court, to execute its orders, yet, if they were elected for a term of years, they would be independent of the court, independent of the Governor, and independent of the people themselves; and they might refuse to execute the orders of the court, and where was the remedy. As they were appointed at present, the Governor might, and undoubtedly would remove them, upon the representation of the courts.— Suppose the officer refuses to obey the orders of the court? Suppose the court order him to make an entry in a particular way, and he refuses to do it? What was to be done? The court might take the matter from him, and say they would make the entry themselves; but he may say to them, that he is the officer of the court, and keeper of the records. This is the predicament you may be placed in, by giving the election of these officers to the people for three years. The courts had no patronage to be abused, and he had no doubt, but the people would approve of giving the appointment of these officers to the courts. As to getting rid of these officers by impeachment, it might be wholly impracticable, because in many instances they would not be removed before their commissions expired. It would be something like a court in Georgia, passing sentence upon certain Indians, and after they were hung, sending the record to the Supreme Court, to see if they would reverse the judgment. He would ask gentlemen to turn to their constituents and enquire whether they would not be perfectly satisfied, to allow these appointments to remain with the courts, if they were taken from the Governor. It seemed to him, that the people of the whole State would acquiesce in this proposition, but at any rate, he hoped

it might now be adopted, to see if they would **not** be satisfied with it, and if it should be discovered hereafter, that it did not meet their views, it could be struck out on second reading.

Mr. FORWARD believed if the appointments of the Clerks of courts were confided to the courts themselves, that there would be a stronger probability of obtaining good officers. He said this frankly and openly, that the chances for obtaining capable and efficient officers from the courts, might be better than from the people; yet, with this concession, and under this belief, he was not prepared to vote for this amendment, and he thought one good reason why he should not vote for it, had been brought to the notice of the committee by the gentleman from Franklin, (Mr. DUNLAP,) which was, that we should keep politics as far removed from the Judiciary of Pennsylvania as possible. Has it not been conceded by all, that a party Governor, and political Judges, have brought together a Convention, in this State, of a political character? Is it not a fact, that Judges in this Commonwealth, are found acting in concert with political partizans, in township and county meetings, and in State Conventions, and that these Judges are leading partizans? Is it not a fact, that Judges of the courts, in Pennsylvania, are found on county committees, as agents, and aiders of their political party throughout the State? Is it not a fact that the Governor when he appoints a political partisan to a Judgeship, expects his aid and support; and is it not a fact, that those Judges adhere to him, in many instances, as closely as any other partizans? Every gentleman must know this to be the fact, and he would appeal to them to say, whether, the placing of this patronage in their hands, would not still more closely unite them to their political parties? And the reason why he should oppose it, was, that it might lead to a system of favoritism, which would, by no means, conduce to the benefit of the public. Again, he did not believe, that the people of Pennsylvania would ever submit to it. Even admitting that it might be desirable, and that the officers selected by the courts would be more competent to discharge their duties, than those selected by the people, still the people never would submit to it, and it would be in vain to attempt to control public opinion in this matter. He was confident the people of his county never would consent that the Judges of the court should make the appointments, because they would at once feel, that the office would be given to some relation of the Judges, or some person connected with the party to which the officers of the court belonged, and he imagined this would be the case all over the State. He had no idea of mixing up with the Judiciary, any matter which would bind them any closer to political parties than they were now, as he believed it would have a most deleterious influence upon the correct administration of that important branch of our Government. He would have them administer justice impartially, without regard to politics, or party organization; and he never could consent, that the Judiciary should, in any way, be connected with the political parties of the State.

Mr. MEREDITH was in hopes, when the gentleman from Allegheny commenced his remarks, that he was going to support the amendment before the committee; because it appeared to him, when he conceded that it was probable that better officers would be appointed, he had conceded the whole ground, and that he should have determined to vote for the amendment.— What else should the committee look to, than the getting of fit and compe-

tent officers to fill these situations. This was the whole matter to be enquired into, because the preservation of the records of the court, were of the most vital importance to the people. This was what the people had most interest in, and if we obtained the means of securing competent and faithful officers, it was, in his opinion, all that was demanded of us by the people. If we secure to them, the preservation of that which protects them in their property, and the titles to their lands, the people will not inquire of us any thing about the manner in which appointments are made. He thought, it was the duty of this Convention to take this patronage from the Governor, because it was admitted, on all hands, that it had not been properly exercised; and he thought it further to be our duty to vest the appointment in the hands of those who would select the most fit, competent, and efficient officers. But, the gentleman from Allegheny says, it would be improper to give the appointment of those officers to the Judges, because there are in the State, Judges who belong to political parties, and who would play into the hands of these parties, in the making of these appointments. He admitted, there were parties, and it was impossible entirely to avoid the influence of party, in appointments, but he was proud to have it to say, that he believed there was no party in this commonwealth, in whose ranks, men entirely competent to fill public trusts were not to be found. It would be no objection to him, that the Clerk of a court should be selected from the ranks of a party opposed to him in politics, if the individual selected, was competent to fill the situation, and an honest, upright, and honorable man, and he apprehended, there was no Judge in the Commonwealth who would be so lost to all self respect, as to appoint an individual to be a Clerk of a court, who was not a man of ability and integrity. It was a matter of indifference to him, so that the records of the court were properly kept, and the entries made in due form, whether the office was filled by an individual opposed to him in politics or not. Another view which the gentleman from Allegheny had taken of this question, was, that the people would never agree to have the courts make these appointments. Well, if they would not agree to it, they might reject it.—We are a body assembled here, to propose amendments to the people, and we have assembled without any instructions from the people, so that we are to propose such amendments as seem to us right and proper. Then, if it appears to us, that the selections will be best made by the Judges, it is our bounden duty to submit to the people an amendment, proposing to give the appointment to the Judiciary; and if they do not like the amendment, they can reject it. In saying this, he did not wish to be understood as urging this course with a view of preserving the old Constitution. He did not speak in that sense; but it did seem to him, that gentlemen could not help voting for the amendment, if they believed these officers would be better appointed by the courts, than by the people. He hoped, therefore, that the gentleman from Allegheny himself would see the propriety of voting for this amendment, as he had conceded that the appointments would be best made under it.

Mr. SILL said, if he was perfectly convinced of the correctness of the position assumed by the gentleman from the city, (Mr. MEREDITH), and conceded by the gentleman from Allegheny, (Mr. FORWARD), he would go in favor of the amendment; but he could not but entertain some serious doubts upon this subject. With regard to the superior courts, he thought

we had better give the appointment of these officers to them, and for this reason. In the first place, it would be a great matter of convenience to give the appointment of these officers to the Supreme Court, because of the size of the districts; but there was another and a stronger reason why he would prefer giving the appointment of these officers to this court. This reason was, that the Constitution of this court was such as to make it competent to judge of the qualifications of those persons who might apply for these situations. What was the Constitution of this court? It was constituted of law judges, of men of great experience and knowledge in matters of law; of men not only conversant with matters of law, but with the records of courts, and with all other matters necessary in the administration of justice. If we were to take this court, then he would concur in opinion with the gentleman from Philadelphia, that they were more competent to judge of the abilities of the clerks of their courts. There was another reason why he should be willing to vest these appointments with this court. These judges were men generally advanced in years, who had made the study of the law their exclusive business, who were presumed to have withdrawn from the active political contests of the day, and who had determined upon devoting themselves to the discharge of the duties of their offices. In consequence of all this, he thought there would be a peculiar propriety in investing these appointments in this court. How stood the matter with respect to the District Court? That court was composed of but one Judge, who was appointed from his great experience in the law. He alone constitutes the court, and has no person to control him, and he may be presumed to be a competent judge of the qualification of a person to act as clerk to the court, and he would be in favor of vesting the appointment of the clerk of that court in this judge. But how was it with regard to the Court of Common Pleas, and other inferior courts? Are the majority of these courts composed of men skilled in the law? No, sir, they are not. They are composed of men, to be sure, who are men of respectability and integrity, generally; but we know, in the appointment of these, as well as other officers, political considerations are taken into view, and we know that men are frequently appointed to fill these stations, who are no better qualified to judge of the qualifications of men who would be required to keep the records of the court, than a majority of their fellow citizens. For this reason, he could see no propriety in divesting the great body of the people of this right, and the leaving it with the courts, a great majority of whom do not profess at all to be legal characters, and who cannot be any better able to judge of the qualifications of the officers than the people themselves. These men do not profess to be judges in matters of law, and why give to them the selection of a man whom the people were as competent to select. It was said, by some gentlemen, that the duties of these officers were to preserve the records of the court, and the court being interested in the correctness and safe keeping of these records, ought to have the appointment of them. Now, it is true, that they are the records of the court; but, in point of fact, who are the persons really interested in the safe keeping of these records? Is it the court? It may be so, or it may not. If a member of the court is interested in a suit, he suffers in consequence of a mistake being made in the record. But it is those persons whose business is involved in courts, who are interested; and

they are the persons who suffer, if the entries are not correctly made, or if the records are destroyed. Then, it was the people at large who were interested in this matter, and it was with them that the election of these officers should be left. The judges having little or no interest in the matter, the offices should be made elective, so that the people might have the opportunity of saying who they would trust with the discharge of this important duty. It was his firm belief, if the election was left with the people, that in a great majority of cases, they would look to the qualifications of the man, rather than to the party to which he belonged, or the party services which he might have rendered; and, furthermore, he believed we would have as good officers as though the appointments were left with the courts. If he thought that this mode of election of these officers by the people, was going to be productive of any very great evil, he would hesitate long before he would vote for it, whether the people of his county were favorable to it or not; but he believed it was the best mode which we could adopt. He believed the people of his county were in favor of it, and he believed the people would make such selections as would do credit to themselves. For these reasons, he should vote against the amendment to give the appointments to the courts, and in favor of giving the election to the people.

Mr. FORWARD was sorry his friend from the city had misunderstood the argument, which he had briefly addressed to the committee a short time ago. His desire was to remove the Judiciary as far as possible from all political influence, and to keep it as much separated from party politics as possible; and he believed, the conferring upon the courts these appointments, would have the tendency to connect them more closely with party politics, and with the parties to which the Judges might belong before they were raised to the bench. He felt disinclined to confer on them this power, even though they were better calculated to judge of the qualifications of these officers. He admitted there was a better chance of having men selected to perform the duties of the office with skill, than if we leave the election to the people. He would not withdraw or modify the concession he had made, and he would still oppose the appointment by the courts. What was it which had brought into bad repute the tenure of the Judiciary? He believed it was our political Judges; he believed the tenure of office had been brought into disrepute by the Judges intermeddling and interfering in the party politics of the country. He believed it would lead to favoritism, if these appointments were conferred on the courts, which would still further tend to bring the Judiciary into disrepute.—Men, in our State, have been called from the ranks of party politics, to administer justice; men who could not command the respect of their fellow citizens, and who could not rest on their legal profession for reputation, but must lean on the arm of some party to sustain them. This brought the tenure itself into disrepute, and if we connected them still closer with party politics, what would be the effect? If you give a Judge two or three of these appointments to make, he will be governed by party feelings, precisely in the same manner in which the Governor is governed, and we will have a set of political partisans, who make politics a trade, thrust into all these offices; not high-minded, honorable men, in many instances, but the tools of the parties. The bands of political parties would be drawn closer around them, and they would form a kind of centre to the

parties of each district. Then, why place the courts in this situation, which must lead the people to place less confidence in them? It would, in his opinion, be impolitic and unwise, and the power ought not to be given to them; therefore he should vote against the amendment.

Mr. BONHAM was opposed to the amendment submitted by the gentleman from the city, (Mr. MEREDITH). He found that there were many here, who were in favor of the election of life officers, and if that amendment prevail, all these Judges in the different districts, and counties, will be to appoint, and who supposes, that the Governor, whosoever he may be, at the time, will not reward his political friends? and in some cases, perhaps, his own relations. Then, again, if the appointment of these officers should be conferred on the Judges, it is natural to suppose, that they would, in the first place, look to their own family for persons to fill these situations, and if they had in their families, persons who could fill it, the strong probability was, that they would receive the appointment. Then, according to this plan, the judges might confer on their own families the whole of the offices for the county, which would be continued during life, or during the term of office of the Judge. This would, most certainly, meet the dissatisfaction of the people, as it would be creating a kind of family aristocracy, in every county or district. The people, in his opinion, ought to have the selection of these officers themselves, and he took them to be as capable of judging of the qualifications of the officers in a majority of cases, as the courts; and if they do make a bad selection, the officer will be continued but for the shortest term. He believed, it would be most satisfactory to the people generally, that the election of these officers should be given to them, and he would not give them to the courts, because it would lay the courts open to censure, which ought to be avoided. If the courts should make such appointments as he had referred to, they would be liable to be reflected upon, and censured by the public, which would have an evil tendency. They should be as far removed from censure as possible, therefore, he would throw nothing in their way, which would lead them into temptation. For these reasons, he should vote against the amendment of the gentleman from the city.

Mr. SERGEANT (President) had no manner of doubt, but this whole subject was one of great difficulty; it deserves and requires careful consideration, and he must confess, that he had not found that difficulty lessened by the discussion, to which he had not been inattentive. He had been particularly struck by a part of the observations of the gentleman from Franklin, (Mr. DUNLOP). He wished to illustrate his idea, by referring in the first place to a remark made by the gentleman from Franklin, (Mr. DUNLOP) being itself an exhibition of the state of things, presented first by the gentleman from Northampton, (Mr. PORTER) as to what was to arise out of the change proposed in the Constitution, with regard to the appointing power, so as to make the county officers elective, in place of the present mode of appointing them. That remark was this, that heretofore, the majority in the State through the Governor, had the appointment of every county officer in the Commonwealth, and that hereafter, if the alteration is made, the majority in each county will have the appointment of the county officers; and that then, the officers in the county will be appointed according to the will of the majority of the whole State. He supposed, the matter of fact was, as the gentleman had stated it, and much it was to

be regreted ; but it was more so still if it be true, that the appointments heretofore, have been made without sufficient regard to qualifications.— They have admitted, nevertheless, that the test of qualifications will be still the same, only altering the locality ; that is to say, that the appointment of these officers will be in accordance with the will of the majority—in one instance, in accordance with the will of the majority of the State, and in the other, in accordance with the will of the majority of the county—but still in accordance with the will of the majority. At present, these officers are appointed, as it is said, in accordance with the will of the majority of the whole State, and that principle, according to the argument, has been found vicious in its operation : and he took it exactly as it is presented. Is not the same principle likely to be vicious, when you come to restrict it in point of locality ? Is it to be changed by transferring it to the counties, instead of leaving it with the whole State ? It is still the same principle which is to operate upon the officers ; namely, the principle which is to determine the people in the election, and to determine the Governor after he is elected ; for it is the will of the people operating upon him, that finally produces the result. He could not see any change which was to be produced, excepting this, that in some counties, where the officers are now appointed from one side in politics, they will hereafter, perhaps, be elected from the other side. Possibly, this might be some gain to the party to which he belonged, for it had so happened, that he had been most frequently in the minority, as regarded the whole State, and in the majority in the city, where he resided. Then he ought to be in favor of this doctrine, he supposed, if he looked to the benefiting his party. But he did not value it a feather, neither did he think it would be valued by the Convention. This matter had, only led us off from the true inquiry, namely, how you can get the best officers, and whenever gentlemen made that discovery, and were prepared to act upon it, he would go along with them, let the manner of appointment be as it might.

He would say a word, presently, with regard to the courts appointing these officers, and he should say it, not to the same extent as the gentleman from Allegheny, (Mr. FORWARD,) but still adopting his idea. He would, say, however, that he conscientiously believed, that the theory of the Constitution was perfect. When he said perfect, he meant human perfection, and the Convention would understand him to say, that it was the theory of the Constitution which was perfect. What the practice under it had been, was another question. When he said it was perfect in theory, he should endeavor to go to the root of the matter ; and the first thing which struck him, with regard to county officers, was, that they required to fill them, some peculiar qualifications, different from those which might fit men for other offices, and especially elective offices. If any person were to ask him if it required a man to write a good hand, or to spell well, to qualify him to be a member of the Legislature, he should say that it did not ; for it might be that some men, who could neither write nor spell well, were at the same time, possessed of a great deal of native good sense, which would enable them to throw light upon every subject. But he did not believe that an iron-master, if he wanted a clerk, would take a man who could not read or write whatever good sense he might be possessed of.— We have instances, it is said, of very eminent men, who could not spell well. It is said of the DUKE OF MARLBOROUGH ; and has been said of sev-

eral other men of great eminence ; and you, Mr. Chairman, and every one of us must remember, that in the Congress of the United States, which declared Independence, there were two men who never had any education at all, except such as they had given themselves ; but both these gentlemen were men of powerful minds. He who made them, had given them intellects above the circumstances in which they were originally found ; and the intellects of those men, who could rise under such disadvantages, must be superior to those who rise no higher, with the advantages of education to aid them. The very effort which they make, in vanquishing those difficulties which lie in their way, distinguishes them, and shows them to be superior men. But, with regard to county officers, you want particular qualifications ; and how were they to be ascertained to exist ? He supposed every man would admit, that before you appoint a man to be Register, or Prothonotary, or to fill any other office of this description, you would wish to be informed whether he has those qualifications which would enable him to fill the office with ability ; and if you find several, then you can choose among them, the one best qualified. Now, he thought, it would continue to be the case that the Governors will, in general, make the appointments from among their political friends, but still there will be an inquiry first, as to the qualifications of the persons applying for the situation. This being the case, the theory of the Constitution is so far perfect, because it gives the appointment to one who can make the inquiry as to qualifications. For instance, if the Governor has the appointment of these Clerks of courts, he can inform himself as to their qualifications, or he may take one of those little lawyers, who will not make great politicians, (of whom we have heard so much here,) because he did not believe there would be any one of them who was not fit to perform the duties of Clerk of a court. Now, whether it was a fact, that great lawyers would not make great politicians, he would not pretend to say. The original author of this sentiment, was no less a man than EDMUND BURKE, and he introduced it in a splendid oration, not as applying to politicians, but to statesmen, who are an entirely different set of men. He did not know that a little lawyer would make a great politician, in the sense in which we generally understand the term, and he agreed that a great lawyer could not make a great politician in this sense ; and if he might be permitted to state the reason, he would say, that a great lawyer would be above it. A great lawyer was an independent man, and would not descend to any undue servility—he would not accommodate himself to every thing which might be required to make him popular. But, when EDMUND BURKE uttered this sentiment, he was himself smarting under the lash of a statesmanlike lawyer, by the name of LAW, afterwards LORD ELLENBOROUGH, a gentleman who had not only mastered him in the Court of Impeachment, but also got the better of him in the House of Commons. Now, to his mind, you might as well say, that a great lawyer would not make a great fiddler, because he understood, that to make a great fiddler, a man must practice almost a life-time, and if he is training his fingers to the strings all the time, he cannot be training his head to the study of the law. Lawyers, however, great or small, have a general qualification for various things, and especially for clerkships of courts. Great lawyers did not want such occupations, but small ones might, and he should have no objection to see them appointed ; but there were other men perfectly qualified for these places,

and if they were not appointed, the fault did not lie in the Constitution.— He was now speaking of the theory of the Constitution, and he contended it was perfect. A single man was invested with this power of appointment for the whole Commonwealth. He had every opportunity of inquiry, as to the qualifications of the persons to fill these offices, and he was not limited to a point of time, so that he can make all necessary examination, and appoint those best qualified to fill the situation.

Then I want to know why he does not do it. That question is answered, as it has been, over and over again, and for that answer I am not responsible further. It appears to be owing to the undue influence of party considerations—to the mixture of the elective principle. He could inform himself, if he would; but he is not allowed to do so, because he must consult his popularity. This is the statement. Will it be better in case of direct election? Certainly not. You will have all the evils of election, in greater force, and an additional one of great importance. The public can inform themselves of the general qualifications of a prominent man. But how and when are they to inquire as to the particular qualifications of a clerk, whether he is competent to hold a county office? I wish to draw the attention of the Convention to this view of the question. When, Sir, is the particular inquiry to be made, as to the particular qualifications? By whom is it to be made? The gentleman from Susquehanna, (Mr. READ), said yesterday with perfect truth, that there was a difference between an appointment by an individual, of an agent, to serve him, and an appointment of an agent to serve the public. And, what was it? Why that an individual had a deep interest in what his agent did, and therefore would look closely to his character and qualifications. But, that the public had not the same sort of interest in what was done by their agent. This, to a certain extent, is true; and it is a practical distinction made by sound sense, and I should be glad to see it applied, and carried out. It is, indeed, true. If, then, they have not that sort of interest which will awaken their attention in some degree, in the same manner, as the attention of an individual is awakened, where they are very much interested, how are you to expect it where they are not interested at all? Every man is interested in political offices. Our Government, in relation to all such offices, works by means of party, adopting certain general principles, when they are honest and pure, which they endeavour to carry out by the election of men who will agree with them. That is the best use you can make of party. And with respect to political parties, which act faithfully, and with no undue or sinister influence, they carry their own principles out by means of elections. But how is it in regard to county officers? The electors of the Commonwealth are themselves the possessors of the whole political power of the State. That I acknowledge. But they are not the possessors of the civil interests and rights of the whole people. Your Constitution says, where the political power shall reside, and where it does reside; and so far as you have gone, you have decided that the political power resides in the taxable inhabitants—the qualifications to vote being ascertained by the payment of a tax, however small. Now, are the taxable inhabitants, considered in regard to private or civil rights, the whole people? The largest calculation you can make, is, that they are one-fifth of the population of the Commonwealth: the other four-fifths are minors, women, strangers and aliens, who have no connexion with the exercise

of political power. Having property, however, they possess civil rights, and are, consequently as much interested in the preservation, and correct keeping of the records as those who are electors. In the event, then, of your altering the Constitution, as proposed, you give the whole power over civil rights and interests, to but one-fifth portion of the people, who represent only a part of these rights. Now, sir, suppose it to be generally true, that the public have not that sort of interest in the conduct of their agents, still less is it so where the public to vote is but one fifth, and the right to be affected is in the whole. It follows, therefore, that four-fifths have nothing to do with the officer who has the care and management of their property. In the correct keeping and preservation of the public records, every man, woman, and child, who may be more or less interested in property, are concerned. I have known an estate saved by the discovery of a record more than a hundred years old, and the possession which continued more than a century defended by it from a formidable attack. The possessor would have been turned out but for the discovery of that record. Is it, then, probable that in this state of things proper officers can be obtained by election? Again: I would inquire how are the particular qualifications of an individual to be ascertained? The nomination, if any there be, must take place in a manner pretty well settled throughout Pennsylvania. A short time before each election the strife begins, and from that time forth it is party against party. It is owing to this party strife, that the enquiry is to be made: When and how is it to be done? By whom is it to be done? Is it not a notorious fact that party men read party newspapers, and give credence to all that is printed in them, while they pay no attention to papers on the opposite side? How, then, is a calm inquiry to be made, in order to understand the truth? The theory of the Constitution upon this subject, I repeat, is perfect; and if its practice has not been, it is because that theory is disturbed by the elections. To some extent it must be so, because you cannot part with the Elective power, for it is the vital principle of your Government. It has its inconveniences as well as its advantages, and the latter so greatly preponderate, that it deserves to be cherished and preserved. Would you needlessly increase this disturbing power? Sir, with respect to the Clerk of the Court, I am not satisfied with the remarks made by the gentleman from Allegheny, (Mr. FORWARD) that the Judges will act under the influence of party feeling, in regard to the appointment of the officers of their Courts. Where a Judge is made independent, in the sense in which I understand that word, he is placed in the best position in the world to be free from influence, and to devote his whole mind and soul to the duties of his office. But, while I agree that appointments by the Courts would give you the very best officers, I am opposed to putting too much power into the hands of the court, and imposing upon them the exercise of any other authority than is contemplated in the purpose of their creation. I agree in the sentiments expressed by the gentleman from York, (Mr. BONHAM,) that to give the appointment of officers to the Courts, might be regarded as imposing an invidious duty on the Judges, and bring them too much into collision with public sentiment. There is a morbid feeling prevailing in regard to the appointing power, which might be made to bear directly upon the Judges, and upon the Judiciary, if they hold the exercise of this power. And it is not because I do not think they would make good appointments that I

am unwilling to increase the power of the Judges; but it is because I am afraid there is danger at this time, of bringing down the Judiciary by putting such a weight upon it, and therefore I am opposed to altering the present mode of appointment.

In short, after bestowing all the reflection on the subject I possibly could—after being obliged to acknowledge there are many evils in the present system, which we could desire to avoid—after acknowledging there would arise out of the change proposed the advantages which have been suggested—after considering all these things, I have been unable to bring my mind to the conclusion, that we can adopt any plan less objectionable than the one which is furnished by the existing Constitution: And, particularly, for this reason, sir, that it is a power, the exercise of which the Chief Magistrate of the Commonwealth is able to bear and to execute. If he cannot bear it, let another Governor be elected in his place, who can. If his appointments are bad, it may happen, and has heretofore happened, that they have been satisfactory to the majority; and his appointments, whether good or bad, would be sustained by that majority. Therefore, he is able to bear the burden. I think that the judiciary would perform the duty well, but it could yield nothing to the desire of the majority, however great it might be, without swerving from its duty, without endangering its great virtue of independence which it should never yield. I would never put upon a court, if I could see any other depository with which to lodge it, any extra power, the exercise of which might be calculated to interfere with the fair form of justice—justice according to law, and not according to the will of any man, or any body of men. I should be afraid of introducing bad habits of that sort, and therefore, I am against an accumulation of such power. Sir, there seems to be a great majority in favor of making the offices elective, and if the Constitution is so altered, it must be remembered that it is a very serious matter.

There are objections to the instrument as it now stands. Those objections are weighty and serious, such as every man would be disposed to remove if it were in his power to do so, but he cannot find any other place of deposit for the power, a substitute for the Constitution, which has not equal or greater objections. Well, sir, if we come to that conclusion, is it not better to bear with existing evils, than to support a substitute which is not to be preferred? If I were asked where the best appointments could be made, I should say by the courts. But, if we come to the other question—whether the attributes of a Judge should not be kept as defined and as single as possible, I should say they ought, and I would not put more authority in their hands, because it might have the effect of producing extreme jealousy on the part of the people—it might weaken the judiciary.

Mr. SMYTH, of Centre, said, he had thought, that before this time the Convention would have become convinced of the impropriety of leaving the appointing power in the hands of the Governor. But, it seemed that he was mistaken, for the idea was not abandoned by all. The President of the Convention had alleged, that the Governor possessed better means of judging and ascertaining the qualifications of candidates for office than the people, and observed that the officers would be of the same political complexion as the citizens of the county by whom they were elected. Now, he (Mr. S.) must beg leave to differ from that gentleman, and con-

tend, that the people of the respective counties, who were interested in the proper discharge of the duties of those officers, were much more able to select and to judge of their qualifications than the Governor was. Would gentlemen say that the Governor was not as likely to appoint men of his own politics, as were the people? Undoubtedly he was. In every point of view, then, the better course to adopt was to give the election of the officers to the people. His opinion was, that the people were decidedly in favor of curtailing the patronage of the Governor, and of electing their own officers. He entertained not the least doubt, that the people would make judicious selections of men, well qualified in every respect to fill the offices.

Mr. Scott, of Philadelphia, said, that the amendment offered to the amendment by his colleague, (Mr. MEREDITH) undoubtedly involved a consideration of the general character of the amendment itself, and, therefore, authorized the remarks which had been made on the subject. He confessed, that he desired to explain briefly his views in relation to it, and also on the amendment. The general proposition, stated by the amendment, went so far as to give the people of the Commonwealth the right to elect what were called their county officers; and to it, at least so far as silence could be an interpretation of gentlemen's views, he had given his assent. If, after further argument and examination, he should adhere to that opinion, he would not, at this moment, undertake to say. There were many considerations which had induced him, by silence, to assent to what appeared to be the general opinion of the committee. He thought that it must be admitted, that the theory of our Government, on this subject, was beautiful beyond all dispute. What, he would ask, was that theory? The theory was, that the gentleman elected as Governor, by the votes of the majority of all the voters of the Commonwealth was charged with the execution of the laws, and with the general investigation of all its concerns. Being an upright and pure man, he was presumed to possess an accurate knowledge of the wants of each part of the Commonwealth—of the character of the population composing it, and of the peculiar qualifications of men to fill the offices, with a proper regard to the interests and welfare of the Commonwealth. The theory goes further, and supposes that, guided by these principles, he will allow only the just application of them, and would appoint no man to office who did not possess those qualifications, which rendered him able to promote the best interests of the people in his own particular sphere. Now, he (Mr. S.) would say, that the theory was, in itself, an exceedingly beautiful one.—But, for the purposes of this argument, we were bound to assume, that the practical result of that theory had not comported with the theory itself. He would say, that we were bound to assume it, because we could not otherwise comprehend why it was, that almost every gentleman in this committee should agree in a desire to withdraw the appointing power from the Governor. He accounted for this fact only by presuming, that they conceived this power to have been abused. Nothing short of it could have led gentlemen here to pursue the course they had. How it had been abused, was not necessary for him to enquire; but, we were bound to suppose, that the abuse was not of modern date, but had been of such long continuance, as to justify the conviction in the minds of the committee, that the theory was imperfect. For, he could not believe, that gen-

men around him would overturn the existing theory, if the abuse had been one of short duration. They must have satisfied themselves that it had not, on the whole, worked well. Well, if we admitted that the theory had not worked well, it would become essential to look elsewhere for the exercise of that power which, it was supposed, had been improperly exercised where it now existed. He believed, that that power might be safely committed to the hands of the taxable inhabitants and voters of the Commonwealth. He thought them fully capable of selecting good and competent county officers—men who would discharge the duties of their offices with satisfaction to the public. One reason why the theory had not worked well in modern times, perhaps was, that that which was good for a population of two or three hundred thousand, might not be equally good for a million, and still less for a population of three millions, which, in twenty years, would probably be that of Pennsylvania. It was, perhaps now, and would then certainly be, impossible for a Governor of this Commonwealth to be intimately acquainted with the population of the different counties, so as to be able, by force of his personal knowledge, to select the men best adapted to fill the county offices. His individual and personal knowledge could not extend beyond the most eminent men, and that eminence would probably be, merely the eminence of the active politician. It was not precisely the desire of the people, that the county offices should be filled by the most eminent men in a county, as their services, in other capacities, might be of more value to the Commonwealth. At the end of twenty years, then, the probability was, that in point of theory as well as practice, the Governor would not be the best able to select proper officers, because his information in regard to them, must be derived chiefly from others, partizans and partial friends. He had observed, and he presumed that every member of the Convention had, that a nucleus in each county, of party organization, was to be found—of men who were looking for county offices. There, then, originated the party men, who gave to the people of the county a party direction—a party manœuvre. These men looked to a central direction, and from that direction they received a governing indication of conduct. And, once indicated from a central point, they aimed at some particular object. We could not legislate for Pennsylvania, without regarding her as a sister of a great confederacy; and, that which we regarded here as a central point, may, in point of fact, be one subordinate to a more remote and powerful central point. Now, (said Mr. S.) suppose that a powerful, influential, and ambitious chief sits in the Presidential chair, who is willing to wield the immense patronage of the General Government to oppress the people, and to strengthen and perpetuate his power, and the State Executive should favor his views—then the people would have but little chance in resisting the encroachments of a federal Executive, supported by the patronage of both Governments. What more powerful combination could be formed, not only to keep ambitious men in power, but to mould and shape the organization of party public opinion upon measures? This great central power, stretching to the remotest corners of the States, and reaching the extremities of the Union, would control every local election, and destroy the independence of the people. There was once a time, when a party existed in this country, who thought that danger was to be apprehended of a disunion of the States, from the fear of their separate interests being

stronger than that of their general interests. But that day has gone by.—The only danger now feared is, of the consolidation of all power in the hands of the Executive of the Union. And, if ever the day comes, when the liberties of this country will be destroyed, it will be in consequence of the use of this concentrated power in the hands of a powerful, artful, and unprincipled chief, to oppress the people, prostrate their interests, and triumph over the Constitution.

By giving the election of these county officers to the people, this central and powerful party organization, extending from the national head to the extremities of the counties, will be destroyed. It will carry the minority principle into its proper sphere of action, by the election of officers of the opposition in the minority counties. It will cut off that dependence which those of the majority feel to the Executive—and thus a concentrated, dependent, and dangerous party combination will be destroyed. The Legislature are so elected, that the minority are represented to watch and counteract the excesses of the majority. It preserves to the minority its rights, and secures the people against acts of party violence.

Mr. S. remarked, that it was on this ground that he felt disposed to go for an election of these officers, by the people. It had been said, on this floor, that being elected by the people, a man who should be injured by these county officers, would have some difficulty in obtaining redress.—He apprehended no such difficulty. The only appropriate place to which a citizen could look for a remedy, in office, or out of office, was not to the Executive, but to the Judiciary. Keep the fountain of justice pure—preserve the Judiciary in a state of independence—preserve it from corruption or from party chicanery, and then a man would always have a place to which he could resort, with a certainty of being protected. It had been urged in favor of Executive appointment, that when injury or wrong was inflicted by the officer, redress would flow from the Executive. He disliked this idea of application for relief to the Executive. The freeman should never go *there* for redress. Let him look to the Judiciary for his remedies—to the aid of a jury of his countrymen—if necessary, to the halls of legislation—but to the Executive authority, *never*. We had seen, within these last few years, some memorable instances of application for relief, by American citizens to American Chief Magistrates, which had brought the blush of shame on the cheek of freemen. He would not have appeals made to the Executive officer. He would have the freemen of this country, in order to obtain redress against the exercise of arbitrary power, go to the ballot box. That was the freeman's remedy. And, when that failed, he might despair of his country. The general principles of the remarks which he had made, related, in a great measure, to the amendment of his colleague, (Mr. MEREDITH.) With regard to the appointment of Prothonotaries by the courts, it was, perhaps, a little too soon fairly to test that principle. He should hold himself in reserve for it, until he had ascertained what was to be done with the Judiciary. He thought, that the propriety of the amendment would depend much upon the tenure of the judges. If their tenure is to be altered, and they are to hold their offices for a term of years, eligible to re-appointment, then the appointment of these officers, by the court, would be unwise. The judges would be continually looking to the Executive for a re-appointment; and, perhaps, as an inducement to that re-appointment, would be tempted to lend them-

selves to the nomination of clerks from the ruling political parties, and from mere political motives. The appointment to the clerkship of the court might settle the question of the re-appointment of the Judge. A Judge should be above all such influences. The temple of justice should be his place of residence; the atmosphere of justice, the only air which he breathes; the interests of justice, the only interests which should occupy his mind. The ermine of justice is polluted by contact with politics. If, however, the tenure of the judicial office shall be retained in its present condition, *then* the proposed amendment may be wise. He hoped his colleague would not insist upon the vote, until that point shall be settled.

Mr. MERRILL, of Union, expressed his doubts, as to whether it would be safe and salutary, for the courts to be vested with these appointments, because they might have a tendency to bring them into disrepute among the people, and diminish that respect which was now entertained by the community, generally, for the Judiciary. If this should be the case, the appointing power, in the hands of the courts, would be a public misfortune. He thought that the gentleman, under existing circumstances, had better withdraw his amendment, for the present. He would say a word or two, in reference to the argument of the President of the Convention, who had said that the theory of our Constitution was perfect, and that the Governor of the Commonwealth represented the whole people. He (Mr. M.) thought that it was only necessary that he should state that the Executive might be the proper agent of the State, as a whole—as one consolidated and grand community—but the State was divided into separate and distinct communities, each county having separate and local interests. The sphere of the county offices, then, did not stand beyond the county limits. There was the mistake. The Commonwealth, so far as the county officers were concerned, was not one grand community, but divided into distinct and separate ones, and as much so as the several States of the Union. As there was danger of consolidating the powers of the General Government into the hands of the Executive, so there was danger of merging the distinct, separate, and local interests of the several counties into a central power, that would disregard the rights and wants of the people.

Mr. CURLL, of Armstrong, said that he thought every gentleman present must be satisfied there was a decided majority of the committee opposed to the amendment which had been so strongly and urgently pressed upon them. It was perfectly evident that a majority of the committee were, in accordance with the wishes of the people, determined to cut down the patronage of the Governor, and vest in the people the election of a number of their officers, who were now appointed by the Executive. A great many useless speeches had been made, and which were entirely foreign to the subject under consideration, and the object for which they were delivered, was, in his opinion, to exhaust the patience of the committee, and to occasion delay. He trusted that there would be less talking, and more action on this subject. The gentleman from Philadelphia (Mr. SCOTT) expressed his hope that the vote would not now be taken on the question, until the Judiciary article shall have been acted upon. That gentleman, only the other day, voted against taking up that article, and in favor of passing over it. Why did not the gentleman meet the question

fairly? Why are these attempts to procrastinate, and put off the question? He was certain that the friends of reform must see what was the object of their opponents. But gentlemen, on the other side, could not suppose that we were, at this late day, going to surrender. The question must come at last. And the appointment of officers would no longer be continued in the Governor; and, therefore, it was useless to talk about that.

Why not, then, let us come up to the work, which gentlemen were sent here to perform? Those gentlemen who now talked of party intrigue, considered some years ago, when the people wanted to alter the Constitution, that the people were their own worst enemies, and that they were incapable of selecting their own officers. They wished to continue the power of appointment in the Governor. That doctrine, however, was now, in a great measure, exploded; and it was admitted that the people are fully capable of governing themselves. Who were they who now got the county offices? Were they not those, who were most active in endeavoring to elect their candidate to the office of Governor? Did men, opposed to him in politics, obtain the offices? Assuredly not. There were men in his (Mr. CURRIE'S) county, whom he knew to be perfectly well qualified to fill the office of Prothonotary, but who could not obtain the office, on account of their politics. He trusted that the committee would, by a large majority, determine that the power of selecting the officers, should be left to the people. And, should they elect incompetent men, they would have to abide by the consequences. The people, he contended, required no guardian, being fully able of taking care of themselves. He would, then, call upon the reformers to sit here, without meat or drink, until the question should be decided, for there had been a great deal of time unnecessarily wasted.

Mr. MEREDITH remarked that he had nothing to say, as to the procrastination of the business of this body; and he would not take any remarks which had been made on that subject, to himself. He felt it his duty to offer this proposition, to place it on record, and to support it with some explanations, which he had not done at any great length. He was now entitled to an opportunity of replying to the objections which had been made to it, and he should do so very briefly. He did not suppose that it would be considered as an assault to address the committee; nor did he suppose that their opinion was so fixed, that no facts nor arguments could shake it, for that would be to ascribe to them more obstinacy than reason. He also considered that he had a right to speak to the people beyond these walls, in order that what he said, if it had no effect here, might have an influence upon the ballot boxes. He denied the right of any man to attempt to stigmatize him as being afraid to trust the people. What was this trust in the people, which was thrown in his teeth? Was it trusting in republican principles and Government? or was it an attempt to thrust various and multiplied elections on the people, until the mass of the people shall retire from them in weariness and disgust, and leave to those who are not the people—the demagogues, the whole control of the elections? He had no feelings of sympathy with those who spoke of the people as a distinct and separate body. He had one sentiment in feeling, in common, with those who assumed to speak for the people, and of the people, as a class distinct from themselves. He was one of the people, and felt

as they did, and acted as they did. He was a freeman in opinion, and feeling, and action; and must he give up all that constitutes a freeman, in order to qualify himself to move the people? There were some here who assumed that they only were fit to move the people. But he rejoiced in the belief that SPARTA had many sons worthier to move her, than himself. As long as his constituents approved of an independent course here, on his part, giving him the same freedom of opinion, which they exercised themselves, so long would he be proud to represent them; but God forbid that he should be bound to do so for one moment longer. When he abandoned his own opinions, and yielded his independence—when he adopted the democratic policy, of going on the strongest side, then he would be unfit to represent those, who, like himself, were freemen. He who became a slave, was a fit instrument for enslaving others,—for he would but deem those as slaves who surrendered their own opinions.—He regreted that he saw omens of his being in a small minority on this proposition; but, if he would find enough to second him in calling for the yeas and nays upon it, he would put his name on the record, in its support. He would not consent to withdraw the proposition. If he did not offer it here, he would have no opportunity to offer it at all. This was not the first time he had ever been in a minority.

He proposed, that the election of Clerks should be made by the Judges, and that mode of appointing them he greatly preferred to their appointment by the Governor, or the people. In this respect, he had the misfortune to differ from both of his colleagues, who had expressed their views on the subject. One of them (Mr. SERGEANT) was in favor of continuing the appointment in the hands of the Governor, while the other, (Mr. SCOTT) was favorable to their election by the people. One was afraid that it would break down the courts, to burthen them with these appointments, and he agreed that if they were political appointments, it would be dangerous to the courts themselves, to intrust them with this power. But they were not to be so considered. In England, the Judges were considered as responsible for the records, and how could this responsibility be conferred, if they had not the appointment of the inferior officers, who kept the records. They may select their friends, perhaps their political friends, but they receive no political influence by it, because it is not a political office. In the Prothonotary's office, and also the Registers', Recorders', Coroners' and county Commissioners' offices, there are Clerks with large salaries, yet no one ever accused the heads of these offices, of making these appointments, for political effect. No complaint whatever, has ever been made of any evil resulting from the appointment of the Clerks by the chief of the office.—The Clerkships of the court, he was confident, would cease to be regarded as political offices, after the appointment was given to the Judges. Whatever might be the case in appointments by the Governor, or by the people, the appointments made by the Judiciary would not form a nucleus for party organization. Who would complain of such appointments? Who calls to account the United States Courts, for appointing their Clerks?—No complaint had been made of their want of competency, and long experience had shown, that it was the best mode of appointment that could be devised. This was no new measure. Under the original charter of Pennsylvania, the courts appointed their own Clerks. a great mistake was afterwards made, in considering them as political, and not civil officers, and

their appointment was taken from the courts. We destroyed the symmetry of our institutions, by thrusting in between the courts and their records, officers of political appointment. The question here, was between the principle of electing them by the people, and of appointing them by the courts. Those who preferred that the Governor should continue to make the appointments, would be called to decide between giving them to the courts and to the people. His friend and colleague, (Mr. Scott) had taken occasion to explain the operation of Executive patronage, and had said, that it drew every thing to one great central point, and gave the Governor a great influence in the politics of the State. He would entirely agree with him. He would ask him to look back with himself, and see whether Executive patronage ever prevailed against public opinion in the State. He had looked in vain for an instance of a Chief Magistrate being able to sustain himself in power, by his patronage. This patronage, sometimes had the effect to lessen his popularity. When Governor M'KEAN was elected, he came into power by the vote of his party; but, instead of intrenching himself in power, he could not retain the confidence of his own party, but was re-elected by his former opponents, against the influence of the office holders. Governor SNYDER, succeeded Governor M'KEAN, with the opposition of Governor M'KEAN and his administration, and all the central influence of which his colleague had spoken.— He was elected for the third term; but will any one say, that he was re-elected in consequence of his patronage? He was re-elected, because the majority of the people believed him to be in favor of the principles which they had espoused, and would to God, he said, they had never held any worse principles. Governor FINDLAY, was next elected, by the powerful party that sustained Gov. SNYDER. He was true to that party. He filled the county offices with his partizans, and with all his patronage, was defeated on the first trial for a re-election. He was rejected by the people because, in the exercise of his power, he trampled on his adversaries, and wounded the generous feelings of the people of Pennsylvania. Governor HESTER succeeded him, and held the office but for one term. He was elected on the ground which had been stated in opposition to Mr. FINDLAY, and came into power with a party, which had long been in the opposition. They opposed many salutary measures, and did, what other parties often do—overshot the mark—and he was rejected by the people. He declined a re-election, but all his central influence was exerted in favor of Mr. GREGG, but without effect. But Governor SHULZE, succeeded by a large majority: he was re-elected for a second term without much opposition; but with all his patronage, he could not control his own party, and lost his nomination for a third term. The same thing happened to Governor WOLF, who was so far rejected by his own party, that he could not rally his party vote, with all his patronage at his command. The present Governor, came into power with the influence of both the general and State administrations against him; and if he is re-elected, it will not be owing to the central power at Harrisburg, nor the patronage of his office; but it will be in consequence of sustaining the interests of the Commonwealth, regardless of popular prejudices. The fear, then, of his central power, does not seem to be borne out by the experience of the Commonwealth.

He believed that all this idea of Executive influence was unprovoked. This patronage and centralization, were not so dangerous as had been ap-

prehended, but if it were so, the course which was proposed here was calculated to increase it. While we were surrendering some five penny bit offices to the people, what were we doing with the vast army of officers connected with internal improvements. They are left to the Governor and Senate, or to be disposed of according to the determination of the Legislature. He believed that the Legislature would determine to elect them themselves in all future time, and then there would be a central power indeed, which might be dreaded. All would be elected in caucus, and the public offices would be disposed of by an irresponsible cabal. Look into the State of New York, and you will see that the Albany regency governs the State by this machinery. The Legislature elect these officers, and that Legislature is controlled by a central power, which is unknown in Pennsylvania. Go through that Commonwealth, and you will find no oasis—no green spots in the desert of politics—where volunteer candidates are elected, and where the minority flourishes in opposition to central domination. In this State there were always some counties, where, after you have drawn the party line just as strictly as you will, men will still be chosen merely to represent the people, without reference to the interest of parties;—men who will not sacrifice any thing to party, and who, feeling their powerful influence at home, care nothing for the party lines. But, if all officers should ultimately be elected by the Legislature, as he believed they would be under this system, it would then become a great object, in every county, to elect a strict party man to the Legislature, in order to control the appointments. All the elections will be made with a view to the distribution of these offices. If we wanted to have centralization and strict party elections, we should get them in this way. For these reasons he could not agree with his friend and colleague in his views of this subject. These clerkships were not to be considered as political offices; and he would as soon think of giving the election of clerks in the Auditor General's office to the people, as of clerks of the courts.

Mr. SCOTT did not wish, he said, to be understood, in his remarks on this subject, as disagreeing with his colleague in reference to the extent to which it was proper to reduce the patronage of the Governor. When we struck off his whole appointing power by one blow, leaving him no appointment but that of the Secretary of the Commonwealth, he strongly expressed his dissent from that course. His views on that subject were not changed. But his last remarks were limited to the county officers, the question as to whose appointments stood on an entirely different footing from that in relation to the higher offices. He had observed in these county officers the seeds of a disease rapidly developing, which would, if suffered to come to maturity, go to destroy the vital principles of our Constitution. He wished to apply the remedy to the disease, and that was seated in the political management of these county officers. If, however, we should find the same disorder growing from the appointment of other officers, we should apply the same remedy to them. His colleague (Mr. MEREDITH) thought that there is no danger of creating a central power by making the county officers dependent upon the Executive. To prove that he is right, he has quoted instances of the elections of Governor in opposition to the patronage. What do these instances prove?—They prove nothing more than that the people rose superior to the obstacles placed in their way, and, in defiance of party drill, broke through the

barriers of patronage. But it should be recollected that power in the hands of the Executive never grows weaker. The avenues to corruption and venality grow broader and deeper; and although the people have, in the early days of the Commonwealth, been able to overcome patronage and party; yet, in after times, when there is less public virtue, and the patronage may be stronger, they may not be able to do it. Who are now the party orators? Who distribute party papers? These county officers. Take away this dependence upon party, and these officers will not be required to enter the arena of politics as the price of their offices.

The question being then taken on the amendment offered by Mr. MEREDITH, it was determined in the negative—yeas, 15; nays, 92—as follows:

YEAS—Messrs. Baldwin, Chauncey, Cochran, Crum, Dillinger, Dunlop, Hopkinson, McCall, McSheny, Meredith, Porter, of Northampton, Royer, Seagill, Snively, Weidman—15.

NAYS—Messrs. Agnew, Ayres, Banks, Barclay, Barndollar, Barnitz, Bayne, Bell, Bigelow, Brown, of Northampton, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Chester, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Clearinger, Craig, Crain, Cummin, Curll, Darlington, Darrah, Deany, Dickey, Dickerson, Donnell, Doran, Earle, Farrelly, Fleming, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Heister, Haupt, Hyde, Jenks, Keim, Kennedy, Kerr, Konig nacher, Krebs, MacLay, Magee, Mann, Martin, M'Dowell, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Pollock, Purviance, Read, Ritter, Ritter, Rogers, Russell, Saeger, Scott, Sellers, Seltzer, Scheetz, Shellito, Sil, Smith, Smyth, Sterigere, Stevens, Stickel, Swetland Taggart, Thomas, Todd, Woodward, Young, Sergeant, *President*—92.

Mr. DUNLOP offered the following amendment: *strike from the first line the word "except", and from the second and third lines the words, "who shall be appointed by the court for the term of three years, if they so long behave themselves well"*.

He offered this amendment, he said, in pursuance of views which he expressed to the committee some time ago.

The motion was negatived.

Mr. KONIGMACHER moved to amend the amendment by striking out therefrom the words following: "of the Supreme court who shall be appointed by the court for the term of three years, if they so long behave themselves well"

Mr. DUNLOP would just remark, he said, that these words ought to be stricken out, and put in a separate section. As they stood, the sentence was inconsistent and ungrammatical.

Mr. STERIGERE said, some alteration was necessary in the phraseology of the section.

The motion of Mr. KONIGMACHER was negatived without a division.

The question recurring on the amendment of Mr. STERIGERE, as amended,

Mr. EARLE said, he should vote against it, because it left some appointments to the courts, and enabled the Judges to bring into office their own relatives.

Mr. PURVIANCE asked the yeas and nays, and they were required.

The question being taken, the amendment was agreed to—yeas, 105; nays, 1—as follows:

YEAS—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Barnitz, Bayne, Bell, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin

Clarke, of Indiana, Clevinger, Cochran, Craig, Crain, Crum, Cummin, Curll, Darling-ton, Darrah, Denny, Dickey, Dickerson, Dillinger, Donnell, Doran, Dunlop, Farrelly, Fleming, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Hiestor, Hopkinson, Hought, Hyde, Jenks, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Maclay, Magee, Mann, Martin, McCall, McDowell, McSherry, Meredith, Merrill, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Pollock, Porter, of Northampton, Purviance, Read, Riter, Ritter, Rogers, Royer, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Shellito, Sill, Smith, Smyth, Snively, Sterigere, Stevens, Stickel, Swetland, Taggart, Thomas, Todd, Woodward, Young, Sergeant, *President*—105.

NAY—Mr. Earle—1.

Mr. EARLE, of Philadelphia, moved to amend the amendment as adopted, by adding to the end thereof, the following, viz: "*Provided*, That no person related within the fourth degree, by blood or marriage, to any Judge of any court, shall be appointed by such court to any office or trust to which any compensation shall be attached." He said, the appointment of relatives to office, was calculated to produce very pernicious effects in a republican Government. Unless some restrictions shall be imposed, the evil will become as prevalent here as it is in Europe. It was not merely with that view, that he moved the amendment, but because it led to the appointment of public officers who were not competent.

The question being taken, the amendment was decided in the negative.

Mr. STEVENS, of Adams, moved to amend the amendment, by adding to the end thereof, the words following, viz: "Inspectors of flour, and all other Inspectors within this Commonwealth, who are now appointed by the Governor, except Brigade Inspectors, and all Deputy Surveyors, and Deputy Attorney Generals, Lazaretto Physicians, Health Officers, Wardens of ports, and Notaries Public, shall be elected by the citizens of the respective cities or counties within which they are to keep, and exercise the duties of their offices."

Mr. DICKEY would suggest to the gentleman from Adams, (Mr. STEVENS,) that his amendment would come in very appropriately to the fourth section of this report. Then, the gentleman would have the opportunity to discuss it, and under the present state of anxiety to get the question, he would not have this opportunity.

Mr. STEVENS said, his opinion was, that after the section under consideration should be adopted, all the rest of the report ought to be rejected; and with this view, he could not accept the suggestion of the gentleman from Beaver, (Mr. DICKEY.) If this section was agreed to, then he would not have the privilege of offering his amendment. He, therefore, submitted it now, and only asked that a vote might be taken upon it, as it stands.—He then called for the yeas and nays, which were ordered.

Mr. EARLE was in favor of proceeding understandingly in this matter. If he understood the matter rightly, we have amended the report of the committee, and to that report, as amended, the gentleman from Adams has offered an amendment. Now, his colleague (Mr. BROWN) had moved an amendment to the amendment, which the Chair had decided to be out of order, and he held that that amendment was as much in order, as the amendment of the gentleman from Adams.

The CHAIR said, he had decided the amendment of the gentleman's colleague to be out of order. It was proposed in a different manner from the present amendment, which caused the Chair to make out the decision.

Mr. PORTER, of Northampton, enquired if the previous question was moved and sustained, whether the main question would be on the report of the committee, as amended.

The CHAIR replied, that it would be on the report of the committee, cutting off the amendment.

Mr. STERIGERE said, we have struck out the report of the committee, therefore, it appeared to him, that the previous question would be on the amendment, as the amendment had been agreed to.

Mr. AGNEW hoped the gentleman from Adams would withdraw his amendment. He did not now feel prepared to vote on the question, although he might be disposed to vote for it at its proper place. There is a report of a committee relative to these officers, and he should like to have the opportunity to examine it, and make up his mind fully upon it before he gave his vote. There was a section to the report of the committee, section four, which related particularly to this subject, and the gentleman could have the opportunity of offering his proposition to that section, and then we will have some time to examine it, and make up our minds. He disliked to be forced into a matter of this kind, and should certainly vote against the proposition, if it was pressed now, when it might be possible that he would vote for it if he had the opportunity to examine into the matter. This thing should not be forced upon the committee in its present state of excitement and anxiety, and he hoped the gentleman would see the propriety of withdrawing it.

Mr. STEVENS said, he saw no excitement in the committee. It appeared to him to be as sluggish a body as he had ever seen in his life. If he had seen any feeling here, which would have precluded a calm and dispassionate consideration, and discussion of the matter, he should not have troubled the committee with it, but there was no such feeling here, and it must only exist in the mind of the gentleman from Beaver, (Mr. AGNEW.)—Mr. S. thought it had long since been decided, that all appointments were to be taken from the Executive and given to the people. Well, he had gone for this as far as the people desired it, whether right or wrong. He felt disposed to satisfy the judgment, or gratify the whims of the people, so far as the interests of the Commonwealth would permit of it. He would, therefore, go for giving them the election of those officers which could be given to them with convenience. Where he thought the people were misled, as they might be misled in many things, he would not yield to their wild frenzy, but he would go as far with anodynes as any gentleman could go, always keeping in view the permanent interests of the Commonwealth. He believed we could give to the people, with perfect safety, the election of these officers, which would go to show them, that none of us here are unwilling to entrust them with the appointment of their servants. There was a whole army of officers connected with the port of Philadelphia—health officers, wardens, notaries, &c., the election of every one of whom can be entrusted safely to the people. Then, are we to stop short in our work? Are we to commence by saying, that all appointments shall be taken from the Governor, and at the same time, have a host of officers, in a single city, to be appointed by him. This appeared to him to be entirely inconsistent, with what we have been all along professing. When this part of the report of the committee shall be adopted, he held that there was no other portion of it which should be

adopted; therefore, it was necessary for him now to provide for all those cases, which he considered it necessary to provide for; and, believing that the election of these officers should be given to the people, he was under the necessity of moving the amendment at this particular place.—Believing, that it was his duty now to make this effort to strip the Governor of this enormous power, which gentlemen appeared disposed to leave in his hands, he had made the motion, and he would call upon those gentlemen favorable to reform to go for it now, and at the place he had introduced it. Why cavil about the place, because gentlemen have told you that there is to be a committee of supervision—a committee of grammarians to put the amendments in proper form; then, if this amendment is not in the proper form or place, it could be changed, only leaving the principle remain. All he asked for was to test the principle, and then the matter can be changed in the detail hereafter, or put in a different place, if it is not now where it should be. He hoped his friend from Beaver, (Mr. AGNEW) and other reformers, were not disposed to deprive the people of the election of these officers. As the fiat had gone forth, that the Executive should be deprived of all his patronage, he hoped that this amendment might be adopted speedily, to save as much of the people's money as possible. If, however, we go on disputing about every amendment of this kind, he should not be surprised if we did not break up before next spring, and before the Convention shall have cost the people of the Commonwealth a quarter of a million of dollars. He had been furnished with a statement of the expenses of the Convention, and they amounted to the sum of eleven hundred dollars a day. Already have we expended the enormous sum of seventy-five thousand, and we have not got one third through with our labors. He supposed we were all endeavoring to expedite matters as fast as we could, and perhaps he was as much in fault, that there was so much delay, as any one member here; but, certain it was, there had been extraordinary delay, which had cost the people a vast sum of money, and he was now only showing, that we ought to adopt these measures with all possible despatch. He presumed, however, that some gentlemen would vote against this amendment, because it was in the wrong place, and some would vote against it because they did not like it, and perhaps some would go against it, because it came from such an outrageous reformer. And, then, ten chances to one, if they would not vote against it, because it came from an outrageous reformer, somehow or another, the "poor people" would be cheated out of their rights. But, he (Mr. S.) must have a vote on it. He hoped that the gentleman from Beaver (Mr. CLARKE) would be satisfied that his object was a fair one, in bringing it here, and that he was not actuated by any unkind motive.

Mr. BROWN, of Philadelphia, remarked, that this was a matter of some importance, particularly as the yeas and nays had been called for. He would vote against the proposition, because it was not clear and distinct in its character, and calculated only to create embarrassment, for it embraced officers whose duties were not confined solely to the city, or county, but which inclosed parts of each. He was favorable to the election of the officers, or at least, a part of them, by the people; but he wished the matter brought in at a proper time, and in a proper manner. He was not willing to vote for an amendment containing a batch of officers, of various duties, and confined to as various districts, having no specified bounds, or

relation to each other, introduced in the manner and form in which this had been. The gentleman from Adams (Mr. STEVENS) had made a great outcry about the extraordinary expenses of the Convention, which was calculated to excite alarm among the people, and induce the belief, that the Convention were doing nothing. Now that gentleman had been a member of the Legislature of the State, and that body, had, on one occasion, sat five months, at an expense equally as great as this Convention was incurring, and had done less, and perhaps, sometimes much worse than we had done, but the gentleman did not then complain of the time wasted, or the expense. He (Mr. BROWN) looked upon this cry of expense, as he did upon all that gentleman's speeches, as merely intended for effect out of doors.

Mr. BELL, of Chester, rose to a question of order.

Mr. READ, of Susquehanna, moved the previous question.

Mr. FORWARD, of Allegheny, wished to make a few explanatory remarks.

Mr. M'DOWELL hoped, that the gentleman from Susquehanna would withdraw his motion.

Mr. READ then withdrew his motion, and moved that the committee rise. Lost.

A division being demanded, there appeared ayes, 39; noes, upwards of 40.

Mr. FORWARD remarked, that if the amendment now offered was out of place, let it be disposed of. But, if it was in place, it ought to be examined, and discussed. He wished to vote for the principal amendment. He would not say, that he would include all the officers named in the amendment, but a portion of them. And, if it was proper to receive it now, it was necessary, in order to act understandingly—

Mr. EARLE, of Philadelphia, hoped that a different course would be adopted.

Mr. HAYHURST, of Columbia, rose to a question of order.

The CHAIR said, that the gentleman (Mr. EARLE) was out of order.

Mr. EARLE remarked, that he was decidedly in favor of the general principle of the amendment of the gentleman from Adams, for extending the election of these officers to the people. It seemed, however, that we could not get a vote here on a question, but what the previous question was called. The gentleman (Mr. STEVENS) had tauntingly told us, that he would make us swallow every thing, that he choose to give us.

Mr. STEVENS: (interrupted) The gentleman has misunderstood me. I did not make use of any such language.

Mr. EARLE: We have been tauntingly told—

Mr. STEVENS: (interrupted) the gentleman is bound to take my explanation by law—

Mr. EARLE: The gentleman said, that if we did not vote for a particular thing, the people would take us as voting against giving them the election of these officers—

Mr. READ here intimated, that he would renew his call for the previous question.

Mr. CLARKE, of Indiana, demanded the previous question, which was sustained.

The question then recurring was, "shall the main question be now put?"

Mr. DUNLOR asked for the yeas and nays.

And, the question being taken, was decided as follows :

YEAS—Messrs. Banks, Barclay, Barndollar, Bayne, Bell, Bigelow, Bonham, Brown, of Philadelphia, Butler, Clarke, of Beaver, Clarke, of Indiana, Cleavinger, Crain, Cummin, Curll, Darrah, Dillinger, Donnell, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grønell, Hastings, Hayhurst, Helfenstein, Hiester, Houpst, Hyde, Keim, Kennedy, Konigsmacher, Krebs, Maclay, Magee, Mann, M'Dowell, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Porter, of Northampton, Purviance, Read, Riter, Ritter, Rogers, Saege, Sellers, Scheetz, Shellito, Smith, Smyth, Sterigere, Swetland, Taggart—63.

NAYS—Messrs. Agnew, Baldwin, Barnitz, Carey, Chambers, Chandler, of Chester-Chauncey, Clark, of Dauphin, Cochran, Craig, Crum, Darlington, Denny, Dickey, Dickerson, Dunlop, Forward, Henderson, of Allegheny, Hopkinson, Jenks, Kerr, M'Call, M'Sherry, Meredith, Merrill, Pollock, Royer, Russell, Scott, Serrill, Sill, Snively, Stevens, Thomas, Todd, Woodward, Young, Sergeant, *President*—38.

So, the main question was ordered to be put, and being taken, the report of the committee, so far as it related to the second section, and as amended, was agreed to.

The committee rose, reported progress, and obtained leave to sit again, and,

The Convention adjourned.

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### MONDAY, JULY 3.

Mr. CHANDLER, of Chester, presented three memorials from citizens of Cumberland county, praying that the right of trial by jury be extended to every human being.

Mr. CHANDLER also presented two similar petitions from the citizens of Chester county.

Mr. MERKEL, of Cumberland, presented a similar petition from citizens of Pennsylvania.

Mr. M'CALL, of Washington, presented a similar petition from citizens of Washington county.

These petitions were all laid on the table.

Mr. PORTER, of Northampton, presented the following resolution, which was laid on the table, and ordered to be printed:

*Resolved*, That the committee of the whole be discharged from the further consideration of the amendments to the Constitution, and that the following amendments of the Constitution of Pennsylvania be and the same are hereby submitted to a vote of the people, pursuant to the act entitled, "An act to provide for calling a Convention with limited powers."

#### AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA.

IN ARTICLE I. SECTION 2. To read as follows: The representatives shall be chosen annually by the citizens of the city of Philadelphia, and of each county respectively, on the third Tuesday of October.

SECT. 3. To read as follows: No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding his election, and the last year thereof an inhabitant of the city

or county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State, or unless he shall previously have been a qualified elector in this State, in which case he shall be eligible upon one year's residence. No person residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county, nor shall any person residing without the limits of any such city, town, or borough, be elected a member thereof.

SECT. 4. To read as follows: In the year eighteen hundred and forty-two, and with in every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each, and shall never be less than sixty, nor greater than one hundred.

SECT. 5. To read as follows: The senators shall be chosen for three years by the citizens of Philadelphia, and of the several counties, at the same time, in the same manner, and at the same places, where they shall vote for representatives.

SECT. 7. To read as follows: The senators shall be chosen in districts to be formed by the Legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than two senators, *unless a single city or county shall at any time be entitled to more than two.* When a district shall be composed of two or more counties, they shall be adjoining. Neither the city nor any county shall be divided in forming a district.

SECT. 8. To read as follows: No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, *unless he shall have been absent on the public business of the United States, or of this State, or unless he shall previously have been a qualified elector in this State, in which case he shall be eligible upon one year's residence.*

SECT. 10. To read as follows: The General Assembly shall meet on the first Tuesday in January, unless sooner convened by the Governor.

SECT. 11. To read as follows: Each house shall choose its Speaker and other officers. In case of the sickness or necessary absence of the Speaker of either house, a Speaker *pro tempore* may be chosen; and the Senate shall also choose a Speaker *pro tempore* when the Speaker shall exercise the office of Governor.

IN ARTICLE II. SECT. 2. To read as follows: The Governor shall be chosen by the citizens of the Commonwealth at the times and places where they shall respectively vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the speaker of the Senate, who shall open and publish them in the presence of the members of both houses of the Legislature. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the Legislature, and formed and regulated in such manner as shall be directed by law.

SECT. 3. The Governor shall hold his office during three years from the third Tuesday of January next ensuing his election, and shall not be capable of serving more than six years in every term of nine years.

SECT. 8. To read as follows: He shall appoint all officers, whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein, or shall be by law otherwise, provided for. But no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then, within the limits of the county or counties out of which it shall have been taken. No member of Congress from this state, nor any person holding or exercising any office of trust or profit under the United States, shall at the same time hold or exercise the office of Judge, Secretary, Treasurer or Prothonotary, Register of Wills, Recorder of Deeds, Sheriff, or any office in the state, to which a salary is by law annexed, or any office which the Legislature shall declare incompatible with offices or appointments under the United States.

**SECT. 14.** To read as follows: In case of the death or resignation of the Governor, or his removal from office, the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified. But in such case, another Governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal shall occur within three calendar months immediately preceding such next annual election, in which case a Governor shall be chosen at the second succeeding annual election of representatives. If the trial of a contested election shall continue longer than the third Tuesday in January next ensuing the election of a Governor, the Governor of the last year, or the Speaker of the Senate who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a Governor shall be qualified as aforesaid.

**SECT. 15.** To read as follows: A secretary shall be appointed and commissioned by the Governor during his pleasure. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be enjoined him by law.

**IN ART. III. SECT. 1.** To read as follows: In elections by the citizens, every freeman of the age of twenty-one years, having resided in the state *one year next before the election, and within two years next before such election, paid a state or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector: Provided, That freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in this State one year before the election shall be entitled to vote, although they shall not have paid taxes, and that freemen who have previously been qualified electors of this State, may, if otherwise qualified, enjoy the rights of electors upon six months' residence in this State.*

**IN ART. V. SECT. 1.** To read as follows: The judicial power of this Commonwealth shall be vested in a Supreme court, in courts of Oyer, Terminer, and general jail delivery, in a court of Common Pleas, Orphans' court, Registers' court, and a court of Quarter Sessions of the Peace, or such other courts as may be established by law for each county, in justices of the peace, and in such other courts as the Legislature may from time to time establish.

**SECT. 2.** To read as follows: The judges of the Supreme court shall hold their offices during good behaviour; and the President judges of the court of Common Pleas, and other judges required to be learned in the law, for the term of ten years, if they shall so long behave themselves well. But for any reasonable cause, which shall not be sufficient ground of impeachment, the Governor may remove any of them on the address of two thirds of each branch of the Legislature. The judges of the Supreme court, and the presidents of the several courts of Common Pleas, shall at stated times, receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

**SECT. 4.** To read as follows: Until it shall be otherwise directed by law, the several courts of Common Pleas shall be established in the following manner: The citizens of each county, qualified to vote for representatives to the General Assembly, shall elect two associate judges, who shall be commissioned by the Governor, and who, during their continuance in office, shall reside in such county, and hold their offices for the term of five years, if they shall so long behave themselves well. The State shall be by law divided into circuits, containing one or more counties. A president shall be appointed to the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of Common Pleas.

**SECT. 10.** To read as follows: The citizens shall elect a competent number of justices of the peace, in such convenient districts in each county, as are or shall be directed by law. They shall be commissioned for the term of five years, but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both Houses of the Legislature.

**IN ART. VI. SECT. 1.** To read as follows: Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One

person shall be chosen for each office, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid. Prothonotaries and clerks of the several courts, (except the prothonotaries of the supreme court, who shall be appointed in the respective districts by the court, for the term of three years, if they shall so long behave themselves well, and are not removed by the court,) recorders of deeds and registers of wills, shall, at the times and places of election of representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law, the number of persons in each county who shall hold said offices, and how many, and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

SECT. 3. To read as follows: The freemen of this Commonwealth shall be armed and organized for its defence, when, and in such manner, as the Legislature shall by law direct.

The remaining sections of the existing article to be numbered 4, 5 and 6.

ART. 7. SECT. 1. To read as follows: The Legislature shall, as soon as conveniently may be, provide by law, for the establishment of schools throughout the State in such manner that all children may be taught at the public expense.

SECT. 2. To read as follows: The arts and sciences shall be promoted in such institutions of learning as may be alike open to all the citizens of this Commonwealth.

ART. 9. Add the following sections, to be called sections 26, 27, 28, and number the present section 26, number 29.

SECT. 26. No perpetual charter of incorporation shall be granted, except for religious, charitable, or literary purposes, nor shall any charter for other purposes exceed the duration of one hundred years.

SECT. 27. No charter of incorporation to be granted for banking purposes, or for dealing in money stocks, securities, or paper credits, shall exceed twenty years.

SECT. 28. The Legislature shall have no power to combine or unite in any one bill two or more distinct subjects or objects of Legislation, or any two or more distinct appropriations, or appropriations to distinct or different objects, except appropriations to works exclusively belonging to, and carried on by the Commonwealth; and the object or subject matter of each bill or act, shall be distinctly stated in the title thereof.

ART. X. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to, by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by two thirds of all the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people at such time and manner, at least three months distant, as the Legislature shall prescribe—and, if the people shall approve and ratify such amendment or amendments, by a majority of the qualified voters of this State, who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

SCHEDULE. That no inconvenience may arise from the alterations and amendments in the Constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

1. That all laws of this Commonwealth, in force at the time of making the said alterations and amendments in the said Constitution, and not inconsistent therewith; and all rights actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. That the present Governor shall continue to exercise the Executive authority of this Commonwealth, as heretofore, until the first Tuesday of January, eighteen hundred and thirty-nine.

3. That all officers in the appointment of the Executive department, shall continue to be appointable, and shall exercise the duties of their respective offices, agreeably to the Constitution of one thousand seven hundred and ninety, until the officers directed to be elected or appointed under these amendments, shall be duly qualified, unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the Governor. Except that the Judges of the Supreme Court shall hold their offices for the terms in their commissions respectively expressed.

4. That justice shall be administered in the several counties of the State, until the period aforesaid, by the same Justices, in the same courts, and in the same manner as heretofore.

5. That no person now, in commission as Sheriff, shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

6. That until the first enumeration shall be made, as directed in the fourth section of the first article of the Constitution, established by this Convention, the city of Philadelphia and the several counties, shall be respectively entitled to elect the same number of Senators and Representatives, as is now prescribed by law.

7. The commissions of the President, and other Judges learned in the law, now in commission, who shall then have been ten years, or more, in office, shall expire on the first of July, one thousand eight hundred and forty, and of those who shall not then have been so long in commission, at the expiration of ten years from their respective appointments.

8. That the first election of Governor, Senators, and Representatives, under these amendments, shall take place on the third Tuesday of October, A. D., one thousand eight hundred and thirty-eight.

9. That the first election of Prothonotaries, Clerks, Registers, Recorders, and Associate Judges, shall take place at the same time.

10. That, until otherwise directed by law, two Justices of the Peace shall be elected in each borough, ward, or township, on the day appointed by law for electing Constables, except in the city of Philadelphia.

11. Until otherwise directed by law, the county officers shall be as follows:

In the city of Philadelphia, the Clerkship of the Mayor's Court, shall be filled by one person.

In the city and county of Philadelphia, the respective offices of Prothonotary of the Common Pleas, the Prothonotary of the District Court, the Clerk of the Court of Quarter Sessions, the Clerk of the Orphans' Court, the Register of wills, the Recorder of deeds, shall each be filled by one person, and the Clerk of Quarter Sessions shall be ex-officio Clerk of the Oyer and Terminer.

[The remaining counties are left in *blank* in the resolution,]

Mr. PORTER explained, that the amendments proposed, did not altogether meet his wishes, but it was very evident that nothing could be done, unless by mutual concessions of opinion. He had drawn up this proposition in that spirit—it contained no new matter, and he thought its adoption would have an effect in shortening our labors.

Mr. STERIGERE thought there were some new matters introduced into the resolution; or, at least, some which were at variance with the decisions of the Convention. He thought the best course would be, instead of printing these propositions, to refer them to a select committee, without printing. He moved to refer this resolution, together with that offered by

the gentleman from Adams (Mr. STEVENS) on Saturday, to a select committee, without printing.

The PRESIDENT said, there was a rule of the Convention under which all these propositions are printed.

Mr. STERIGERE moved to dispense with the rule.

Mr. PORTER said, the gentleman from Montgomery had offered to the Convention a whole Constitution, which was printed, while what he (Mr. P.) had offered, was comparatively short.

Mr. STERIGERE hoped the gentleman from Northampton would move for a select committee, and to enable him to do so, he would withdraw his motion.

Mr. PORTER moved a reference of the resolution to a select committee.

The PRESIDENT decided the motion to be out of order.

Mr. MEREDITH; On the second reading, the gentleman from Northampton would have an opportunity to make his propositions and amendments.

Mr. PORTER acquiesced in this suggestion.

Mr. FORWARD saw no reason why the resolution should not be printed. He wished to have an opportunity to examine the proposition.

Mr. BROWN, of Philadelphia, said he would not make any particular objection to the printing, although it was printing the same thing over again. But, if gentlemen were to bring in Constitutions in this way, and have them printed, he would himself bring a whole Constitution before the Convention to-morrow.

Mr. OVERFIELD, of Monroe, submitted the following resolution:

“Resolved, That this Convention adjourn on the 14th of July, to meet again on the 16th day of October next, in this place”.

The resolution being taken up for consideration, and the question being on the second reading,

Mr. DORAN asked for the yeas and nays on this question, and they were ordered.

The question was then taken on the second reading of the resolution, and decided in the affirmative, as follows, viz:

YEAS—Messrs. Agnew, Baldwin, Barclay, Barndollar, Brown, of Philadelphia, Carey, Chambers, Chandler, of Chester, Chauncey, Clark, of Dauphin, Cleavinger, Cline, Crum, Cummin, Curll, Darlington, Denny, Dickerson, Dillinger, Dunlop, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Grenell, Hastings, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Haupt, Hyde, Jenks, Kennedy, Konignacher, Krebs, Maclay, Mann, Martin, M’Call, M’Dowell, Meredith, Overfield, Pennypacker, Pollock, Porter, of Northampton, Riter, Rogers, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Sill, Smith, Snively, Stevens, Swetland, Taggart, Thomas, Todd, Sergeant,  
*President*—64.

NAYS—Messrs. Bayne, Bonham, Brown, of Northampton, Butler, Clarke, of Beaver, Clarke, of Indiana, Cochran, Crain, Darrab, Donnell, Doran, Earle, Farrelly, Fleming, Gilmore, Hayhurst, Helfenstein, Hiester, Keim, Kerr, M’Sherry, Merkel, Miller, Montgomery, Myers, Nevin, Purviance, Read, Ritter, Shellito, Smyth, Sterigere, Sichel, Young  
—34.

The resolution was then read a second time.

Mr. HIESTER, of Lancaster, moved to amend the resolution by striking out all after the word “resolved”, and inserting as follows: “That when the Convention adjourns, it adjourn to meet at 9 o’clock on Wednesday morning”.

Mr. **HIESTER** called for the yeas and nays on his motion, and they were ordered.

The question was taken on the amendment of Mr. **HIESTER**, and decided in the negative, by the following vote, viz ;

**YEAS**—Messrs. Agnew, Bayne, Brown, of Northampton, Butler, Clarke, of Beaver, Clarke, of Indiana, Cummin, Darrah, Donnell, Doran, Earle, Fleming, Gamble, Hayhurst, Helffenstein, Hiester, Keim, Konigsmacher, Myers, Read, Ritter, Shellito, Smyth, Sterigere, Stickel—25.

**NAYS**—Messrs. Baldwin, Barclay, Bardollar, Bonham, Brown, of Philadelphia, Carey, Chambers, Chandler, of Chester, Chauncy, Clark, of Dauphin, Cleavinger, Cline, Cochran, Crain, Crum, Curll, Darlington, Denny, Dickerson, Dillinger, Dunlop, Farrelly, Forward, Foulkrod, Fry, Fuller, Gearhart, Gilmore, Grenell, Hastings, Henderson, of Allegheny, Hopkinson, Hought, Hyde, Jenks, Kennedy, Kerr, Krebs, Maclay, Mann, M'Call, M'Dowell, M'Sherry, Meredith, Merkel, Miller, Montgomery, Nevin, Overfield, Pennypacker, Pollock, Porter, of Northampton, Purviance, Riter, Rogers, Russell, Saege, Scott, Sellers, Serrill, Scheetz, Sill, Smith, Snively, Stevens, Sweetland, Taggart, Thomas, Todd, Weidman, Sergeant, *President*—69.

Mr. **STEVENS**, of Adams, moved to amend the resolution, by striking out the word "fourteenth", and inserting the word "fifteenth", and striking out the words "sixteenth of October", and inserting in lieu thereof, the words "twenty-fourth of July".

Mr. **STEVENS** said, it appeared to be entirely out of the question to adjourn to meet in the fall, as we should be interrupted by the meeting of the Legislature. He was opposed to any adjournment for a longer time than that which he had proposed, but, for that length of time a recess was expedient, as it would give gentlemen an opportunity for relaxation during the warm weather, and to attend to their private concerns. They ought, also, to understand each others views, that they might finish the business in a month after they returned. He suggested another reason for a recess at the time proposed. It was known that the great national ship—the Pennsylvanian—which had been so long on the stocks, was to be launched on the 18th of July, and a great number of the members wished to be there, and would be there without doubt, whether we adjourned or not. There would be a propriety, he thought, in the attendance of the whole Convention in a body upon the occasion of the launch of so noble a ship, bearing the name of the State of Pennsylvania. Congress, it would be recollected adjourned over for a day to witness the launch of the Columbia.

Mr. **DARLINGTON** said the object of the motion was, to kill the proposition by a side blow. The day did not meet his views, but it probably met the views of the majority as well as any other day would, and it was now very certain, that there was a majority in favor of adjourning over to some day in the fall. If, as had been objected to the proposition, the Legislature should require the Hall before we finished our session, we could go elsewhere. He would himself, if the resolution was agreed to, offer a proposition directing an inquiry whether we could have suitable accommodations in Philadelphia.

Mr. **M'DOWELL** : I hope that the amendment will not pass. I see very plainly what object the gentleman from Adams has in view. He wants to get all of us reformers on board of that ship, in the hope that we should never get back again.

Mr. **MANN** said, the subject had been discussed very fully, heretofore, at great expense of time, and he therefore demanded the previous question,

and it was required by eighteen members, viz: MESSRS. MANN, SELLERS, HOUPT, SERRILL, MARTIN, CURLL, FRY, TAGGART, GRENELL, OVERFIELD, KENNEDY, BROWN, of Northampton, MERKEL, KREBS, MILLER, HASTINGS, CRUM, PENNYPACKER, SAEGER, DARLINGTON, and BARCLAY.

The question being, "shall the main question be now put"?

Mr. STEVENS asked the yeas and nays, and they were as follows:

YEAS—Messrs. Barclay, Bonham, Brown, of Northampton, Carey, Cleavinger, Cochran, Crain, Crum, Curll, Darlington, Dickerson, Dillinger, Fry, Gilmore, Grenell, Hayhurst, Henderson, of Allegheny, Houpt, Hyde, Jenks, Kennedy, Krebs, Maclay, Mann, Martin, M'Call, M'Dowell, Merkel, Miller, Overfield, Pennypacker, Pollock, Porter, of Northampton, Purviance, Read, Riter, Russell, Saeger, Sellers, Serill, Scheetz, Sill, Smith, Smyth, Snively, Stöckel, Swetland, Taggart, Thomas—47.

NAYS—Messrs. Agnew, Baldwin, Bardollar, Bayne, Brown, of Philadelphia, Butler, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cummin, Darrah, Denny, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Faulkrod, Fuller, Gamble, Gearhart, Hastings, Helfen, stein, Henderson, of Dauphin, Hiester, Hopkinson, Keim, Kerr, Konigmacher, M'Sherry Meredith, Montgomery, Myers, Nevin, Ritter, Rogers, Scott, Shellito, Sterigere, Stevens, Todd, Weidman, Young, Sergeant, *President*—50.

So the Convention determined that the main question should not now be put.

The PRESIDENT stated, that it had been the usage to consider the decision against putting the main question as deferring the proposition for one day; but that rule had not been adopted here, and from what he knew of the sense of the Convention on the subject, he believed they would not sustain it. He should, therefore, decide, with the assent of the Convention, that the subject was still before them for consideration.

Mr. FULLER moved that the resolution and amendment be postponed till Friday next. He hoped that no adjournment would take place until we had gone through with the sixth article. He should be governed by that entirely as to the time of adjournment. If we could not get through that, he should be opposed to adjourning on the 14th. There was now but ninety-eight members present, and probably more would absent themselves. He doubted the propriety of continuing the session with so small a number of members, and thought it better to adjourn till fall.

Mr. FLEMING said we seemed to have a strong disposition to practice that which we condemned in the Legislature, and which we had undertaken to remedy as an evil. The Legislature was in the habit of adjourning over the holidays, and we were trying to prevent them from it, by postponing the day of meeting. But while we were acting as guides for others, we ought to avoid falling into the same error ourselves. He had hoped that the wire edge of the speech-making had been in some measure worn off. We certainly had made up our minds as to many of the questions that were to be decided, and there would be no necessity for further discussion upon such propositions. Our labors had certainly been protracted to a length unexpected by us, or by our constituents: but now, after two months' talking, and much of it in a ring, the desire for speaking had greatly subsided, and it would be highly injudicious to suffer gentlemen to go home, and whet their appetites for a second course of speeches on the same questions.

The proceedings of this day had shown us the impropriety of an adjournment at present. We had seen three gentlemen come in with separate

projects for a Constitution. If the proposition to adjourn was predicated on the supposition that we should adopt any of these projects, it was founded on a very great mistake. We see, by other gentlemen now, that it was their intention to offer different projects. We could arrive at no conclusion without going on with our labors in the regular track. No gentleman had suffered in his health by remaining here. Many members had gone home, attended to their private concerns, and returned. Thirty-four now were absent, but in a few days they would all return, and another party of thirty-four would go home. In this way, gentlemen would all have an opportunity to refresh themselves, while, at the same time, the business would go on. To adjourn over, for a short time, would be attended with no special advantage to any gentleman. To adjourn over till the autumn, would be to defer the result of our labors for another year; but, if we should go on, we would complete our business, and submit the result to the people at the next election. He was perfectly willing to adjourn over the fourth of July, nor would he set here on that day if he could elude the grasp of the Sergeant-at-Arms: but he was opposed to any adjournment, either for a week or two, or till the fall.

Mr. KERR hoped, he said, that the motion to postpone would prevail; but he would prefer a longer time. It appeared to him that the question of adjournment was one of considerable importance. It was important to the members personally, and in relation to the expenses of the Convention. Gentlemen would find that if we adjourned till the fall, it would greatly increase, and perhaps double, the expense attending the Convention. For two reasons he would wish the question to be postponed for the present; the first was, that so many of the delegates were now absent from their seats. It was highly improper, he thought, to force this question in the absence of so many delegates, who were necessarily greatly interested in it, as well as the State at large. The people would have the impression that we took the advantage of the absence of those members to force an adjournment. The next reason was, that, as it appeared to him, we were about coming to a plan by which we should be enabled to get the whole business through in a short time. He alluded to the propositions this morning offered by the gentlemen from Adams and Northampton, and which had been ordered to be printed. There was a strong probability that some such plan would be agreed to. If the resolutions were referred to a select committee, and they should make such a report as would be satisfactory to a majority, we would, in a few days, come to some conclusion. He moved to amend the amendment, so as to postpone the further consideration of the resolution till this day a week; but, at the request of Mr. FULLER, he withdrew the motion.

Mr. JENKS was in favor of the motion to postpone, for the reason that the Convention was not in a situation to act on the question to-day. But the necessity of a very early action upon it, appeared evident to him. The experience of the past week had shown the necessity of an adjournment till the fall. It had been customary to grant leave of absence to all who asked for it, and he now found that there were thirty delegates absent. He asked whether it was prudent or proper to go on with the amendments in the absence of so many members? Did not the importance of the subject require an adjournment till some more favorable season of the year? This season was extremely unpropitious to the consideration of questions

of such magnitude—questions involving the law on which all future legislation was to be based. It was certainly advisable to adjourn, for the purpose of meeting at another time, under more favorable circumstances.

Mr. CUMMIN was, he said, opposed to the postponement, and in favor of the resolution. He had, heretofore, steadily resisted every proposition to adjourn, without completing our business; but now, he saw plainly, that nothing would be done, under present circumstances, if we remained here. Every morning a resolution was brought up for adjournment, and the discussion of it consumed a great part of the day. There was, evidently, a strong feeling of restlessness and impatience pervading the whole body, and nothing would be discussed but the question of adjournment, even if we sat two months longer. The gentleman from Adams had offered an amendment to adjourn for a week, because in that time he could go home and attend to his private concerns. He and others could go home in a day. But how was it with him, and the members from Erie county? They were too far from home to avail themselves of this short recess. It was an extraordinary proposition to come from a gentleman of such high talent—to go to see a vessel launched! The gentleman says we must go, because we will go, whether or not. He certainly could not have been in earnest. The resolution of the gentleman from Monroe, he considered as expedient and proper. He hoped it would be adopted. We should then have no more debates on adjournments, but be able to go on till the 14th with the business before us. Many amendments had been offered here and discussed, merely with a view to throw obstacles in the way of the proceedings. We ought to be more serious in the discharge of our duties. It was a solemn occasion on which we had been called together. We were convened to adopt a form of government that might endure for ages. We should be as solemn as if we were going about worship; for we are acting not only for ourselves, but for posterity. He was sorry to witness so many light and unnecessary propositions and discussions here. If we looked back to our journals, we should see a great many propositions there recorded, the movers of which never expected to carry them into effect. He hoped we should go home on the 14th, and, returning in the fall, endeavor to complete our work.

Mr. FULLER withdrew his amendment, in order to arrest the debate.

Mr. KERR renewed it.

The motion to postpone was lost.

The question being taken on the amendment of Mr. STEVENS, it was determined in the negative, as follows—yeas, 4: nays, 94:

YEAS—Messrs. Brown, of Northampton, Meredith, Stevens, Sergeant, *President*.—4.  
 NAYS—Messrs. Agnew, Baldwin, Barndollar, Bayne, Bonham, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Cochran, Crain, Crum, Cummin, Curll, Darlington, Darrah, Denny, Dickerson, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiestler, Hopkinson, Houpt, Hyde, Jenks, Keim, Kennedy, Kerr, Konigsmacher, Krebs, Maclay, Mann, Martin, M'Call, M'Dowell, M'Sherry, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Pennypacker, Pollock, Porter, of Northampton, Purviance, Reigart, Read, Ritter, Rogers, Russell, Saeger, Scott, Sellers, Serrill, Schetz, Shellito, Sill, Smith, Smyth, Snively, Sterigere, Suckel, Swetland, Taggart, Thomas, Todd, Weidman, Young—94.

The question recurring on the adoption of the resolution, Mr. EARLE had hoped, he said, that, after the defeat of repeated attempts to carry this proposition, it would not be renewed during the absence of so many members. The motion was in furtherance of the views of those conservatives who wished to prevent any amendments being made to the Constitution which were desired by the people, and who had brought forward questions which the people did not propose for our consideration. We spent two weeks on an article which it was never expected that we should amend, and we were urged into the debate upon it. We had been repeatedly vexed with the questions of adjournment; every obstacle had been thrown in the way of our progress; and the objects of the Convention had been defeated by a minority. He was opposed to adjournment, until we had acted on life terms of office; upon the mode of appointing Judges, Justices of the Peace, and Aldermen; and on future amendments. He had been anxious to get up the question of life office, but the conservatives kept it off. He had wished to get at some of the prominent questions in which the people were interested, and he was desirous of giving his constituents an opportunity to say, whether upon those questions, he and others represented them correctly, but he had found it impossible thus far. He had witnessed some remarkable and sudden conversions here in relation to those topics. Some of those who came here the avowed opponents of life office were now its champions. When the duty was accepted, no gentleman would say that he was not bound by his acceptance of the trust to sit here till he had discharged it, and it was expected of us by our constituents that we should remain in session till the business was concluded. Three important subjects remained unacted upon and these could be disposed of by prolonging the session for three weeks, unless the same spirit of procrastination which had heretofore marked our proceeding should still be cherished. It was perfectly well understood that the abolition of life tenures was one of the main objects of the people in calling the Convention, and now, as the gentleman from Lancaster says, because we are harrassed with various propositions, we ought to adjourn. But that course would enable the minority to defeat the wishes of the majority of the Convention and of the people.

Mr. CHAMBERS remarked that, classed as he was with the conservatives in that body, he was unwilling to hear, without reply, the reproach of the delegate from the county of Philadelphia, (Mr. EARLE,) that the conservatives in the Convention had, from their first meeting, combined to delay and prevent the action of this body on the work of revision and amendment of the Constitution.

Mr. EARLE explained, by saying that he did not mean to include *all* the conservatives.

Mr. CHAMBERS said that the charges made against the conservatives were unfounded, and in opposition to the facts. He said he had occasioned no delay, nor any postponement, in relation to the judiciary. He had advocated the consideration of the report on that subject, and had voted for it, and against the substitution of the report on the sixth article now under consideration.

If, sir, an examination was had of the journal, it would be found that the frivolous questions and motions that had been made, and consumed so much of the time of the Convention, and occasioned delay, were nearer to

the skirts of the gentleman from the county of Philadelphia, and some of his friends, than to those of the conservatives.

Mr. C. said he had heretofore voted against every proposition to fix a day for the adjournment of the Convention, and in favor of postponing the resolutions submitted on the subject, as he was desirous of acting on the more important topics, and having from the Convention, for the information of its members and the people, an indication of what were the opinions of the Convention in relation to those topics before that adjournment. He was desirous of considering and deciding on the report in relation to the judiciary, before any adjournment. This was a subject of deep interest to the people. It came home to their rights and interests, and demanded, when it was taken up for consideration, deliberation and full discussion. He was unwilling to take up this important subject for consideration, with the expectation of adjourning before it was disposed of; for, when taken up, it must command time, attention, and discussion. As a conservative, he was for maintaining the judicial tenure of good behaviour; and if it was to be changed by a constitutional provision, it should be done after full discussion and deliberation.

A Convention to amend or form a Constitution of Government, should not act precipitately. It is not even like an ordinary legislative body, whose errors of legislation may be corrected by the next annual Legislature. A Convention is to form fundamental and permanent laws, and if errors and imperfections are allowed in Constitutional provisions, they are not to be corrected by the people, to whom they are submitted for adoption or rejection; the people are to take or reject, in manner, form, and substance, the amendments as here adopted and submitted, and have not the power to amend our amendments.

It will not do to excuse our imperfections on hastily adopted provisions, to say to the people, in relation to the Judiciary, or other important branches of the Government, that we had allowed, day after day of our time, to be consumed in discussing mere questions of order, and that we also had allowed so much of that time to be consumed in discussing the propriety and expediency of the registry law, passed by a late Legislature, and in arraigning the motives and influence by which that law was passed, that we had not time to examine and consider, with attention, the organization of the Judiciary department, and that we hurried over it with impatience.

I do not agree with the gentleman from Lycoming, (Mr. FLEMING,) that it is to be presumed, that the members of this Convention have made up their minds on all the subjects to be acted on, and are prepared to decide and vote on them at once. I will not say that I am prepared to decide on those important subjects in their details, as presented to us, without debate and deliberation. I came here with opinions formed, on some reflection, on subjects that have received our attention, and which opinions have been changed by the discussion I have heard in relation to the subject on this floor. Being myself open to reason and conviction, I indulge no such presumption as that the opinions of all are formed, and are not to be influenced by argument and discussion.

Opinions, in relation to the organization of Government, will undergo changes from reflection, on the suggestions and arguments of others.— This has been the case in other Conventions for the formation of Con-

stitutions of Government. In the Convention which formed and adopted the Constitution of the United States, and which had within it the assembled wisdom of these United States, there were many instances of change of opinion in relation to the organization of that Government, during the progress of the Convention. Originally, in that Convention, by a vote of eight States to two, the election of the President was given to the National Legislature, and it was not until near the close of the sittings of that body, that the subject of the election of the President was submitted to a committee, who reported a mode of election but little different from what now exists. Other great changes were made in provisions, supposed, at first, to be sufficient and satisfactory. The proceedings of that, and every other Convention to form or remodel our republican Governments, admonish us how necessary deliberation and caution are, in establishing Constitutional provisions which are to be of permanent obligation; and, that opinions, early formed, yield, and ought to yield, to the better judgment formed after discussion and reflection.

Is it the determination of this Convention to continue its session until our labors are finished, and the amendments submitted to the people? As there are a variety of very important subjects to be considered and acted upon, they will require time—it must engage the Convention during this month and the next. If the Convention are unwilling to sit so closely engaged, during the month of August, and endanger their health, it will be better to adjourn by the 14th of July, provided an adjournment is to take place for a time. An adjournment, on that day, would accommodate a large number of the Convention, who are farmers, and whose private interests, at this season of approaching harvest, call for their attention; and, it is believed, that the public interests would not, in any manner, be prejudiced by an adjournment at that time. To the people, it makes no difference whether the adjournment be in July or August; whilst, to many in the Convention, an earlier adjournment would be very desirable. I am disposed to consult their interests, and go for an early adjournment, as it would not be any injury to the public service. I do not believe, that the people require or expect this Convention to remain in session at the peril of the health and lives of members, during the months of July and August. I have no idea that the people of Pennsylvania are suffering under our State Government. It is idle and unfounded to say, that the people are groaning under the tyranny of the Government, as has been said on this floor, when we know that our State has flourished, and our people have prospered.

I am disposed to adjourn, after disposing of, in committee of the whole, the report of the committee on the sixth article, now under consideration; and am willing to enter upon the consideration of the Judiciary. I will not consent, from any regard to time, to pass over this department at a gallop; nor will I agree, that its important provisions shall be hurried over in an afternoon session, and that great radical changes shall be hammered out, and finished with a single heat.

It is alleged, however, that the question of adjournment ought to be postponed, until we have a full Convention. To my mind, however, this reduced number is an argument in favor of adjournment, for that number will be probably more reduced by the absence of members at this season; and, if the number is not sufficient to pass upon the mere question of ad-

jourment, it is not to be deemed sufficient to proceed with the consideration and adoption of prominent Constitutional provisions. Entertaining the opinion, that the season and circumstances are unfavorable for full deliberation, and full discussion of the several important subjects for the attention of the Convention, and that the public interests will not be injured by the delay till October, I shall vote in favor of the resolution to adjourn on the 14th July.

Mr. DUNLOP was in favor of the proposition of the gentleman from Monroe, (Mr. OVERFIELD,) and opposed to the amendment of the gentleman from Philadelphia, (Mr. EARLE.) The gentleman from Philadelphia says, we ought to remain to act upon those parts of the Constitution which the people require to have some action upon before we go home; at least, that we ought to pass upon the Judiciary article. Now, the gentleman knows that the article we are upon contains some fifteen or sixteen sections; that is, the standing committee have reported that many; and we have now just passed over the third section; and every gentleman must know that we passed this last section too hastily, as its language is such as was not proper to be inserted in a Constitution, which should be in the most explicit terms possible. If the gentleman would just reflect for a moment on the progress we have already made, he would be satisfied that the sixth article alone would occupy our time until the middle of July. Deliberation was necessary at every step, and it was nearly impossible at this season of the year, when the minds and bodies of the members appear to be so harassed and wearied by incessant and long sittings, forenoon and afternoon, to give a proper attention to any subject. Every one must have seen that the members have become listless and indifferent to the discussions; no gentleman spoke who could hold their attention, and consequently the body was not in a state to act upon the questions, which were to come before it. Under this state of the case, no gentleman could rise to speak here for the purpose of convincing the members of this Convention, therefore what he now said, he intended as much for his constituents, as for gentlemen here. If a speech is made here, and not heard, but goes before the public and is read, then it has not been made for nothing. He would reply to some of the arguments of the gentleman from Philadelphia, (Mr. EARLE,) if he were a more easy subject of conviction, or even if he had about him the ordinary pliability of human nature. But the gentleman was possessed of too much of the DAVY CROCKET principle of "go ahead", right or wrong. He was emphatically a confirmed man. Like the sheep, if you attempt to head him, and he cannot pass you, he will go straight over your head. If he cannot go through you, he will pass right over you. We have heard a great deal about the minority obstructing the progress of business in this House. Now, who was this minority, by which business had been so much impeded? Is there any doubt where that minority is to be discovered? He knew of no distinctive minority here on any question, unless we give that distinguished appellation to the gentleman from Philadelphia, (Mr. EARLE) himself. Who could claim, so exclusively, to be the only uniform, persevering, dogged minority, but the great agitator from Philadelphia himself? Who, but he, would have the hardihood, to stand solitary and alone on the question of giving the people the right to elect the county officers? He is,

emphatically, the *minority*. He even voted against his own favorite project of giving the election to the people, and in the imposing minority of one. Why does he charge the minority with hurrying or obstructing the business of the House, when he is always the minority? Every member could point his finger at the minority which harrassed this House, and by the indulgence and courtesy of the House he was permitted to harrass it as much as he pleased. Why, then, does the gentleman talk of minority, when he is himself, alone, obnoxious to his own determinations; the most continued minority, if not the profoundest he had ever heard of? As to himself, (Mr. D. said) he had been a week at a time without speaking a word, except for the purpose of mere explanation, in the hope that his example might be followed by others, as little likely to instruct the body as himself—but in vain. The very men who are constantly calling “question”, upon others, are those who are most eager to occupy the time, if not the attention of the Convention; and after a long harangue they sit down and call for the question, and if it is not taken, they next move the previous question. He had all along cherished the hope that we might get through our business during the present sitting, but he believed it now impossible. Thirty members were now absent, and it would be out of our power to keep members here during the harvest season particularly. Many would go home with or without leave, and those who remained would be as we now see them, listless and indifferent to what was passing. The subject in hand was one of too great and abiding interest to the people of the Commonwealth, to be disposed of under such circumstances. In this view, he thought we ought to adjourn to a season more congenial to deliberate consideration. But there was another reason which he wished to bring to the attention of gentlemen; before we went on any further, he hoped the people would be made acquainted with the expenses of this Convention, in order that they might compare the value of the amendments which we might make to our present admirable Constitution, with their cost. If the people had any idea of our expenses it was more than he had had within a few days past.

He hoped the proposition intended to be offered by the gentleman from Adams, would be connected with the present motion to adjourn, and it was in that view that he advocated it. That is to submit the amendments already passed upon to the people, and the further question to be left to their vote at the next October election, whether the amendments which were yet desired, were worth the expected cost. If the probable expenses of the Convention will be half a million of dollars, and if we have already expended \$75,000, he insisted that the question as to the further sitting of the Convention ought to be submitted to the people, so that their vote might be taken upon it.

For the purpose of showing our *daily* expenses, he would now submit a statement, prepared by one of the Secretaries of the body, viz :

Daily pay of members,	-	-	-	-	\$400 00
Printing Debates, Journals, &c.,	-	-	-	-	100 00
Daily Chronicle,	-	-	-	-	92 00
Ascertained contingent expenses,	-	-	-	-	112 00
Stenographers,	-	-	-	-	30 00
Secretaries,	-	-	-	-	32 00

Postage, - - - - -	100 00
Door-keepers, - - - - -	8 00
Sergeant-at-arms, - - - - -	5 00
Messengers, - - - - -	2 00
Supposed contingencies, - - - - -	75 50
	<hr/>
Total, per day, - - - - -	\$957 50

To this daily expense, of nearly a thousand dollars, was to be added the mileage of the members, which was estimated at four thousand dollars, or about thirty-three dollars on an average for each member. To this expense, was also to be added, the printing of the reports of the debates and proceedings; and if we sat six months longer, and continued to make speeches at the same rate we have done heretofore—and an adjournment would, no doubt, bring us back with renewed ardor, and a new stock of matter for debate—our volume of reports would, hereafter, go by the name of the “Constitutional Encyclopedia.” He would propose to print it in quarto, like the Edinburgh Encyclopedia, in order that the work might be brought within a reasonable number of volumes.

Mr. SHELLITO here interposed, and called the gentleman to order.

Mr. DUNLOP proceeded. He had said nothing about the *fly* question. If the gentleman would let him alone, he would not oppose his proposition to keep the flies in Crawford county from biting the cattle; for that, he understood, was the only amendment to the Constitution which the gentleman desired.

At a moderate calculation, the expenses of the Convention would be a thousand dollars a day; and there was, probably, not a man in the State, out of this body, aware of this fact. What the minority would say to this statement, he did not know, but if we went on at this rate, the Convention would cost the State two hundred and fifty thousand dollars. It had already cost seventy-five thousand dollars, and upwards, and what have we done? Changed the day of the meeting of the Legislature, and of the annual election, which the people would probably put back again. In fact, there had been nothing acted upon conclusively. All that had been done, was the passing of certain amendments through committee of the whole, and they would yet have to pass two readings. If, too, he was not very much mistaken, we would have to go into committee again, on some of the amendments which we have now made. We have spent day after day upon articles of the Constitution, which the people never thought of altering or amending. We have changed the day of meeting of the Legislature from December to January, and every person he had heard speak on the subject, was hostile to it. He himself thought it was right, and voted for it; but he now intended to move to put it back where it stood before, if he was supported in that measure. We have changed the time of holding the general elections, from the second to the third Tuesday in October, at a cost of about ten thousand dollars; and he would ask any reformer in his county, whether he would be willing to give this sum out of the public treasury for this change. He believed many of them would be glad if it was put back again to the second Tuesday. When he went home a few days ago, he thought he would be pleasing the people very much by telling them that we had made an amendment, changing the day of meeting of the Legislature, and of holding the elections; but they asked him what

were the use of such amendments as these; and said, that if we could do nothing better than this, we had better adjourn and go home. He thought he had done great things, by telling the people that we had made these amendments, and this was the way he was answered by them. The fact was, the people were disgusted with the course of proceeding here. We have passed upon a section in committee of the whole, giving the people the right of electing their county officers, which section was so confused, and perplexed, that we would have to change the language from one end to the other; and, perhaps, in doing so, we will be compelled to go again into a discussion of the principles of the amendment. The other amendments which we have made, are those in relation to the right of suffrage, and changing the time of residence, to entitle to the exercise of that right, from two years to one. Now, he asked, whether it was not proper that these matters should go before the public, so that the people might take the subject into consideration; because, if this little had cost seventy-five thousand dollars, what would it cost to pass upon the whole Constitution? If it had cost this immense sum, to get these few amendments through committee of the whole, what would it cost to get all the amendments proposed to be introduced by various gentlemen, through two several readings? He would ask whether it was not worthy the serious consideration of the people of this Commonwealth, whether they would spend three hundred thousand dollars to obtain these amendments. He believed seriously, if the people had ever thought that it would cost such a sum, or any where near such a sum, there never would have been a majority in favor of calling a Convention; not but what some of them might be anxious for some changes, but, considering the prosperous condition of the Commonwealth since the adoption of the present Constitution, he questioned whether any person would urge these amendments at the price which they would inevitably cost. Certainly, during the present condition of the moneyed concerns of the State, no gentleman could desire to force this additional tax upon the people. He could see no plausible reason for sitting here longer at present. We cannot possibly get through the Constitution in committee of the whole, during the month of July, much less finish our labors. It had been said that the judiciary article itself would consume a month's time which would bring us into the hot weather in August, when it was not to be expected that gentlemen would be in a condition to deliberate upon a subject so all important to the people of the Commonwealth. He was fully of opinion, that if we adjourned over until the cool weather, that we would be able to do more business in one day than we could do now in two, and he was also in favor of adjourning over until after the elections, so that there might be something like an expression of the people on the subject. This he conceived, would have a very salutary effect upon all parties. As to the occupation of the time of the Convention in debate, he cast no reflections upon any gentleman on this floor, because he was equally obnoxious to the charge, if it was made, as he had occupied the attention of the Convention his full share, and he would continue to occupy it so long as duty called him to do it, and whenever it did, he should make no excuses for performing that duty. This he should do fearlessly and faithfully, let what would be said about it by gentlemen here. Would his constituents place confidence in him, when duty called him to express their opinions, or his own, if he was to say he could not do it, because he

would not be listened to by this body. This would not be a sufficient apology for him, and it was one that he should never avail himself of.— He imagined, however, that all gentlemen would be listened to with attention, if they spoke well and to the purpose. Then let every gentleman speak good sound sense; let him study well what he was going to say, and give all subjects he intended to discuss, a previous examination, and he would be listened to, and his arguments would have their full weight. He would take this occasion to say, that it gave him great pleasure to find that there were so many gentlemen on the floor of the Convention, who were so able to do honor to themselves, and to the Commonwealth of Pennsylvania in the way of debate. It was with pride, that he looked around and saw so many gentlemen capable of introducing arguments so logical, and expressions so beautiful as we have heard on this floor; and this he looked upon as one of the strongest arguments in favor of a republican government. He hoped gentlemen might consider this question well, and make up their minds to adjourn over until a time more propitious for deliberation than the present, for it was very evident that the body was in no condition now, to deliberate upon the various important subjects which would be brought before it.

Mr. EARLE said, if the friends of reform had doubted, for a moment, of the propriety of voting down this resolution, the speech of the gentleman from Franklin must convince them, that it ought to be negatived. The gentleman had told us, what we knew, from the beginning of his remarks, that they were not intended for this Convention, but for the people. Now, the gentleman is for making reform unpopular, and he had openly declared that the best way of effecting this object, is to get an adjournment, which will increase the expenses of the Convention. He has told us that the people are dissatisfied with the expenses of the Convention, yet he endeavors to make them doubly great, by getting an adjournment over to some future day, when he and others will come back with fresh materials, and doubly laden with speeches, so that we will never be able to get any question. He had never yet seen the gentleman ready to take a question; and whether he might be called a big lawyer, or a little one, he was always ready to make two or three speeches on every subject, and sometimes that many in one day. The gentleman wishes to make reform and reformers unpopular, so that he may get the next Legislature elected for the purpose of repealing the Convention law; and he wishes to adjourn over, to give them the opportunity of doing this. It must be apparent to every gentleman, that a plot has been formed on the part of some gentlemen here, to baffle all attempts at reform, by the prolonging of our debates, and the wasting of our time.

The CHAIR said, it was not in order, to say that any gentleman was concerned in a plot.

Mr. EARLE then wished to know, if it would be in order to state a fact. The gentleman from Franklin had stated, in relation to his (Mr. E's.) course, what was not a fact, and he now wished to know whether it would be in order to state what was the fact, in relation to that gentleman. What he wished to state was, that that gentleman had endeavored, by all the arts in his power, to prevent us from getting a question settled on last Friday, and it was the same case on Saturday; and he had heard

that gentleman congratulate one of his friends, in having succeeded in keeping off the question until they got an adjournment.

The CHAIR said, it was out of order to introduce personal difficulties here; and it was entirely improper for a gentleman to bring into a debate on this floor, any thing which he had overheard in another place.

Mr. EARLE said, we had got the previous question on this subject lately under discussion, and carried it, but it was not with the consent of the gentleman from Franklin. The reformers were anxious to adopt the measures of reform proposed, speedily, and then adjourn and go home; but the gentleman talks of expenses one minute, and the next, he proposes to double the expenses, for the purpose of making reform unpopular. Mr. E. was in favor of, at least, passing through the Constitution in committee of the whole, and then we could go home to our constituents with the consciousness of having done something, and he thought with the assurance that the people would be satisfied with our labors; but if we now adjourned, he feared it would not be satisfactory to the people. A great deal had been said about the healths of members, and of the danger of contracting disease in Harrisburg, by those gentlemen who were in favor of an adjournment; but he believed there was nothing in it, and that it was all for mere effect. There never was less disease in this place than at present; and during the sitting of the Legislature in the winter season, there were almost always more members on the sick list, than there were at the present time in this Convention. All this discussion in relation to health, expense, and all that sort of thing, was for sheer effect, and ought not to weigh a feather with the reformers of this body. The gentleman from Franklin, (Mr. DUNLAP) had personally attacked him, (Mr. E.), and said that he gave a vote solitary and alone, against the election of certain officers by the people. If he had done so, he had not done as the gentleman from Franklin had done, made four or five speeches against an amendment, and then voted for it. Mr. E. had spoken against the amendment, and he voted against it; and it was not a fact, that he had voted against it because it went to give the election of those officers to the people. He had voted against it, because it contained matters which he was opposed to, and not because it went to give the election to the people. The report of the committee proposed to give the elections to the people, and so did all the other amendments which had been brought to the notice of the Convention, and no man had a right to say that he voted against giving those elections to the people, as it was not the fact. But the gentleman had seen proper to say this, and no doubt to place him in an unfavorable position before the public, as he had called upon the stenographers to take down what he said, as it was intended for the public. Now, he would ask that gentleman, whether he had not made a motion to adjourn over from Friday to Monday, and whether that motion did not create a great deal of debate, which led to a useless expenditure of the people's money; and he would furthermore ask him, whether he had not given as a reason why he desired that adjournment, that he wanted time to read and inform himself on the subject then before the Convention; and, whether he had not been seen walking the streets all afternoons, instead of being at home, reading, as he said he desired to.

The CHAIR said, it was entirely out of order to be introducing here occurrences elsewhere,

Mr. EARLE had understood that it was in order to introduce matters of this kind, when a gentleman from Luzerne had introduced a private conversation which had occurred in his boarding house.

The CHAIR remarked, that it was his decision that no member had the right to make himself the censor of the conduct of any other member of the body; nor, had he any right to introduce any matters here which had transpired between himself and other members of the body.

Mr. EARLE said, as he understood, that a gentleman from York had intended offering an amendment, he would withdraw his for the present.

Mr. HOPKINSON, of Philadelphia, said, that when the question of adjournment was last up, he had expressed his opinion, that there ought to be no adjournment until the Convention should have got through its labors, or at least, until the several articles of the Constitution were passed through committee of the whole. He denied, that he came under the reproach of the gentleman from the county of Philadelphia, (Mr. EARLE.)—He (Mr. H.) felt disposed to vote for the original motion to adjourn. And, he would state, in a few words, why he now entertained a different opinion from what he held before. The Convention had been in session nine weeks, and very little had been done. We were now on the point of coming into action—were just approaching the field of battle. It was before us, and what was the hope, and what was the prospect? The sixth article was not yet disposed of, and much remained to be said and done with respect to it. There was another subject, which was of the very highest importance—all other subjects sank into insignificance when compared with it, and that was, the tenure of office of the Judges, which was still to be acted upon. He would ask, if that was to be discussed in a fatigued and inattentive Convention? He hoped not. He conceived that there was no time to discuss it as it ought to be, without sitting the summer through. Besides these, there were other matters to be discussed—there were various plans proposed for the re-organization of all the courts. Could gentlemen imagine a more important subject than that? The districts, too, were to be remodeled. In fact, an infinite number of subjects had yet to be considered, discussed, and disposed of. Well, then, could any gentlemen here expect to get through before the 1st of August, or September? If they were willing to sit here the whole summer, let them do so. Here he was, and here he would be, if that was to be their determination. But, let them not deceive themselves by imagining, that they would close their business by that time. In what he was now about to say, he meant to give no man any offence. Gentlemen must have noticed that there had been, within the last few days, a very thin attendance of members. To whom did the people of Pennsylvania entrust their Constitution, in order that they might revise it? One hundred and thirty-three men, in whom they had confidence. Where were they? Their chairs were here.—Three fourths of them could scarcely be got together. Did the people say that three fourths should revise their Constitution—make laws for them and their children? He regretted that so few were here. But, he regretted it, particularly, when business of this important character required their close and regular attendance here. If members should continue to absent themselves as they had done, there would not, in a fortnight hence, be a quorum left. There was an apathy—a listlessness, prevailing in the body, and looking at the condition of things in every aspect in which they

could be viewed, he had come to the conclusion, that the best course which they could adopt was to go home, and leave their work half done, than remain and finish it with half their number present.

Mr. BROWN, of Philadelphia, replied to the gentleman from Franklin, (Mr. DUNLOP.) He entertained the belief, that his constituents would not censure, or find fault with him, for any thing that he or the Convention had done. There could be no doubt, that when the gentleman had undertaken to arraign the Convention, he had done so for effect beyond these walls. Before venturing to speak of the daily expenses of the Convention, he ought to have shown, that it was sitting at a greater expense than other bodies of a like character. He (Mr. B.) found, that the expenses of the Legislature of 1835-6, of which the gentleman was a member, were greater than those of this Convention, and that body, on the average, did not sit so many hours, and was not so fully attended, in proportion to its numbers. In the Congress of the United States there were more absentees, daily, in proportion to the number of members. He admitted that, heretofore, he had opposed the resolution to adjourn; but, circumstances had greatly changed since that time. He had hoped, that when gentlemen took upon themselves a public duty, they would have regarded it as paramount to their private interests. Much had been said with respect to the warm weather, and of our being exhausted, and unable to attend to our labors. The Convention of 1789-90, which consisted of only half the number of members of the present Convention, sat in the warm months of August and September. They were four months in session, notwithstanding fewer amendments were required by the people. They cared nothing about the warm weather. He much feared that this dread of the warm weather had led to the result he could have desired to prevent—a temporary adjournment. It was with regret, that he perceived so many gentlemen absent from their seats; and, if gentlemen were determined to leave the scene of their labors, the Convention had better adjourn, to meet again at some future time, when the business, which we were sent here to transact, would be disposed of, without any sacrifice of the public time, or money. He did not agree with his colleague, (Mr. EARLE) as to the ultimate result to which the Convention would come, if they were to adjourn, and meet again to finish their business. He (Mr. B.) had every confidence in the people, and the delegates whom they had sent here, and he had no doubt if when we should assemble again, such amendments would be made to the Constitution as were required by the people. He believed, that if a vote were to be taken, six months hence, on each of the amendments already adopted, it would be the same. Gentlemen here were not to be frightened out of offering such amendments to the Constitution, as they thought would meet the wishes and desires of the people, because they might cause an expenditure of a hundred dollars, or a hundred thousand dollars. If he could bring himself to believe, for one moment, that the people of Pennsylvania regarded the expenditure of a few hundred thousand dollars, incurred in changing important principles in their Constitution, he would deem them unworthy of a free Government. But this, however, he did not believe. He regretted, that the gentleman from Franklin (Mr. DUNLOP) should have gone into an estimate of the expenses of the Convention, and thus have created unnecessary debate and excitement. It was wholly unnecessary, and a work of supererogation. When the people called this

Convention, for the purpose of remodeling the Constitution of the State, they did not take into consideration the expense. In fact, they cared nothing about the expense, as compared with their desire to have the Constitution amended. Their creed was—millions for defence, but not a cent for tribute. They wished to get rid of those features in it which kept them in bondage, and were at war with free principles of Government, and opposed to the intelligence and integrity of the people. He felt sure, that the gentleman's appeal to them would be without effect. For himself, he would not dare to make such an appeal to his constituents, without expecting to receive a rebuke from them. Gentlemen were sent here to discuss and deliberate, in order to ascertain what are the opinions of the people of the whole State, and to act accordingly. The people had a right to be heard, and would be heard, no matter what might be the expense, which they would not at all regret. He had not seen a letter, or a newspaper, containing any complaint, either as to the time which had been consumed, or the expense that had been incurred. He had only seen in a country paper, or two, an attempt to question whether the Convention had not wasted their time. From the time he came here, up to the present moment, he had been but three days away from Harrisburg, and not one hour had he been absent from the deliberations of the Convention, whilst in town. When he came here, he did so with a determination to leave all his private feelings and interests behind him, and to devote himself entirely to the performance of those duties which he had assumed in behalf of his constituents. Although he knew many gentlemen in favor of reform, who desired an adjournment, he would vote against it. If, however, the Convention should adjourn, he was willing to go wherever it might go—whether in a season of sickness or of health, in warm weather, or in cold. And, having done that, he would go back to his constituents, and inform them what the Convention had done, and then would deliver up his trust into their hands—having discharged his duty.

Mr. PORTER, of Northampton, said, he presumed that when the people of Pennsylvania called this Convention, they did not enter into a calculation of dollars and cents—they wished us to take into consideration what amendments were necessary to be made to the Constitution, and did not think, or care about the expense of making them. That was a matter of secondary importance. It was, therefore, our duty to carry out their wishes. He did not think, with all due deference to gentlemen, who talked about the expense of this Convention, that they paid any compliment to the public, or added to the reputation of this body by indulging in remarks of that character. In matters, where principles were concerned, he considered money as naught. He was as much opposed to the extravagant expenditure of money as any man; but when the people desired a particular course of proceedings to be had, he never would attempt to come in competition with the will of the people. He confessed that he was as desirous of seeing the expenses of the Convention curtailed as much as possible—for he was anxious that the public money should not be squandered. But, we must not, through fear, be driven from the performance of our duties. It was with a view to shorten the labors of the Convention that he had submitted his amendment, which he thought might possibly meet the views of the majority. He was anxious that the Convention should adjourn to some future time; and he thought that if the

amendment should be adopted we would be able to do much before the period of the adjournment. His impression was, that a great deal might be done by the 14th inst. Perhaps we might get through the first reading of the Constitution by that time—when it could be laid before the people, so that they might have an opportunity of expressing their opinion as to the propriety or impropriety of what we had done. He thought we might easily arrange our business to adjourn on the 14th of July. The gentleman from the county of Philadelphia, (Mr. BROWN) had talked in a spirit of pride, about his not having been home but once since he came here, and of his not caring to go home until we should have got through our business.

Mr. BROWN, here explained that he had merely stated the fact, and did not mean to cast any reflection on the course of any gentleman.

Mr. PORTER: The gentleman has no wife or children.

Mr. BROWN: Still I have a family, and have a business to attend to.

Mr. PORTER said, if the gentleman from the county did not want to go home to see his wife and children, he (Mr. P.) did. After what had been said by the venerable delegate from the city of Philadelphia, (Mr. HOPKINSON) he thought it must be manifest to every gentleman, that we should not be able to get through our labors at the present sitting of the Convention, and therefore it was better to adjourn on the 14th inst. He (Mr. P.) had no fear of members coming back here with a variety of speeches prepared to be delivered, and even if they should, it was doubtless better that they should be given, than that we should have more random speeches, such as had already been delivered, full of wild chimeras, spoken without a moment's reflection, elicited on the spur of the moment.

Mr. DONNELL, of York, moved to amend the amendment by adding the following: "provided that all the articles of the Constitution have been passed through the committee of the whole".

Mr. CLARKE, of Indiana, said, that he would vote against the original resolution, if this amendment should not be adopted. And, he would be very much mistaken if it should not be. The views of gentlemen with regard to the proposed adjournment were now tolerably well known. For himself, he would vote against the amendment to the amendment. Those who would vote for it consisted of three or four classes. The ultra conservatives had openly avowed their opposition to make any amendments to the Constitution. Their opposition, however, had been direct, open, and manly. He honoured them for the candid expression of their sentiments, although he did not approve of their course. There was another set of conservatives here, who had been carrying on this Fabian war, but who were not strong enough to successfully oppose the amendments which were offered, and consequently indulged themselves in throwing every obstacle in the way, which their ingenuity could devise. They had provoked discussion, when none was needed, and those favorable to amendments had fallen into the snare perhaps too readily. He trusted that a spirit of compromise would animate our proceedings, and that each man would surrender something in order to obtain unanimity, and promote the wishes of each as far as practicable. There were two classes of men who would vote for an adjournment, and who would go home to say that, by the exercise of a little ingenuity and concert between them, they had succeeded in preventing any thing from being done. They would say

we have managed to out-manœuvre the radicals and agrarians, and nothing has been done in regard to amending the Constitution. They would point, too, to the expense attending the Convention—that it cost the State a thousand dollars a day, and had already put them to the expense of seventy-five thousand dollars. The newspapers opposed to reform would make the most of it, and before the next election, the amount would be swelled to fifteen hundred dollars per day. If, then, the Convention should now adjourn to meet again here, and the Legislature should turn us out of this Hall, we would be obliged to have a third meeting. We would create ourselves a sort of Rump Parliament, like that which once existed in England. Looking to the division of sentiment among gentlemen here, and of the different courses they had seen proper to pursue, he would content himself with voting in favor of the amendment of the gentleman from York, (Mr. DONNELL) and against the resolution.

Mr. GAMBLE asked for the yeas and nays.

And the question being taken on the amendment, it was decided in the negative—yeas 43; nays 55—as follows:

YEAS.—Messrs. Agnew, Bayne, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cochran, Crain, Darrah, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Gamble, Gearhart, Grenell, Hayhurst, Helffenstein, Hiester, Keim, Kerr, M'Sherry, Miller, Montgomery, Myers, Nevin, Purviance, Read, Riter, Ritter, Shellito, Smith, Smyth, Sterigere, Stevens, Stickel, Taggart, Young—43.

NAYS.—Messrs. Baldwin, Barclay, Barndollar, Carey, Chambers, Chandler, of Chester, Chauncey, Cleavinger, Cline, Crum, Cummin, Curll, Darlington, Denny, Dickerson, Dillinger, Forward, Foulkrod, Fry, Fuller, Gilmore, Hastings, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Houpt, Hyde, Jenks, Kennedy, Konigmacher, Krebs, Maclay, Mann, M'Call, M'Dowell, Meredith, Merkel, Overfield, Pennypacker, Pollock, Porter, of Northampton, Rogers, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Swetland, Thomas, Todd, Weidman, Sergeant, *President*—55.

Mr. KONIGMACHER moved to strike out "this place" and insert "Lancaster".

Mr. DORAN moved to postpone the further consideration of the amendment, together with the resolution, indefinitely.

Mr. STERIGERE rose and said, that he did not intend to occupy much of the time of the Convention, in what he was about to say. When he was elected a delegate to this body, he expected and desired to come here and discharge his duties in the shortest possible time. His belief, at this moment was, that if we adjourned to meet again, the consequence would be that more time would be consumed than if we remained here and closed our labors. He understood the gentleman from Northampton, (Mr. PORTER) to allude to him as having thrown censure upon his proposition. He would tell that gentleman that he did not mean to do any such thing, or even complain of it. But, being under that impression, he had taken occasion to make some remarks personal to himself. (Mr. S.)

The CHAIR called the gentleman to order. He did not understand the gentleman from Northampton to speak of any gentleman's course here.

Mr. STERIGERE resumed. He did not think it necessary, or called for, that a gentleman should do so. He had not the slightest intention to allude to the gentleman (Mr. PORTER). He would be sorry to reflect on any gentleman's course. He was responsible to no gentleman in this Convention, and no gentleman was responsible to him. He disapproved of gen-

lemen setting themselves up as censors of any man's conduct. For himself, he could unhesitatingly declare that he had never done it, and never would do it. Whenever a gentleman thought proper to address the Convention, he had a right to do so: he was responsible to his constituents and to no one else. And, while he would not censure any one, he would not submit to the control of any one here. He wished it clearly to be understood, that, in making these observations in regard to the impropriety of censuring one another, he meant, of course, not to reflect on any individual. The indulgence in the practice of censuring each other, sometimes produced unpleasant feelings. He should regret it, if he had said anything which had wounded the feelings of any gentleman of the Convention. And, he would, for the future, take care not to hurt them again.

Mr. PORTER replied, that his observations were not made in reference to the gentleman from Montgomery, but were in reply to the gentleman from Philadelphia, (Mr. BROWN). The gentleman, however, seemed to have taken some prejudice to him, (Mr. P.) and he knew not why it should exist. He did not know that they had crossed each others' path: nor could he (Mr. P.) say, that the course of the gentleman had caused him any unpleasantness.

Mr. STERIGERE: I am glad to hear the gentleman say so.

Mr. PORTER said, that he wished to undeceive the gentleman from Montgomery, as to his (Mr. P's.) course.

Mr. STERIGERE expressed himself quite satisfied with the explanation.

Mr. STEVENS said, that he should vote for the indefinite postponement, as the Convention were not prepared, at this time, to say whether they would adjourn over the next election. It seemed to him, that if there were a desire among different members, or different parties here, if you please, to make a compromise—to give and take—we could agree on certain amendments to the Constitution, in time to submit it to the people at the next general election. And, if the course indicated by the gentleman from Northampton (Mr. PORTER) this morning, which was, to have a committee appointed to consider a report upon the different propositions, and to bring in a resolution for the immediate action of the Convention upon them, so that they might be disposed of at once, without going through the forms of a second and third reading, should be met in the spirit, which it seemed to him, he (Mr. P.) made it, we should be able to come to some satisfactory conclusion. Or, if not quite satisfactory, at least more so than it would to gentlemen to have to sit here nine months, and would better please those who we represent on this floor. Among the objects which he was sent here to do, was, to give the county officers to the people, and also, to oppose some alterations which gentlemen might propose, and which did not suit his constituents. He was now willing to go further than he had intended—was disposed to vote for some plan like that of the gentleman from Northampton, which he regarded, as being offered in a spirit of reconciliation. Some gentlemen, however, were for having all, or nothing. We had sat here already, between two and three months, and had done but little, and the Convention would not get through their labors in nine months, and after having spent a proportionate amount of the people's money, unless gentlemen should evince a disposition of reconciliation and compromise. He was therefore opposed to the adjournment over to the fall; and he was somewhat surprised, that the gentleman

from Northampton (Mr. PORTER) should be in favor of adjournment, until another week should have gone round, and we should see if there was no proposition which might be agreed on, not in the expectation of pleasing every one, but one which would be agreeable to a majority, leaving those points on which they could not agree, to the action of the people, under the easy mode which would be pointed out for making amendments. We ought never to agree to adjourn over a week or ten days, until we learn that it is the desire of the people that we should do so. Gentlemen said, we had better adjourn, and consult our constituents, and return. How are we to know their views? One gentleman told us, he was sent here to get such amendments, and another told us that he was sent here to get a different set of amendments: and we are to be made a board of Justices, to record the edicts of the people, who speak to us through their mouth-pieces. Another gentleman, gave us another view. We are very apt to suppose that the people want, what we ourselves want. He wanted the justices to be elected by the people. Another says, I am the people. Another expresses a deference to the people, and favors us with opinions, which we are asked to take as the sense of the people. Persons disposed to sleep, may sometimes be roused by a jog. He would wake up these gentlemen, and suggest to them to make the day of adjournment the third of November, so that the people may say at the next election, whether we shall assemble here again, or not. Would gentlemen accede to the suggestion? The conservatives would not. Would the reformers, who make the people their idol, and who say prayers to the people, at the corners of the streets, twenty times a day; and, if not, dare they let us sit here, and do our business with as little cost to the country as we can? He concluded with moving to amend the amendment, by striking out the words "sixteenth of October", and inserting the words "third day of November", and adding to the end thereof, the following, viz:

"Provided, that at the next general election, the question whether this Convention shall re-assemble, shall be submitted to the people in the following manner, to wit: Tickets, containing on the outside the word "Convention", and on the inside "*assemble*", or "*not assemble*", shall be received by the inspectors from legal voters of this Commonwealth, and carefully counted and returned to the Secretary of the Commonwealth, as is provided for in the election of Sheriffs; and the said Secretary shall open and count the same within \_\_\_\_\_ days of the day of said general election; and the Governor, by proclamation, published in each county of the State, shall announce the result; and if the tickets containing the word "*assemble*", shall exceed those containing the words "*not assemble*", then the Governor shall notify the Convention to re-assemble; but if the majority of the votes thus given, shall not be in favor of the Convention's re-assembling, then this Convention shall not again meet, but be dissolved—and that the amendments to the Constitution already agreed upon in committee of the whole, as well as the proposition now pending, with regard to county officers, be submitted to the people at the next general election, for their ratification or rejection".

Mr. FULLER, of Fayette, expressed a hope that the question would be taken. He wished the Convention to save time in debating. He had desired to pass such a resolution some weeks ago, but it seemed as if gentlemen were determined no resolution of the kind should pass. He would go

against the motion. He desired to make such amendments as the people asked for, and nothing should influence him from that course. He would not agree to postpone, nor would he agree to leave the Convention until there had been a test vote of the Convention. He moved the previous question.

The PRESIDENT decided that the motion was out of order—the Convention having already refused to-day to take the previous question.

Mr. HEESTER, of Lancaster, said, he was opposed to the indefinite postponement, and was also opposed to any adjournment before the business was concluded. It would only delay getting the question on the resolution, which he now believed a majority were determined to pass. He had, as the Journals would show, uniformly voted against similar propositions, and intended to vote against the present resolution also. The people expected us to complete what we had assembled to do, without an adjournment over; and that, he believed, might yet be done by about the middle of August, and before the commencement of the sickly season. He coincided in opinion with the gentleman from Lycoming, (Mr. FLEMING,) that, after we had agreed on an amendment that the Legislature should, in future, meet on the first Tuesday of January, in order to prevent the holy-day adjournments, against which there was so much complaint, it came with an ill-grace from us, to do the same that we wished to restrict others from doing.

The gentleman from Franklin (Mr. DUNLAP) had given a *detailed* statement of the daily expense of the Convention, which he made out to be upwards of nine hundred dollars, and this, he seemed to think, was a good reason for voting for an adjournment over until next October, as he told us he would vote for the resolution. This, said Mr. H., together with the whole of the gentleman's argument, was to his mind, the best reason for voting against the resolution. For, who did not know, that if gentlemen went home for a couple of months, that they would return with a variety of new schemes and projects, and with a renewed desire to make long speeches; and that it would consequently, require double the time to get through, that would now be necessary to finish the work. But, said Mr. H., he had risen principally to say a word in support of his colleague's (Mr. KONIGMACHER) amendment. If the Convention did adjourn to the middle of October, it was very certain that they could not get through by the first Monday in December, and the Legislature would then (if it should not be sooner convened by the Governor, and which was not improbable) take possession of this Hall. It would, consequently, become necessary to obtain and fit out another place for the Convention to meet in. He did not know whether another house could be got in this place; but he thought, that upon a little reflection, every gentleman would agree with him, that it would not be proper for the Convention and the Legislature to be assembled in the same place, at the same time. There would necessarily, be a suspicion on the public mind, that one of these bodies might exercise an undue influence over the other; and he thought there ought to be no cause given for such an imputation, or suspicion. If, therefore, the resolution was adopted, he hoped that some other place of meeting would be agreed upon. His colleague, (Mr. REIGART,) who was now not present, had informed the Convention, some time ago, that the German Lutheran church in the city of Lancaster, would be given gratis for the

Convention to sit in, if they chose to assemble there. This building was large and commodious, and might, with very little expense, be fitted up for the accommodation and convenience of the Convention. He should, therefore, vote for the amendment; and if that was not agreed to, he should, if no other gentleman did, move to insert the city of Philadelphia as the place of meeting; for, in his opinion, it was highly important that the Convention and Legislature should not be assembled here, at one and the same time.

Mr. BALDWIN moved an adjournment. Lost.

Mr. CURLL hoped, if the gentleman would not withdraw the motion for the indefinite postponement, that it would not prevail. He wished to have a direct vote upon the resolution, so as to settle the question. For his own part, he had felt in favor of the resolution, but after the argument we have just heard, he had determined to go against it, and against all adjournments, until we finish our labors.

Mr. McDOWELL begged leave to say a word, before the question was taken. He hoped and prayed that the motion for a postponement might not prevail; but that the question might be taken directly on the resolution, and this question of adjournment decided and settled, one way or the other, so that we may never hear more of it in this Convention, until we adjourn *sine die*.

The question was then taken on the motion to postpone indefinitely, and decided in the negative.

The motion to strike out "this place", and insert "Lancaster", was decided in the negative.

Mr. HIESTER then moved to strike out "this place", and insert "Philadelphia."

Mr. AGNEW should vote in favor of Philadelphia, because if we adjourned, until the time proposed, he thought we should meet at some other place; but by that vote he did not wish to be understood as being favorable to an adjournment at all.

Mr. CLARKE called for the yeas and nays, which were ordered, and were yeas, 43; nays, 46—as follows:

YEAS—Messrs. Agnew, Bayne, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cochran, Crain, Darrah, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Gamble, Gearhart, Grenell, Hayhurst, Helffenstein, Hiester, Keim, Kerr, M'Sherry, Miller, Montgomery, Myers, Nevin, Purviance, Read, Riter, Ritter, Shellito, Smith, Smyth, Sterigere, Stevens, Stickel, Taggart, Young—43.

NAYS—Messrs. Baldwin, Barclay, Barndollar, Carey, Chambers, Chandler, of Chester, Chauncey, Cleavinger, Cline, Crum, Cummin, Curll, Darlington, Denny, Dickerson, Dillinger, Forward, Foulkrod, Fry, Fuller, Gilmore, Hastings, Henderson, of Allegheny, Henderson, of Dauphin, Hopkinson, Houpt, Hyde, Jenks, Kennedy, Konigsmacher, Krebs, Maclay, Mann, M'Call, M'Dowell, Meredith, Merkel, Overfield, Pennypacker, Pollock, Porter, of Northampton, Rogers, Russell, Saegar, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Swetland, Thomas, Todd, Weidman, Sergeant—55.

So the question was decided in the negative.

Mr. BAYNE moved to strike out "this place", and insert "Pittsburg".

Mr. CHANDLER, of Chester, moved that the Convention do now adjourn. Lost.

The question was then taken on Mr. BAYNE'S amendment, and decided in the negative.

Mr. RITER moved to strike out "this place", and insert "German-town", which was negatived.

Mr. OVERFIELD modified his proposition, so as to read the fifteenth of July.

Mr. STEVENS moved to strike out "this place", leaving it to be decided hereafter, where the Convention should meet.

Mr. READ thought the amendment should be modified, because, if the resolution were passed with a blank in it, no place would be named where the Convention should meet again.

The PRESIDENT said a blank would not be left in the resolution, and that the Convention would meet here.

Mr. STEVENS moved to amend the resolution by striking out the words "sixteenth day of October", and inserting "third Tuesday of November", and to add at the end thereof, as follows, viz: "*And provided*. That at the next general election, the question whether this Convention shall re-assemble, shall be submitted to the people, in the following manner, to wit: Tickets containing on the outside, the word "Convention", and on the inside "assemble", or "not assemble", shall be received by the Inspectors from the legal voters of this Commonwealth, and carefully counted, and returned to the Secretary of the Commonwealth, as is provided for in the election of Sheriff; and the said Secretary shall open and count the same within            days of the day of said general election; and the Governor, by proclamation published in each county of the State, shall announce the result; and if the tickets, containing the word "assemble", shall exceed those containing the words "not assemble", then the Governor shall so state and notify the Convention to re-assemble; but if the majority of votes, thus given, shall not be in favor of the Convention re-assembling, then this Convention shall not again meet, but be dissolved; and that the amendments to the Constitution, already agreed upon, in committee of the whole, as well as the proposition now pending, with regard to county officers, be submitted to the people at the next general election, for their ratification or rejection".

Mr. DORAN moved that the Convention do now adjourn. Lost.

Mr. CRUM asked for a division of the question, to end with the words "third Tuesday of November".

Mr. STERIGERE, after remarking that the attendance of the members was but thin to-day, and that it was proper the question ought to be taken when the Convention was more full, moved that the further consideration of the resolution and amendment, be postponed till Saturday.

The question was taken on postponing, and decided in the negative.

Mr. M'DOWELL opposed the motion to postpone, and expressed his hope that the question of adjournment would now be settled for ever.

Mr. M'CALL intimated that it would be much more convenient to adjourn on the 12th, as three days would then be left for members to reach their homes before the Sabbath, as it would be improper to travel on that day.

The question then recurring, was on the adoption of the amendment of Mr. STEVENS.

Mr. MEREDITH said that a division of the question had been demanded, and he entertained some doubts whether it was divisible,

The **PRESIDENT** ruled that, as the question presented two independent propositions, it was divisible.

**Mr. DORAN**, of Philadelphia, asked for the yeas and nays.

**Mr. HIESTER**, of Lancaster, demanded the previous question, which was sustained; and the question was then taken on agreeing to the resolution, which was negatived—yeas, 44, nays, 55, as follows:

**YEAS**—Messrs. Barclay, Carey, Chambers, Chandler, of Chester, Chauncey, Crum, Cummin, Darlington, Dillinger, Dunlop, Forward, Foulkrod, Fry, Fuller, Hastings, Henderson, of Allegheny, Hopkinson, Hyde, Jenks, Kennedy, Konigsmacher, Krebs, Maclay, Mann, Martin, M'Call, M'Dowell, Overfield, Pennypacker, Pollock, Porter, of Northampton, Read, Russell, Saegar, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Swetland, Thomas, Todd, Weidman—44.

**NAYS**—Messrs. Agnew, Baldwin, Barndollar, Bayne, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Cochran, Crain, Curl, Darrah, Denny, Dickerson, Donnel, Doran, Earle, Farrelly, Fleming, Gamble, Gearhart, Gilmore, Grenell, Hayhurst, Helffenstein, Henderson, of Dauphin, Hiester, Houpt, Keim, Kerr, M'Sherry, Meredith, Merkle, Miller, Montgomery, Myers, Nevin, Purviance, Riter, Ritter, Rogers, Shellito, Smith, Smyth, Sterigere, Stevens, Stickel, Taggart, Young, Sergeant, *President*—55.

So the resolution was negatived. The Convention then took the usual recess, till 4 o'clock.

#### MONDAY AFTERNOON—4 O'CLOCK.

**MI. BAYNE**, on leave, moved that when the Convention adjourn, it adjourns to meet on Wednesday morning, at 9 o'clock—ayes 30, noes 59.

**Mr. STERIGERE** submitted the following resolution as an additional rule, and moved its consideration, which was negatived, and the resolution was laid on the table:

*Resolved*, That the following be added to the standing rules of the Convention:

**RULE 41.** Not more than one hour in any day shall be devoted to the consideration of motions and resolutions.

#### SIXTH ARTICLE.

The Convention again resolved itself into committee of the whole on the sixth article of the Constitution, **Mr. CHAMBERS**, of Franklin, in the Chair.

The question pending, being on so much of the report of the committee as relates to the third section, in the following words, viz:

**SECTION 3.** In every county, having for the time being five thousand or more taxable inhabitants, one person shall be elected Recorder of deeds and mortgages, and one person shall be elected Register of wills and testaments, and in every county, having for the time being less than five thousand taxable inhabitants, one person shall be elected, who shall be Recorder of deeds and mortgages, and Register of wills and testaments, to hold their offices for a term of three years; but, no person shall be more than twice elected in any term of nine years.

**Mr. HASTINGS**, of Jefferson, moved to amend the same, by striking therefrom all after the words "Section 3", and inserting in lieu thereof, the following, viz:

"The public improvements of this Commonwealth shall be under the control of three Canal Commissioners, who shall be elected by the citizens

of the Commonwealth, at the same time and places of election of Representatives. At the first general election after the adoption of this Constitution, one shall be elected to serve for the term of one year, one shall be elected to serve for the term of two years, and one shall be elected to serve for the term of three years; and, annually thereafter, one shall be elected to serve for the term of three years. No person shall be eligible to that office for a longer period than three years, in any term of six years”.

The question being taken on this motion to amend, it was decided in the negative.

Mr. BROWN, of Philadelphia, moved to amend the report, by striking out all after the words “Section 3”, and inserting in lieu thereof, the following, viz:

“Three County Commissioners, one annually, and a County Treasurer shall, at the times and places of election of Representative, be chosen by the citizens of each county, who shall hold their offices for three years, and until others are elected and qualified. Vacancies in the board of County Commissioners shall be filled at the next annual election; but, no person shall be twice chosen commissioner in any term of six years”.

Mr. BROWN said, this would only be placing in the Constitution what was now in the law. He considered it desirable that these officers should be made permanent, by being provided for in the Constitution, and not be liable to be turned out. On that account, the Clerks of the various courts had been so placed in a previous provision in the Constitution. These officers were now in the power of the County Commissioners. If one class of officers were placed in the Constitution, the other should. As many officers as were necessary to carry on the Government, should be permanent. For that purpose, he wished to place these officers in the Constitution, not with a design to change, but to fix their character beyond the reach of legal enactments. If the proposition were negatived now, he should renew it on the second reading.

Mr. READ, of Sesquehanna, did not understand the policy of the gentleman, in introducing amendments which threw every thing into confusion. The County Treasurer was provided for in the next section.

Mr. BROWN modified his amendment, by striking out the words “and a County Treasurer”.

The question was then put, and the amendment of Mr. BROWN was negatived.

So much of the report, as is called the third section, was then agreed to.

So much of the report of the committee, as is called section fourth, was then taken up for consideration, as follows:

SECTION 4. One County Treasurer, one County Surveyor, and one Notary Public, shall be elected in each county; the Treasurer for a term of two years; the Surveyor and Notary for a term of three years; but no person shall hold the office of County Treasurer more than four years in any term of eight years; the Legislature may provide, by law, for the election of so many additional Notaries Public, in any city or county, as shall be deemed necessary. All officers elected under this section, and under the second and third sections of this article, shall be elected at the times and places of election of Representatives.

Mr. PORTER, of Northampton, moved to amend by striking out the words "one County Surveyor, and one Notary Public".

Mr. PURVIANCE asked for a division of the question, to end with the words "County Surveyor".

Mr. PORTER stated, that the compensation of the County Surveyors, was frequently not enough to pay the expense of the commission. The deputy Surveyorship, in his county, was not worth twenty dollars a year. The Notary Public is only necessary for the attestation of papers and protests. The accumulation of so many officers to be chosen on the day of the general election, was productive of much embarrassment to the people.

Mr. DARLINGTON, of Chester, thought it would be the best way to dispose of the whole section by a negative vote. As we were in such haste to get through our business, the time of the Convention should not be wasted. He had never heard a word of complaint from any quarter concerning these officers. The existing provisions on the subject were ample and sufficient.

Mr. PORTER replied, that the County Surveyor was merely the Deputy of the Surveyor General, and, if elected by the people, would not be under the control of the Surveyor General. It would be an awkward thing, if the deputy was to set the Surveyor General at defiance, when the whole of his duties were under that officer.

Mr. DUNLOP said it was important that the county Surveyor should reside at the county town.

Mr. STEVENS said it seemed to him that the motion of the gentleman from Northampton ought not to prevail. If any part of the motion ought to stand, this part ought not to be stricken out. He saw no reason why these appointments ought not to be given to the people; for the Surveyor General had nothing to do with the county Surveyor, except to receive their returns. Why should we create a central power here, and establish an officer at the seat of Government, with fifty-two sentinels stationed in different parts of the State? Small as these offices were, still they were an accession to the strength of a party, and were of great use in maintaining the power which created them. They could be made useful as recruiting sergeants for the party. He hoped gentlemen would consent to give these appointments to the people.

Mr. CUMMIN said few officers were more necessary than a county Surveyor, and, if he resided ten or fifteen miles off, great inconvenience would take place in consequence of it. Sometimes his papers were very important testimony on trials; and, if he could not be found, the parties would be put to great trouble. He thought he ought to reside at the county town, and no one who would not agree to live in the town ought to be appointed. There was no town in the State where there was not some person qualified as a Surveyor, and it would be a great convenience to the people to have his residence fixed at the place where the county court is kept.

Mr. READ said the residence should be fixed in the ninth section—not here.

Mr. CUMMIN said he had not brought up the question, if it was not in order, he would defer his remarks.

The CHAIR said the question would come up after the pending amendment was disposed of.

Mr. PORTER said the Surveyor General was himself a creature of law, and the office was not provided for in the Constitution. Why, then, should the Deputy Surveyor be provided for in the Constitution. At one time we had a master of the rolls, whose duties were transferred to another office. Circumstances might require a transfer of the duties of the Surveyor; and, therefore, we had better not provide for their appointment in the Constitution. The Deputy Surveyor had very little to do with any central power at Harrisburg; though, perhaps, the gentleman may expect it will be different under the next King's reign. In the courts of Northampton, the office of Deputy Surveyor was filled for fifty-four years, by the same man, and he was finally removed for disability. He was a good officer, and never mingled with politics.

Mr. STEVENS said, either the gentleman was mistaken, or he was, in relation to this subject. He did not understand the appointment of a Surveyor General to be a matter of legislation. Under the present Constitution, no one but the Governor could appoint him. His whole official existence is derived from the Governor. There was no necessary connection between that officer and the county Surveyors. We wanted the latter in each county to draw lines, and aid in establishing titles to land. If the appointment to those offices were not made on party grounds in Northampton, it was because the office there, was not worth fifteen dollars a year. That was the reason that the gentleman's democratic friends let his able friend, the Surveyor, remain in office so many years. He was not quite satisfied that our next Governor would be a King. He thought the people would prefer a plain republican farmer, to any King or lawyer. In his propositions of reform, he (Mr. S.) made no exceptions. He was for giving the election of all county officers to the people. Let others who will act for reform, vote otherwise, if they liked.

Mr. PORTER said, his good old friend was kept in, till he had surveyed nearly all the lands in the county. He left little for his successors to do, for he began before the revolution, and kept on till he could survey no more. The gentleman thought, the next Governor would not be a lawyer, but it did not make much odds whether we had a lawyer for our Governor, or for our Deputy Governor.

Mr. HAYHURST, of Columbia, remarked that, in his county, the Treasurer was elected under a special act of Assembly; and he was in favor of having them all elected by the people. As to the office of Deputy Surveyor, he himself, filled it in his county, and it was not worth to him the price of printing the tickets. Very few were willing to take it. He had signified a wish to give it up, if any one would accept it, but it was declined by every one. It was an office which required a special, and not a general qualification, and, for this reason, he would vote for the amendment. The county Surveyor ought to live in the county town, if possible, for he knew by woeful experience, the inconvenience attending his residence, at the distance of eight or ten miles from the town.

Mr. READ said, he had taken the trouble to look into the practical operations of the Land Office, and he found that it was an anomalous institution. The deputies were the principal officers, and the head of the department was merely a scribe for those who were called his deputies. It was not necessary to keep up the office of Surveyor, but if we did, we must provide some other mode for the appointment of the County Surveyor,

than by the Governor. The appointment should be made either by the people, or the Legislature. The office was a complete sinecure, and the returns from the County Surveyor, could as well be made directly to the Secretary of the Land Office, without the intervention of the Surveyor.— He remarked, that he was daily asked, why he did not speak in support of this and that section of the report; but he did not feel any more bound to sustain the report, than any other member of the committee was. In many particulars, it did not meet his assent, and he was under no special obligations to mention it.

Mr. DARLINGTON said, if the committee should abolish the office of Surveyor General, the duties must be performed by some one. The County Surveyors were the agents of the Surveyor General. The fact mentioned by the gentleman from Columbia, (Mr. HAYHURST) that the Legislature gave the people of that county the right to elect a County Treasurer, was a proof that the Legislature were able to regulate this matter. In his county, these officers were elected by the county Commissioners.

Mr. FORWARD said, it was due to this officer, (the Surveyor General) to say, that he performs all the duties imposed on him by law. He performs those duties by deputies, in the manner prescribed by act of Assembly, but all the business passed through his hands. He had no control over the deputies, for their duties were provided by law. He had no more right to interfere with them, than the Governor had with the Prothonotaries. His duties are perfectly independent of the Surveyor General, and although they are exceedingly trifling in some of the counties, yet there may be good reasons for not electing him by the people. He apprehended, that the duties of this office were known to the law, and that he was no more a deputy than a Prothonotary, or any other officer.

Mr. PORTER did not exactly know what the duties of a Deputy Surveyor were now, but he did know, that some years ago, a Deputy Surveyor was nothing more nor less than a Deputy of the Surveyor General. All orders were sent out to these officers from the Surveyor General, unless perhaps, it was some order from a board of property, and when the work is performed, and a return made, it is the duty of the Surveyor General, to examine it, and see whether it is right. The Surveyor General was in duty bound to send him out instructions along with his commission; so that in fact, he can be nothing else than a deputy of that officer. He never had been known as an officer under the Constitution, and he considered it improper that he should be now introduced into it.

Mr. FORWARD admitted that the gentleman from Northampton, (Mr. PORTER), was generally correct, and he admitted that the Surveyor General might send out instructions to the Deputy Surveyors; but these instructions were of a general character, and in conformity to a general law; and he contended that the duties of a Deputy Surveyor, notwithstanding that he acted under general instructions, were as well known to the laws as the duties of any other officer under our Government. The Surveyor General had no more right to meddle with this officer in the discharge of his duties, than he had to meddle with any other county officer. He was in form, to be sure, a Deputy, yet in point of fact his duties were as well known to the law, as the duties of a Prothonotary. He was not very solicitous on this subject; but he wished to be understood to say that we might just as well elect this officer by the people as allow him to be ap-

pointed by the Surveyor General; and he believed the people would make just as good a selection as that officer would.

Mr. STERIGERE found, upon reference to PURDON'S Digest, that there was a law providing for the appointment of these officers by the Surveyor General, which showed that they were in every sense of the word nothing more nor less than Deputy of the Surveyor General. He hoped, therefore, this question as to whether they were Deputies or not, would be put to rest.

The question was taken on the first division of the amendment, and decided in the negative.

The question then being on the motion to strike out "one Notary Public", Mr. FORWARD said, he considered the duties of the office of Notary Public as special and peculiar, and he did not believe it was an office which would attract the attention of the people, or was one which they desire to meddle with; therefore, he thought it would be better to leave their appointment with the Governor, or some one else, and not trouble the people with the election of an officer of so little importance.

The second division of the amendment was then agreed to.

Mr. PURVIANCE then moved further to amend the section, by adding after the word "Treasurer" in the first line, the word "and", and in the third line by striking therefrom the words "and Notary", and in the fifth and sixth lines by striking therefrom the following: "The Legislature may provide by law for the election of so many additional Notaries Public in any city or county as shall be deemed necessary".

Which was agreed to.

Mr. STEVENS moved further to amend the section by striking from the first line the words "one County Treasurer and", and in the third and fourth lines by striking therefrom the words following, viz: "But no person shall hold the office of county Treasurer more than four years, in any term of eight years": and in the second line by striking therefrom the following words: "The Treasurer for a term of two years".

Mr. READ hoped that this amendment would not be agreed to. It was true, that heretofore, the appointment of County Treasurer had been by virtue of an act of Assembly, but that was no reason now, why they should not be made Constitutional officers. It is an office of as much importance as some we have introduced into the Constitution, and it is of vastly more importance than the office of Coroner; and it is an office in which the people have a more particular interest, than almost any other of their county offices, because he holds the purse strings, and has the care of the funds of the county. He would refer gentlemen to the case of the State Treasurer, in the old Constitution. He is made an exception from the general rule; and he is required to be elected annually by the joint vote of the two Houses of the Legislature, while all other officers are appointed by the Governor; and this was done merely because he held the purse strings of the people. Now, this office of County Treasurer, being assimilated to that of State Treasurer, and being an officer which the people should keep within their own power, he ought to be an elective officer. This officer was not like a County Surveyor, who might in the course of time, become unnecessary. His office will always exist, and the people will feel a more direct interest in relation to his office, than almost any other office in the county. He hoped, therefore, that the mo-

tion would not prevail; but that his election might be left with the people.

Mr. STEVENS said, the reason why he had moved this amendment, was, that the regulation of these officers was a matter which belonged strictly to the Legislature, and it should not be taken from them. The County Treasurer, as well as the County Commissioners, never had been considered as officers under the Constitution. The County Treasurer had always been a creature of legislation, and the Legislature had it in their power, at any time that the people desired it, to give his election to the people, or change his mode of appointment, in such manner as they desired. Now, what he objected to, was the putting into the Constitution any thing in relation to these officers which belonged to the Legislature, and which the people might perhaps hereafter desire to have changed. We have gone on in taking appointments from the Governor, and giving them to the people, and in changing the elective department of our Government to a very considerable extent; but this he thought was going a step too far. He considered it proper, that it should be left with the Legislature, so that if the people desired it, they might have the system of appointments changed to suit themselves. If a majority of the people wished the appointments made one way at one time, the Legislature could satisfy them, and if they afterwards desired the mode to be put back as it was originally, it could be put back; but if you insert this clause in the Constitution, it will be binding and permanent, and there will be no way of getting rid of it, but by the call of another Convention, to act over the scenes of this one, and he hoped that would not be done for a long time. There was another reason why he had moved to strike this out. By the law of the Legislature, the County Treasurer can only hold his office for three years out of six; but the present provision gave him the office for four years, and he was fearful some gentlemen here might call this aristocratic. He hoped, therefore, that the amendment which he had proposed, might prevail.

Mr. DARLINGTON could see no necessity for inserting this matter in the Constitution. At present, it is plain and simple, and easily understood; and if we make an alteration, it will require much legislation to make the laws conform to this Constitutional provision. Under the existing laws, the County Treasurer is appointed by the County Commissioners, and he may hold his office for three successive years, in any term of six years; and he is paid by those Commissioners such sum as they may choose to give him. Now, if you elect him, you elect him by the people, and you leave with three men, the County Commissioners, the right to say that they will give him five dollars for his services, or that they will give him a hundred dollars. He could see no reason for making a change in this respect. It was well known, that the County Commissioners took into consideration, in the appointment of this officer, the persons who were most competent and trust-worthy, and who would undertake to discharge the duties of the office for the least money. He hoped, therefore, that the motion to strike out would prevail.

The motion to strike out, was then disagreed to.

Mr. READ moved further to amend, by striking out the words "and third", in the seventh line, and to make the word "sections", in the same line, read "section".

Mr. EARLE remarked, that providing for elections by the people, was a question of considerable importance, and as many gentlemen wanted to

record their votes, and as he was anxious to record his, he would ask for the yeas and nays.

The motion was not seconded.

Mr. STERIGERE moved the following, as a new section, to be called "section three".

SECT. 3. "The *Canal Commissioners, the Auditor General, Secretary of the Land Office, Surveyor General, State Treasurer, and Attorney General*, shall be appointed annually, by the joint vote of the members of both branches of the Legislature—the clerks and other officers in the treasury and land departments, attorneys at law, election officers, all officers relating to common schools, to taxes, to the poor, and to highways, constables, and other township officers, shall be appointed in such manner as is, or shall be directed, by law".

Mr. READ suggested to the gentleman from Montgomery, that he had better withdraw his amendment, and offer it at another time.

Mr. STERIGERE replied, that it struck him as being as fit an opportunity to present it now, as at any other time, and was the proper place in which to insert it.

The question being taken on the amendment, it was rejected.

So much of the report of the committee as is called section 5, being under consideration in the words following, viz :

SECT. 5. Justices of the Peace, or Aldermen, shall be elected in the several wards, boroughs and townships, for a term of five years.

Mr. DARLINGTON, of Chester, moved to amend by striking out all after the word "section", and inserting the following :

"The Governor shall appoint such a number of Justices of the Peace, in such convenient districts in each county, as are or shall be directed by law. They shall be commissioned for the term of five years; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both Houses of the Legislature".

Mr. RUSSELL moved to amend the amendment, by inserting after the word "Governor", in the first line, the words following, viz : "By and with the advice and consent of the Senate".

The question being taken on the amendment to the amendment, it was negatived.

Mr. DARLINGTON, of Chester, said it seemed to him that the amendment proposed, was only a slight alteration from the old Constitution. It gave the Governor power to appoint such a number of Justices of the Peace in each county, as are, or shall be directed, by law. The motion which he had made to amend, raised the distinct question, whether the Convention would give the election of Justices of the Peace to the people. The election of Justices for a term of years, was tried under the Constitution of 1776. They held their offices for seven years. Under this Constitution the people lived until 1790, when, for some reason, good or bad, the people, by common consent, abandoned the system, and gave the appointments to the Governor.

Here Mr. FLEMING, of Lycoming, said, that the Judiciary committee had made a report on the subject; and perhaps, this was not the proper place to introduce the amendment.

Mr. DARLINGTON resumed: He was aware that the committee had made a report, and his opinion was, that this was the proper place for

it—was the only place where we could test the principle of election, or appointment. It would be recollected by the committee, and he begged that they would bear it in mind, that under the Constitution of 1776, none but freeholders had any choice in choosing the Justices of the Peace. This system was not found to work well, if we might credit the assertions of those whom we occasionally meet with in the community, who were sufficiently aged to recollect public opinion at that time. He had heard it said, in the county in which he now resided, that the system had not answered the expectations of the people, and that they abandoned it *in toto*. Now, he would ask, why were we returning to a system, which had been tried, and found wanting? We were about to resort again to that system, on account of some imaginary inconvenience attending the present one. He would inquire what alteration was required? What was the inconvenience the people had suffered, and what was the appropriate remedy? The inconveniences, if he was not mistaken in his views, had arisen first, from there being too great a number of Justices of the Peace; and second, the difficulty of removing them from office when they became unfit, either from age or some other cause, to discharge the duties of their station. Under the Constitution of 1790, power was given to the Governor to appoint a competent number of Justices of the Peace, in each county, as should be directed by law, and they were to hold their offices during good behavior, at the discretion of the Governor. The giving of that discretionary power had led to the appointment of a larger number than the community required. Now, how should we remedy the evil of which he had spoken? By limiting the term of office—by giving the Legislature the power of creating so many districts in each county. And, as to dividing off the counties into districts, could there be any objection on the score of incompetency to the Legislature discharging this duty? He thought not. The Legislature passed an act in 1803, by which the County Commissioners were authorized to lay off the counties into districts, in order that appointments might be made of Justices of the Peace for them. The law was carried into effect in the county of Chester, and he apprehended in other counties also. This dividing of counties into districts, might be done through the instrumentality of the County Commissioners, or any local authority which the Legislature might point out. Now, the remedy which he had stated, he thought would be found perfectly adequate to meet the evil complained of. He had already spoken of the mode in which the evils in relation to Justices of the Peace might be got rid of. He would say that, as a general rule, at the period of their appointment, the greater portion of those officers had been in accordance with the wishes of the people. He was opposed to the election of the Justices by the people, and to their participating with the Governor in the appointing power. It was not too much for us to imagine, that a Justice of the Peace would be found on the election ground, with his friends, endeavoring to secure his own election. Would he not have powerful temptations to delay the decision of cases before him, until after the election! It would be hazardous, he thought, to draw the Justices into the strife of elections. Mr. D. expressed fears that his amendment would not receive the sanction of the Convention. But he had felt it his duty to offer it, for it met the approbation of a very large majority of his constituents,

who desired an alteration of the Constitution in the respect which he had indicated.

Mr. FULLER, of Fayette, said he was opposed to the amendment offered by the gentleman from Chester, (Mr. DARLINGTON). He was in favor of electing Justices of the Peace, and this was one of the important amendments which the people had asked for. He was fully convinced by the expression of opinion in this Convention since the commencement of its session, and from the opinion expressed in his own district, that, had it not been for this and two or three other questions of reform, this Convention would not now be in session. This question was one of those the people had much at heart, and had desired for many years the privilege of choosing their Justices of the Peace by election: And what, he asked, were the arguments of the gentleman against this mode of selecting that class of judicial officers? Why, he urged his objections on the ground that the people are not capable of choosing the best men; for this was undoubtedly the conclusion of his whole argument, that injudicious selections would be made, and that the Governor would select better men. Would that gentleman say, that the people of any township, ward, or district in this Commonwealth, were incapable of electing Justices of the Peace? He thought the gentleman would not, and trusted that no member of this committee would say so. He knew that some of the present Justices of the Peace had been appointed by the Governor, without the knowledge of the people of this district, or even knowing that they were applicants. In one instance in the district in which he lived, a Justice of the Peace was appointed without more than ten or fifteen persons in the whole district being acquainted with the fact. How did he get the appointment? He prepared a petition, and sent a man and horse through the county with it, and by this mode, he succeeded in getting a handsome number of signatures, and sending forward his petition to the Governor, he was appointed to the office before the people were aware of what he was doing. A great number of Justices of the Peace had been made in this way, without the knowledge of the people who lived in the district, by the recommendation of persons living out of the district, and having no interest in the manner in which the office might be filled. Surely gentlemen would admit that these Justices were not properly appointed.— With reference to the Justices of the Peace and Associate Judges, for many years, the people had wanted the privilege of electing them, for the purpose of preventing these injudicious appointments, and he did not think the remedy proposed by associating the Senate with the Governor in the Judicial appointments would be sufficient. Where the officers are to act immediately on them, the people are the most competent and the most proper to elect them. He did not believe any gentleman would assume that they were not competent. It was their interest to elect good officers, and was it to be supposed that they would not do it? Would any one believe they would not have a better set of officers? Many of the Justices have made themselves incompetent, but this cannot be remedied because persons are not willing to petition against them. The consequence will be, if these officers are pinned down to a term of years, though incompetent men may be elected, the people would better bear the evil knowing that at the end of the term they will be rid of it. In reference to the Judges of Courts, the principle was the same; the opinion of the majority was in favor of the limitation. He

had no doubt that a large majority of the committee would be in favor of electing the Justices of the Peace, because the people had been long and anxiously desiring such change.

Mr. EARLE, of Philadelphia, said it was only repeating an old story to say this was one of the amendments which the people had called for. He looked at the abstractments of the question. It appeared to him that if the people were capable of electing a Governor whom they never saw, they were competent to elect Justices of the Peace whom they had often seen, and with whose character and talents they were well acquainted.— To say that the people are incompetent, would be to establish the monarchical principle that the people are unfit to govern, and we ought then to reform the Constitution by establishing a monarchy. The people had an interest in the integrity and ability of the officers, and would select such as could not be swerved from their duty. He referred to the proceedings of the New York Convention, and to the opinions given by Chancellor KENT, in favor of the election of the Justices by the people. With this loss of the election of Justices of the Peace, and Triennial Parliament, the English had lost much of their liberty, and the degeneracy of the people and of the Government followed. The experience of New York was in favor of this change: the people of that State decided in favor of the principle by one hundred and twenty thousand to five thousand. And what was the result of the change? He had a letter from a member of the Reform Association, in reply to an interrogatory he had put to that gentleman on the subject. Mr. LANSING, says, it gives much satisfaction, and that no one would venture to propose a return to the system which previously prevailed. Another letter from a lawyer, who went from Bucks county, Pennsylvania, stated that not one person could be found who was in favor of the old system. In Ohio, also, the people are well satisfied with this system of electing Justices, as he was informed by a letter from a distinguished member of Congress, Mr. WHITTLESY, from Trumbull county, who stated further, that the idea that Magistrates were influenced in their decisions by these elections, was entirely unfounded. From Mr. LITTLE, former member of Congress from Ohio, he had the same information. He had various other letters from gentlemen in Ohio to the same effect, from which he read extracts. The gentleman from Chester, said good officers were not to be obtained by election. That would be because the term is too long. If they were to be elected every year it would be much better. Under the old Constitution of Pennsylvania, the Justices were better than they had been since. We had the authority of the gentleman from Montgomery, not now in his seat, that the people were satisfied. The term now proposed, he (Mr. EARLE) considered too long. In the outset of our Government, the system of electing these officers prevailed here, and so it did in Rhode Island, Georgia, Tennessee, Vermont, where it has never changed. These States have never touched the annual election of Magistrates. The term should be shorter than is presented either in the amendment of the gentleman from Chester, or the report of the committee, because it would secure better officers. Three years had proved satisfactory in Ohio, and one year in other States. The election being for a short term, the people could reelect the officers when they choose. He would not go for the establishment of life officers. Frequent elections secured that responsibility to the people which would make good officers, for the

people would remove them if they did not fulfil their duty. The people were as honest as the members of this Convention; and they would not elect a man unless they thought he would hold the scales of justice impartially. He would make the term of service very short; for the shortest term always gave the greatest satisfaction to the people. He believed that one year would give more satisfaction than a longer term. He, therefore, hoped the amendment would fail, and that some one would forward a proposition to reduce the term to one or two years. If an officer required time to prepare for the proper discharge of the duties of the office, the people would give him time. In one year's service he would qualify himself for reelection. In those States where the short term had been tried, they gave great satisfaction, and the same officers were frequently reelected for many years, by short terms.

On motion of Mr. KONIGMACHER, the committee then rose.

Mr. KEIM, on leave, offered the following resolution, which was read:

WHEREAS, the remembrance of deeds of valor and the achievements of the patriots of the American revolution, to whom we are indebted for the independence and sovereignty of these United States from British thralldom and oppression, is the incumbent duty of all good citizens; and whereas, the anniversary of the declaration of American independence, as promulgated to the people by Congress on July 4, 1776, has been deemed at all times worthy of popular attention and regard, as the birthday of our national freedom; therefore, for the purpose of doing honor to that glorious occasion, be it

*Resolved*, That when this Convention adjourns, it will adjourn to meet again on Wednesday morning next, at nine o'clock.

Mr. KEIM moved the second reading and consideration of the resolution.

Mr. DARLINGTON moved that the Convention do now adjourn. Agreed to—ayes 53, noes 32.

The Convention then adjourned.

## TUESDAY, JULY 4, 1837.

Mr. PENNYPACKER, of Chester, presented a memorial from citizens of Chester county, praying that the sixth section of the ninth article of the Constitution, may be so amended, as to read as follows, viz: "The trial by jury shall be as heretofore, and on questions effecting life or liberty, shall be extended to every human being, and the right thereof shall remain inviolate", which was referred to the committee on the ninth article.

Mr. CLARKE, of Indiana, presented a memorial from citizens of Clearfield county, praying for a Constitutional provision against the sale of monopolies and exclusive privileges by the Legislature, which was laid on the table.

Mr. PORTER, of Northampton, moved that the Convention proceed to the consideration of the resolution, which he submitted yesterday, which was agreed to—ayes, 43 : nays, 36.

The question being on the second reading of the resolution,

Mr. PORTER moved to dispense with the reading of the resolution, and submitted the following resolution :

*Resolved*, That the said resolution, together with the resolution submitted by Mr. STEVENS, the resolution submitted by Mr. PURVIANCE, on the 30th ultimo, and all amendments agreed to in committee of the whole, be referred to a select committee, to take the same into consideration, and to report thereon".

The resolution (after having been modified, so as to be in this form) was read a second time.

Mr. BROWN, of Philadelphia, moved the indefinite postponement of this resolution.

Mr. FULLER, of Fayette, asked whether it was the intention of the mover, or whether it would be the effect of the resolution, to interfere with the proceedings on the various reports of the standing committees ?

Mr. PORTER said, that was not the object he had in view, nor could such be the effect of the resolution. He desired to get a committee together of nine members, from different parts of the State, and representing the different views of this body, to settle some general principles, with a view to shorten our labors. It would enable us to see whether, by consultation and some mutual concession, some satisfactory conclusion could be arrived at.

Mr. BROWN said, that his object in moving the indefinite postponement, was to prevent an interminable discussion on the resolution. We had already before us, a volume of reports, which were now of no use, and we are called to refer to a select committee all these amendments. That committee would report all these in one amendment, and we should be plunged into endless difficulty, without the possibility of leading to any advantage. If we choose to depute to any other body of men, the task which we are sent here to perform, was it likely, that when they came to report, there would not be dissatisfaction and discord ? He apprehended, there would. This had been the business of the committees from the beginning : instead of which, had the whole Constitution been taken up at first, and referred to the committee of the whole, we should now have been almost through our work. We had gone on, and there had been no attempt to bring forward the intervention of a committee, until now, when we were just entering on the great battle ground—the subject of the Judiciary—now, when every man was prepared to act, and ready to compromise minor differences, now a new Committee was to be appointed to examine the whole ground again, with a view to prevent any change in the tenure of the Judiciary. It could not be, that the resolution was introduced to save time by the suppression of speeches, for if gentlemen had made up their minds to speak, they would speak at one time, if not at another.—Already two reports were before us on the subject of the Justices, one made by the Chairman of the Judiciary committee, (Mr. HOPKINSON) and another by the gentleman from Luzerne (Mr. WOODWARD) ; and a third proposition was to be expected. Members themselves, might as well meet the question, as send it to select committee. Shall the tenure of the Judiciary be limited to a term of years ? If so, shall it be for fifteen, for ten, for seven, for five years, or for a shorter term ? The subject may as well be received in this, as in any other way. The whole proceeding appeared to him, to be anomalous. If it should be settled in the committee that the change ought not to be made, the convention might determine that it

ought to be made. A report from the committee, that amendments ought not to be made, would not avail. It would not prove to be a labor saving machinery; but, on the contrary, might occasion considerable loss of time. He thought it better to go through with the machinery we had become accustomed to.

Mr. KEM, of Berks, asked for the yeas and nays, and they were ordered.

Mr. READ, of Susquehanna, expressed the hope that the Convention would not now appoint a committee, for the sake of considering all which had been said in the last two months. If we did not go on in the regular process, in which we had gone on for the last two months, and which would bring us through, the effect will be to retard, to an indefinite period, the termination of our labors. The effect would only be mischievous—to throw all into a hotch-potch, or into the fire. He hoped the motion would be indefinitely postponed.

Mr. STEVENS, of Adams, said the object was to save time. The resolutions were laid on the table with a view to save time, and the vast expense which was daily accumulating. The adoption of this resolution, might lead to a compromise, which would enable us to close our labors, in reasonable time. What loss of time would be caused by such reference? There could be no loss of time; but if this motion prevail, we should have to offer the various propositions here in Convention, and to discuss them in succession, and at large, unless prevented by the previous question. If the committee could not agree, they would so report. If they were unanimous in recommending any measure, in a spirit of concession, yielding to each other on some points, and leaving what could not be settled, for the people to dispose of, under the provision for future amendments, great expenses would be saved, and the people would be better satisfied. He thought so, and that no harm could possibly be done. When the report of the committee should be called up for action, then the motion for indefinite postponement might be made. But, pressed at this time, the motion would put an end to all hope, and condemn us to a session of six months longer, and an expenditure of a quarter of a million. What should induce gentlemen to be so jealous of each other, and so suspicious of the operations of this body, that they cannot consent to have a committee? Gentlemen were not acting so as to produce harmony of action here. Instead of harmony of action, there was no indication of any thing but the most acrimonious feeling, and the bitterest opposition.

Mr. PORTER said, he was endeavoring to bring our labors to a point by concession. He never expected, that any proposition which he brought forward, would meet with the acquiescence of all. But he wished to do his part towards a peace-offering. He had thought his proposition would recommend itself to all parties, and he was always disposed to yield his share for the sake of peace and harmony. He found that his course met with the approbation of other gentlemen; and others might be induced to offer their suggestions, so that the committee might send forth something like the views of all brought together, and not those of any individual. No one could hope to carry all his views. He may endeavor, but would assuredly fail. Another individual would oppose him with his views, and he also would fail. This course was taken for the purpose of bringing the opinions of all as near together as possible, inasmuch as no one can expect to carry

out all his own individual views. It was in this view, he had offered his proposition, and not to disturb and distract the Convention. If, instead of producing the result he aimed at, it should appear that he had only thrown the apple of discord into the Convention, his expectations would be greatly disappointed. If the select committee could do any thing which was compatible with the spirit of compromise, it would be pleasing to the people, and dissipate the apprehensions which are spreading abroad, and also among some of ourselves. If he could effect any thing, he would go as far as any man in his willingness to surrender his own opinions.

Mr. FLEMING, of Lycoming, admired the spirit in which the proposition had been offered, but he could see no possible advantage which could be derived from it, therefore, he should vote in favor of indefinite postponement. We have now duplicate articles of amendments, and the gentleman had yesterday introduced almost an entire Constitution; and, having embodied therein all he wished, was not content that his proposition should take the ordinary course pursued in regard to resolutions, but wished for a special committee, so that we would have the proposition, for the third time, before us. An anxious disposition to save time, and the expense of gentlemen remaining here, was a common profession. It was well conducted. Why was it reiterated? These resolutions, to dispose of matters which had been settled before, were one of the great causes of expense. The spirit of compromise might as well be excited in the Convention as in committee, and if we were to have compromise reports, it would not prevent any gentleman from giving his views. He could see no benefit from the course proposed, except to endorse the views of particular individuals. The gentleman had a fair opportunity to bring his views before the Convention, in the same spirit of compromise, and could give his views, in order to effect a compromise and expedite the business of the Convention, and every individual member would still feel himself bound to bring in his own views, and there would be the same opportunity to come to a compromise, as if we had a majority and a minority report of a committee before us.

The Convention could not fail to perceive most clearly, that notwithstanding all these declarations in regard to yielding and compromise—that the various propositions which had been introduced, would be again brought before the Convention. No matter whether we had a dozen or twenty reports, each member would still offer, and insist upon his own proposition. The only effect of the report of a select committee would be, to endorse the peculiar notions of a few individuals. He could see no advantage that would arise from sending the matter to a distinct and separate committee.

Mr. SMYTH, of Centre, said, that he entertained no doubt of the sincerity of the gentleman who offered the proposition; but, he could not see what was to be gained by it. Besides, he objected to its being again spread before the people. He thought the effect of it would not be to expedite the business, for the propositions could not be adopted, without having first been acted upon in committee of the whole, and it was not to be expected, that the Convention would adopt the report of the committee, without considering it in committee of the whole, and going through the same routine we had already passed. The gentleman from Adams was continually bringing up the question of the expenses of the Convention.—

That gentleman had said, that we should expend a quarter of a million of dollars, if we went on in the way we were doing now. Who was to blame for this expense? Who had been more ready to bring forward propositions, and thus to consume time, than the gentleman from Adams. He (Mr. S.) did not blame him; but, it was not right, that he should be perpetually reminding us of the expense. Had the motion been made at the beginning, there would have been some reason in it; but now, after getting half through, this proposition would only stop us short, and turn us back to begin over again.

Mr. Fry said, that when the proposition of the gentleman from Northampton was first introduced, he was in favor of it, but after some reflection, he had come to the conclusion to oppose it. If the Convention had at first taken up the old Constitution, and gone through it, without referring any part of it to committees, we should have got along better than we had done. He thought, that the only way to make progress now was, to go on as we had begun—to go straight through the work, without turning off to the right, or the left.

Mr. Brown, of Philadelphia, explained, that the motion which he had made was to postpone, indefinitely, the whole matter. The gentleman from Northampton had propounded a most singular question to the committee. He had asked what *injury* would arise from entertaining his proposition. He (Mr. B.) should have thought the gentleman would have asked what *good*? That would have been a very proper question, inasmuch as we came here to do *good*. Much had been said in regard to compromise and conciliation. Now, that spirit was rife here, and he wished to cultivate it. He wished that feeling to prevail. But, he feared, that if another report were made, the harmony, which at present prevailed, would be destroyed, and we should be divided. He did not suppose, that any gentleman desired to bring about that state of things, but such would be the consequence of acting upon the proposition.

Mr. MEREDITH, of Philadelphia, remarked, that the Convention were sitting on a day distinguished in the history of this country, and he presumed, that they would adjourn till to-morrow, when the present subject should have been disposed of. He said that he was in favor of the resolution, and against the postponement of it, because, he thought it would be a want of courtesy to comply with the request of the gentleman who had brought forward this proposition. Such a request ought to be granted, and ought never to be refused, except under peculiar circumstances, in a deliberative body like this. To refer a proposition like this, would not interfere with the proceedings of the body itself, for the committee would sit when this body was not in session. It seemed to him that an impression prevailed among some gentlemen, that because a committee made a report, we were, therefore, bound to endorse it. That, however, was a consequence which did not follow. He was opposed to any adjournment, until we should have finished the business we came here to transact. If the Convention ever came to any conclusion, it must be by compromise; and, he was, consequently, willing to vote for the appointment of a committee, composed of gentlemen from every side of the House, for the purpose of ascertaining whether any compromise of conflicting views could be effected. He thought this would be much better than to adjourn, after sitting

three months and tell the world that we could agree upon no measure of any importance.

Mr. PURVIANCE, of Butler, hoped the motion to postpone would prevail. It had been his desire, at the commencement of our labors, that we should have pursued the same course as the Convention of 1790, and have had no standing committees. He thought that the time had gone by, when the gentleman from the city (Mr. MEREDITH) should talk about its being a want of courtesy not to comply with the wish of a gentleman to raise another committee. It would be recollected, that the gentleman from Luzerne, (Mr. WOODWARD) not now in his seat, offered a proposition to raise a grand committee, composed of one member from each Congressional district, and for the very purpose avowed by the resolution now before us. What, he would ask, was that object? Why, ostensibly, that object was—a compromise. A compromise of what? Had we not gone through almost all the articles of the Constitution? What, then, he would enquire, had we to compromise? Had we not already disposed of the question of suffrage, and the question of electing the county officers? Notwithstanding that we had disposed of almost every thing before us, with the exception of one article, still, when we came within reach of that, gentlemen were determined to look another way, and ask for a committee of nine, and the majority would be against any change in the Judiciary. Their report would be laid on the table, as would be a counter report which also would be made. We should have to go into committee of the whole on them. He took it for granted, that this would be the consequence of adopting the resolution of the gentleman from Northampton.—That gentleman, however, and the gentleman from Adams, (Mr. STEVENS) wished to avoid touching what they might consider the “elixir of life”. But, he (Mr. P.) would tell those gentlemen, that the time would come, when it must be touched. We might, then, as well do so now, as after the committee should have been raised.

Mr. PORTER here intimated, that he would withdraw his resolution for the present, if the gentleman (Mr. S.) would withdraw his own.

Mr. PURVIANCE would say a few words in relation to what had fallen from the gentleman, who had submitted the propositions as to the expenses of the Convention. He (Mr. P.) could not see what necessity there was for continually laying the expenses before us. For what purpose was it done? Was it to render our proceedings unpopular with the people?—He could perceive no other object in view but that. His (Mr. P.'s.) constituents, certainly twenty-four out of twenty-six, were in favor of limiting the tenure of those offices, which might be denominated life offices. They were willing to incur any expense to obtain an amendment of the Constitution, in that respect. He had had some conversation with a gentleman who was experienced in the business of legislation, and was informed by him, that the daily expenses of the Legislature, on an average, were greater than those of this body. The gentleman, too, in making his calculation of the expenses, had included the mileage of members. Were we incurring that expense at this time? He apprehended not. He would conclude what he had to say, by expressing his hope, that hereafter this subject would not be introduced on this floor, to interrupt the progress of business, which we were met here to dispose of.

Mr. DUNLOP, of Franklin, said two or three words by way of explana-

tion. He had supposed, that the mileage of members would amount to about thirty-three dollars each, making the sum of four thousand dollars in all, from the period of meeting to the close of their deliberations.

Mr. PORTER withdrew his resolution, and then moved that the Convention do now adjourn, but withdrew the motion.

The PRESIDENT said, that as he had observed frequent violations of the latter part of the fourth rule, and as it would not apply to any gentleman, in particular, now, he would direct their particular attention to it.

[The rule was here read.]

Mr. READ, of Susquehanna, on leave, offered a resolution, that when the Convention adjourn, it adjourns to meet on Wednesday morning, at nine o'clock, which was agreed to. He then moved that the Convention do now adjourn. Lost—ayes 34, noes 40.

Mr. PORTER moved that the Declaration of Independence be now read, which was agreed to; and,

On motion of Mr. BUTLER, of Philadelphia, the Declaration of Independence was read by Mr. PORTER; and then,

On motion of Mr. M'SHERRY, WASHINGTON'S Farewell Address to the People of the United States, was read by Mr. M'DOWELL.

The Convention then adjourned till to-morrow morning at 9 o'clock.

### WEDNESDAY, JULY 5, 1837.

Mr. M'CALL, of Washington, presented a memorial from citizens of Washington county, praying that a Constitutional provision may be inserted, as follows: "The trial by jury shall be as heretofore, and in questions affecting life or liberty, shall be extended to every human being, and the right thereof shall remain inviolate", which was referred to the committee on the ninth article.

Mr. CRUM, of Huntingdon, presented a memorial from citizens of Huntingdon county, on the subject of secret societies and extra-judicial oaths, which was laid on the table.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

The question being on the motion of Mr. DARLINGTON, to amend the report, so as to provide that the Governor shall appoint the Justices of the Peace, in such convenient districts as are or shall be directed by law; that they shall hold their office for the term of five years, but may be removed for misbehavior in office, or on conviction of any infamous crime, or on the address of both Houses of the Legislature.

Mr. DORAN called for the yeas and nays on the motion, and they were ordered.

The question was then taken on the motion to amend, and decided in the negative—yeas, 23; nays, 78—as follows:

**YEAS**—Messrs. Baldwin, Carey, Chandler, of Chester, Chauncey, Cochran, Crum, Darlington, Dunlop, Harris, Jenks, Kennedy, Kerr, Konigsmacher, M'Sherry, Meredith, Pennypacker, Porter, of Northampton, Saeger, Scott, Serrill, Thomas, Weidman, Sergeant, *President*—23.

**NAYS**—Messrs. Agnow, Banks, Barclay, Barndollar, Barnitz, Bayne, Bedford, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Crain, Cummin, Curll, Darrah, Denny, Dickerson, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Forward, Foulkrod, Fry, Fuller, Garble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, High, Hopkinson, Houp, Hyde, Keim, Krebs, Maclay, Mann, Martin, M'Call, M'Dowell, Merrill, Meikel Miller, Montgomery, Myers, Overfield, Pollock, Purviance, Read, Riter, Rogers, Russell, Sellers, Scheetz, Snelhite, Sill, Smith, Smyth, Snively, Sterigere, Stevens, Stickel, Taggart, Todd, Young—78.

Mr. READ, of Susquehanna, moved to amend the report in the second line, by striking therefrom the word "five", and inserting the word "three."

Mr. DUNLOP expressed a wish to have a vote on the abstract question, and to leave the term in blank.

Mr. READ did not see but that the question could be disposed of in this form as readily as in any. He would simply ask for the yeas and nays on his motion.

The yeas and nays were then ordered.

Mr. DARLINGTON, of Chester, moved to amend the report, by striking out all after the word "Section", and inserting as follows: "Such a number of Justices of the Peace shall be elected by the people, as are or shall be directed by law".

Mr. STERIGERE said, the motion was not in order. It went back to the original proposition, and was not an amendment to the amendment.

Mr. READ stated that it was a substitute, and was not in order. It went back to the principle of the five years, which he had proposed to strike out.

The CHAIR was of the opinion that it was in order for the proposition to go back, but had doubts whether it should embrace the five years, which was inconsistent with the object of the original amendment. He would, however, leave it to the committee to decide the question, and would, for that purpose, pronounce the motion to be in order.

Mr. READ appealed from the decision.

Mr. DARLINGTON withdrew his motion to amend.

Mr. DUNLOP, of Franklin, moved to amend the amendment, by striking out the word "three". His reason for the motion was, to bring directly before the committee the question of election, or appointment. It was, therefore, proper that every mind should be untrammelled by the question of any particular term of years. Some might be in favor of a longer, and some of a shorter term. He desired to bring up the abstract question of election for a limited term, or appointment; and to put the question properly, he had moved to strike out "three." He hoped the gentleman would accept the amendment as a modification.

Mr. READ said, he would not accept the amendment. He could not understand why the gentleman desired what he called the abstract question, when that had just been decided by a vote of nearly eighty to twenty-three. That was a test question, when every one voted with a knowledge that he could afterwards move any particular time. He hoped the amendment would not be agreed to, because it would enable the gentleman to bring before the committee an abstract question, which had already been decided

by a vote of near four to one. It would be better to decide at once, if the term shall be five or three years. He was not so anxious about the fate of his amendment, as to desire to consume much time upon it.

Mr. DUNLOP withdrew his amendment.

Mr. KONIGMACHER said—Mr. Chairman: I consider it a duty which I owe to myself, and to my constituents, to state some of the views which I entertain on the subject under discussion. In doing this, I promise to be as brief as I can. I feel, not only the importance and solemnity of the trust, but great deference towards the body which I am addressing. I assure you, that I did not rise with the view of enlightening this intelligent body; I know and feel my incompetency; but merely to express my humble opinion on the subject under consideration. If I am wrong in my views, that I may be corrected, either by the Convention, or by my constituents.

One of the most important of our duties, is the organization of the Judiciary system: it controls the lives, liberty, and property of the people. If you cripple your Judiciary, you will have a miserable Government, indeed. If you wish to sustain the supremacy of the laws, you must have an independent Judiciary; when you destroy its independence, you clog the whole machinery. I am, therefore, in favor of the Governor appointing all Judicial officers, from the Supreme Judges down to the Justices of the Peace. I am decidedly opposed to the interference of the Senate in any appointments. I want the responsibility to rest with the Governor; if he does not discharge the duties of his office with fidelity, we know whom to blame; if he takes care of the interests of the people, the people will take care of him. When the Senate is of opposite politics, his nomination will have no more weight or influence, than if you give the nominating power to any one of the Senators in the minority. The Senate is an independent body; this has been so ably explained, that I will add no more on that point; I will only say, that if you make the Governor subservient and dependent on the Senate, you may as well dispense with that officer entirely. I would rather give the appointing power to the Senate exclusively, than divide the responsibility between two heads. If they make a bad appointment, the Governor will blame the Senate, and the Senate will blame the Governor. Where will you then get redress? I am willing to strip the Governor of so much of his patronage, which I consider belongs to the citizens of the respective counties: I mean the county officers, as those officers create all the turmoil and confusion on a Governor's election.

I am decidedly opposed to electing the Justices of the Peace for various reasons. In the first place, if you elect them, you necessarily will make them politicians, dependent on the will of the political party to which they are attached: this must be obvious to all. It is a folly to presume that you will have better Magistrates by electing them: for instance, suppose, at an election for a Justice of the Peace, a quarrel takes place between the voters about the candidates, and the offenders were arraigned before the successful candidate on a charge of assault and battery, would it not be reasonable and natural to presume that the Magistrate would be inclined to favor the party who had been instrumental in procuring his election? Sir, I am convinced, if you elect the Justices of the Peace, you will encourage vice and immorality of the worst species. No respectable and honest man

would suffer his name to go on the ticket to be held out to the public to be abused for the paltry (although important) office of a Justice of the Peace; and as the fees are too trifling and insignificant to be an object for any man, the consequence would be that, in a few years, your Judiciary system, if carried out according to the views of the Radical Reformers, would be precisely on a parallel with your militia system, which we all admit to be a disgrace to the Commonwealth. I am informed by good authority, that there is a certain Justice of the Peace in the State of Ohio, who invariably is re-elected at no more expense than one barrel of whiskey, which he deals out on the election day.

Mr. Chairman, how will you get an expression of public opinion by electing your Justices of the Peace in the country Districts? I think, that judging from the manner elections were heretofore conducted, it is a fair criterion to judge how they will hereafter be conducted. Then, sir, the township in which I reside has a population of one thousand taxable inhabitants. In most instances, less than the tenth part of the voters elect our township officers. This is not only the case in one District, but throughout the county. This negligence is easily accounted for. The greater part of the citizens of the county of Lancaster are connected with the Agricultural and Mechanical interests, properly termed the bone and sinew of the community: they are not like another class of citizens who make politics a trade: they believe that all party organizations are attended with corruption and degradation, to some extent: they prefer to attend to their own domestic avocations, and to spend their leisure hours with their families by their own firesides, and not in taverns and grog-shops; consequently, they do not meddle with the politics of the day. The only election they take an interest in, is the Governor's election: to that officer they look as the protector of their's as well as the Commonwealth's interest: when that election is over, their mind, as to politics, is undisturbed until another Governor's election takes place. If you inflict the election of the Justices of the Peace on them, you will in a measure destroy their happiness, and compel them to become politicians. They have very little to do with the Justices of the Peace, as they are now appointed; it is the vicious and depraved disturbers of the peace, who are generally seen in the Magistrate's office; this class would take the most interest in the election; consequently, a person who becomes a candidate would look to those for support.

There has been a great deal said about the Governor having too much power: it is my humble opinion, that the less quantity of patronage a man is encumbered with, the safer he stands: he cannot please every body by the use of it, and he will have to refuse, and consequently to displease a greater number than he can please. Is it not the fact, that where one man is benefited by an appointment, all the rest had to pay the cost of it, and that by attaching the *one* to himself, he runs the risk of losing the *many* by disgust? And such will ever be the consequence in a free country, where men reason for themselves, and from themselves. Why, then, is this war against the Governor appointing the Judicial officers? Why was it found necessary in England to make the Judiciary independent of the sovereign power, which is vested in the King? Was it not because the Judicial officers are the Ministers of Justice? To maintain the supremacy of the laws, it is all-important that they should be independent.

In our country the people are the keepers of the sovereign power; it is, therefore, just as important that the Judiciary should be independent in a Republic, where the people govern, as a Monarchy, where the King holds the power.

I am, therefore, in favor of retaining the appointing of the Judicial officers as they now are, under the present Constitution; but I am disposed to concede as to the appointing of the Justices of the Peace, for a term of not less than seven years, which would be one year longer than the Governor can serve; [if we adopt the report of the Committee on that subject]; consequently, the Governor could not re-appoint a Justice whom he had appointed.

As it is now in order to offer an amendment, I will content myself by voting against the amendment offered by the gentleman from Susquehanna, (Mr. READ), and against the report of the Committee.

Mr. G. W. RITER addressed the Chair as follows: Mr. Chairman—I do not rise with a view of detaining the Committee long, nor do I for a moment believe I shall edify them in the course of my observations. I am, however, constrained to give my opinion upon this subject, it being in direct hostility to the views just advanced by the gentleman from Lancaster, (Mr. KONIGMACHER). In my opinion, sir, there is nothing connected with Government more important than the Magistracy, and nothing more difficult of good Government. The great object ought to be to make Justice, if possible, certain, peaceable, and less expensive; to maintain perfect equality of all persons before the law; to oppress no one, and yet to punish all those who merit it by breaking the law. There is law for individual contracts, and for crimes and offences: some of our courts settle disputes among men, others prosecute malefactors. The most extensive jurisdiction, and that most felt by the people, is that of Justices of the Peace; because there are ten persons having suits about small sums, to one having disputes about large ones. For this reason, it is a great mistake to suppose that our attention is due exclusively to the higher courts; on the contrary, it is the Magistrates' jurisdiction that is most important to the great mass of citizens. I desire, however, to be perfectly understood as not denouncing the Magistracy of the State, as I am well acquainted with many, who are not only honest and qualified officers, but who are numbered among the best of our citizens; but, unfortunately for the community, their numbers are few. Yes, sir, I may add very limited. Let us then endeavor to correct this imperfection, by allowing the citizens to elect their own Magistrates, and for short terms; they then can select men whom they know to be high-minded and honorable, who will not glory in disputes, or covet their neighbours' money; but who will, when practicable, settle all difficulties satisfactory to both parties. This will not only save much unpleasant feeling and considerable expense, but will render the law less odious, and in a great degree subdue litigation in trivial matters, which has proved so exceedingly degrading to all who are concerned. These, sir, in conjunction with many other reasons that I could adduce, are the incentives that have prompted me to urge upon this Committee to consent to such an alteration in the Constitution, as will permit the people to select their own Justices. I regret to have detained the Committee thus long, but hope I have not offended any one in the course of my remarks, having been particularly cautious in not condemning or denouncing the

Magistracy of the State; for, had I done so, I should have done injustice to many honorable men, who not only deserve my respect, but to whom I owe much kindness. However, I must urge the principle of election, as the community is anxious for the entire extinction of the power that forces upon them officers, who do not study the public welfare; but, to the contrary, with few exceptions, desire litigation—in short, the evil is in the appointing power, and the election by the people is the only remedy.

Mr. CLARKE of Indiana, wished in a very words, to give the reason why he could not vote for the amendment of the gentleman from Susquehanna. He did not like to hear the Justices of the Peace all spoken of, as they had been spoken of here. It was true there were many in the Commonwealth who did not honor the office, but the largest number of them were respectable. They were the conservatives of society, and it was only because they held their offices for life, and had been too much multiplied, that the people had been induced to ask for any alteration in regard to them. We were not expected, while altering these matters, to run into an opposite extreme. He had consulted with many gentlemen in Ohio, and they had all agreed, that the term for which Justices were elected, was too short, in consequence of which, it was difficult to get respectable men to fill the office, and difficult to get justice. He was told by a farmer, a good democrat, that the elections were too frequent, and that too much time was lost in attending them. He said that, what with special elections, owing to resignations and other causes, and the other elections they were on the election ground fifteen times a year. This was a great annoyance. The people, themselves, would not be in favor of such a system. They wanted respectable men, and such should serve, at least, and perhaps, at most, five years. He did not like the term of seven years, in the old Constitution. The term of three years, as in Ohio, was too short. Five years would soon come round, and the people, if they did not like an officer, could then get rid of him. One complaint in Ohio, was, that they could not get competent men. He had received a letter from an intelligent man in Ohio, who stated the difficulty of getting justice, owing to the Justice living at too great a distance. The first year, the Justice is grateful for his office, the second year he is looking out for those who will vote for him again, and his decisions are too apt to be influenced by his interests. He could not, therefore, consent to take three years. In avoiding SCYLLA, they must not get a CHARYBDIS. He was against the amendment.

Mr. CURLL, of Armstrong, was sorry, to be obliged to differ a little from the gentleman from Indiana. The reason he differed from that gentleman, and should vote in favor of the amendment, was, that so far as he had been advised by his constituents, they were in favor of a term of three years. That was the general voice of the county he represented, and he could not see, as there appeared to be such a disposition in the Convention, to let the people exercise the power, what difficulty there should be, in leaving this matter to them. They knew who were best qualified, and where to find the best officers, and no evil could result, from leaving the whole in their hands. If there were Justices of the Peace, so fond of retaining the office, as to use improper means to secure a re-election, they are not fit to be chosen, and he hoped, none would be selected, who would so abuse the trust, which the people reposed in them.

He knew of no such practices where he lived. The only business of these Justices, is the collection of money, and the people knew best whom to entrust with that power. He hoped the amendment of the gentleman from Susquehanna would prevail, and he had no doubt, his constituents would approve his course in voting for it, as they had approved his course heretofore.

Mr. MEREDITH, of Philadelphia, said, before the final vote was taken on the question, he desired to give his views. He knew the minds of members were made up, but he wanted to place his opinions on record. The Justices of the Peace formed a class of officers of the greatest importance to the Commonwealth. The number of suits, under one hundred dollars, in amount, far exceeds those that go into the Supreme Court, to sums beyond that amount. Such was not only the case here, but in Great Britain also, where it has been stated in Parliament, that the contumacies for sums under thirty pounds, far exceeds in amount, those beyond that sum. It could not, therefore, be a matter of indifference to the people where this power was lodged. He denied that any of the evils which had been complained of, had resulted from the mode of appointing these officers. We have tried both modes of appointment of Justices of the Peace: the mode of electing by the people, and the mode of appointment by the Governor; and the mode of electing was rejected by the people, because it was found to fail entirely. This mode was tried, too, at a time when it was much better calculated to give satisfaction, than at the present, because then their jurisdiction extended only to the sum of five dollars and thirty three cents. Now their jurisdiction had been extended to all cases under one hundred dollars, and how was it to be expected to answer now to elect these officers, when it had proved a failure heretofore, when their jurisdiction was so limited. It has been found since the hundred dollar law passed, that the mode of appointment of Justices of the Peace had not given general satisfaction. Then he thought it was apparent that we cannot remedy the evil by a change in the mode of appointment, because we have tried both modes, and neither had given general satisfaction. We have tried the mode of election, when their civil jurisdiction was limited to a very small sum; and the people had surrendered it up, and consented to have these officers appointed by the Governor, in the hopes of getting a better system. We have tried the mode of election for seven years, the very term which some gentlemen now contend for, and it turned out to be a perfect failure. We have also tried the mode of appointment for good behavior, and it appears to have failed.— He did not wish to indulge in any denunciations of those officers, as he knew there were many of them who discharged their duties with great ability, and to the satisfaction of most persons, who had had any thing to do with them; but he believed there was a general discontent with the system; and he thought the question should be examined, and that we should go to the root of the evil, and endeavor to ascertain how to remove it. If another mode had been tried from the one now practised upon, and it had given dissatisfaction: and the present mode had given dissatisfaction, he would enquire if we were not put upon the rack to ascertain why it was that both modes had proved unsatisfactory. Under the Constitution of 1776, Justices of the Peace were elected for seven years, and that mode was so unsatisfactory to the people, that it was one of the principal

reasons for the assembling of the Convention of 1789, to revise the then existing Constitution. Then we should endeavor to look to the causes of this dissatisfaction, with a view of removing the evil complained of, if possible; but he did not believe that a change in the mode of appointment would give this relief; and he did not believe any change in the term of office would give it; and when he said this, he spoke upon the experience we have had of fourteen years under the Constitution of 1776. All the evils which have been complained of, he apprehended, arose from the Constitution of the Justices' courts. They were so constructed, as not to give that confidence in them, which every court of Justice should have. The whole evil complained of, he contended, had arisen from legislative action. Under the present laws, by far the greater number of controversies in this Commonwealth, are determined in Justices' courts. In the year 1810, the Legislature extended their civil jurisdiction to all sums under one hundred dollars, which was, by far, too extensive a jurisdiction, considering the construction of their courts. What is a Justices' court, that it should be clothed with such extensive powers, as to determine, in a large majority, of the controversies which arise in this Commonwealth? Is it a public court of Justice, in which every man can be heard by himself, or by a counsel, and in which his case is tried by a jury of his fellow citizens; and where the law is ably expounded, and the facts critically examined, before all the parties, and before the whole world? Not at all. It is a private tribunal, and the case is determined upon in a private office, where no persons are admitted but the miserable parties themselves; and the trial had, perhaps, at midnight. How is it to be expected that justice can be administered under such circumstances, which would give satisfaction to the parties, and to the public? How could it be expected that justice would be administered under such circumstances? How could it be expected that men would acquiesce, in a decision, when a suspicion might be resting in their minds, that something of an improper character turned the scale of justice against them? You cannot expect it, and you cannot have satisfaction rendered to all, until you remove the source of the evil. You must give the proceedings of these courts that publicity which you give other courts, and place them on an equal footing with those courts, or you may tamper in vain with the mode of appointment, and never give satisfaction. Then how was this object to be effected? And what was the difference between their courts, and other courts of justice? In the first place, are they paid like other public officers? Do they receive a salary from the public, which disconnects them from all interest, in the case of controversy, other than to do justice between the parties? No sir. They depend upon the perquisites of office, entirely, and receive nothing, but what comes in this way. Then none of them could be free from suspicion. Every person who loses a cause, will suspect them of injustice, for sinister motives. The administration of justice, to be good, must be free from, and beyond suspicion: and he said, again, they never could be free from suspicion, so long as they should be regarded, as having an eye to their own interest. In fact, he had heard it said, that there were Justices, who never had been known to give a judgment, against an individual, who was unable to pay the costs. He did not say, that this was the fact, but, he had heard it asserted. How was it, in a case, where an individual had a great number of suits to bring, in the course of a year, and from which

the Magistrate must expect a good revenue? Was it to be expected, that Magistrates would not look to their own interest, in the determination of such suits? If they decided suits against such a person, they would expect to lose his custom, and in this way, they would be influenced. How was it then, to be expected, that justice could be administered, under such circumstances? Even, in case the Magistrate did justice, under such circumstances, he would be under suspicion. If he gave judgment against a defendant, when the plaintiff was his customer, a suspicion would rest in the mind of the defendant, and perhaps, in the mind of the public, that the Magistrate was improperly influenced, because the plaintiff put into his pocket, annually, a large sum of money. To remedy this evil, then, he would pay these Magistrates an annual salary, out of the public funds, because, he believed, they never could do justice, to the satisfaction of the community, so long as they were paid in the manner, now practised upon. Why were the judges of those controversies, which were over one hundred dollars, paid by the public, while the judges in the cases, of by far the greater majority of controversies, in the country, were paid by a different mode? Under the present system, you give the Justices an interest in deciding the cases, brought before them, not according to their merits, but according to the mode, in which most men are influenced. That is to settle the case, in such manner, as to put most in their own pockets. Why, sir, how is it, that a court of law, is allowed to receive no perquisites? How is it, that the Judges of courts, shall receive no perquisites of office, unless it is upon the principle, that they were to administer justice impartially, without any influence operating upon their minds, of a sinister kind? It was impossible to administer justice, and render satisfaction, and receive a compensation from the pockets of the suiters; because, it was impossible to free the minds of those, who had been decided against, from a suspicion, that the Magistrates had been operated upon, by sinister motives. It was not to be expected that any body, of men, however pure, and upright they may be, can resist this prevailing impression in the minds of the public. He believed that the evil complained of, might be remedied in some measure, by a law, fixing the number of Justices to be appointed for a district, or, so regulating the district, as to prevent an aggregation of the number of Justices of the Peace, as existed at present, from the fact, that the Governor was not limited, as to the number of appointments, and every one made appointments of such number, as suited themselves, and by this means, they have raised up to the number of five thousand or more in the Commonwealth. But he apprehended, to get rid of the evil entirely, we must do one of two things. That is, that we must either declare in the Constitution, that Justices of the Peace shall not have civil jurisdiction, in cases, where the sums in controversy, shall exceed \$5 33; or, leave them civil jurisdiction, to the extent they now have it, and pay them in the same manner, that you pay the officers of other Judicial tribunals. This would prevent them from having any pecuniary interest, in the decision of cases brought before them, and relieve them of the suspicion, which will ever attach to them, of settling cases, with an eye to their own interest. It will also put out of their power, all opportunity for extortion, and assimilate these tribunals somewhat more near to a court of justice. These were the only two modes which he knew of, by which the difficulty could be reached, and by way

of testing the sense of the committee on the subject, he moved to amend the amendment by adding, after the words proposed to be stricken out, the following; "but they shall have no jurisdiction in civil cases, in which the sum in controversy, exceeds \$5 33," which amendment was rejected without a division.

Mr. MEREDITH next moved to amend the amendment, by inserting, after the words proposed to be stricken out the following: "and shall receive a compensation for their services, to be fixed by law, but no fees or perquisites of office."

Mr. MERRILL said, that almost every Justice of the Peace, with whom he had conversed on this subject, had referred to this matter of the fees of office, as one of the principal evils complained of. The Justices of the Peace should be placed in a position, so that they could independently protect the weak against the oppression of the strong; and, unless they were made thus independent, it was not to be expected that they could do entire justice. The persons most interested in the discharge of the duties of the Justices, were the poor; and, upon them fell the expense of the maintenance of this valuable body of officers. Much had been said about the poor, and great regard for them was often professed by some gentlemen. But, in this country, these distinctions could not be drawn, as nine tenths of the rich made their own fortunes, and no one was so rich as to perpetuate his wealth in his family under our laws, to the third generation from him. He had heard here, and elsewhere, the most unjust reflections cast upon Justices of the Peace. He believed, as a body, they did not deserve it; and, so far as his knowledge extended Justices of the Peace, were selected from the most respectable portion of our citizens.— If then, the Magistrates were made independent in compensation, and were required to conform their practice to some fixed rules, justice might be done to the poor and the rich. It was the poor man who was most interested in the administration of justice, by the magistrates of this State.— If he was oppressed, he must submit, because he was not able to carry his case to a higher tribunal; while, the rich could appeal from any judgment of the magistrate, and carry his cause where he would have another hearing, and have it impartially decided. He would, therefore, place Justices of the Peace in such a position that they would have no interest in being partial, and they would then not be suspected of doing injustice for sinister purposes, and the public at large would be satisfied with their proceedings. He apprehended too, that their jurisdiction was much too large. There was not one man in a hundred who, in his life time, ever had a suit involving a sum exceeding one hundred dollars. Their jurisdiction, therefore, covered four fifths of all the controversies that arose in the State; and, the tribunal for the determination of these innumerable cases was held in secret, and judgment was passed in secret and the poor man, as a suitor, had no aid—no protection—no advocate for his cause, and in many cases no right of appeal. Where the inducements to a partial, and interested judgment was so strong, the defeated party would naturally be impressed with the belief, that the decision was governed by interest. Then, let us put this class of officers above suspicion, and above temptation; let us place them on the same footing with the highest court in the country, and make them independent, and they will be treated with the same respect by the public, with which Judges of your courts were

treated. Their proceedings, too, should be conducted in the same public manner in which the proceedings of courts were conducted, and then there would be no suspicions in relation to injustice being done in some obscure and hidden corner. He could see no reason why justice should be administered upon one principle in a regular court, and upon another in a Magistrate's court. He was opposed to all such distinctions, and hoped that all suits would be decided upon the same principles of right and justice.

Mr. MEREDITH then called for the yeas and nays, which were ordered.

Mr. DARLINGTON should not now have taken up the time of the committee with a single remark of his, had it not been that he had received letters from several intelligent Magistrates of Chester county, proposing a similar plan to the one now under consideration in the Convention. They were of opinion, that the scheme they had proposed would lessen the evil complained of; but still, notwithstanding their respectability, and the regard he had for their opinions, he felt compelled to vote against it, believing the scheme to be visionary, and altogether inadequate to the evils it was proposed to remedy. If salaries were paid, how were they to be regulated? One Justice might not bring five suits in the course of a year, while another would bring five hundred. Then, was the man, who brought but five suits, to be paid an equal salary with the other? Then again, if you give a man a certain salary, because he had issued processes in a certain number of cases—if he is a corrupt man, he will use corrupt means to get the requisite number of suits, to entitle him to the salary.—He apprehended, that there was no better mode of regulating Justices than by allowing them to decide such cases as are brought before them, according to their own ideas of justice and law, subject to be appealed from to a higher tribunal. This was the system he would recommend, and he knew of no better one which could be adopted.

Mr. PURVIANCE would ask the mover of this amendment by what means he intended to regulate the salaries of these Justices of the Peace? If he was answered by the Legislature, he would only say that it would consume a Session of itself in making the regulation, and if the salaries were to be fixed at one hundred dollars each, a year, it would amount to four or five hundred thousand dollars per annum. He knew of no better means of defeating reform than by adopting this amendment. It would at once make all reform unpopular with the people, and destroy the whole of the salutary measures adopted, and to be adopted by this Convention. He hoped, therefore, no reformer would think of supporting it.

Mr. MEREDITH said, he had not expected to carry the first amendment, because he saw that we were to be determined in our action, perhaps from the fact of this being tried more than forty years ago, and that it had been changed; but he hoped his second amendment would meet with more success. The gentleman from Chester, (Mr. DARLINGTON), had objected to giving a salary because the Justices would probably do a business differing very much from each other. His idea was to have the number of these officers limited, so that there would be no more appointed than was actually necessary, and this would obviate the object of the gentleman from Chester, and he would give them no interest in increasing the amount of business. Now, in answer to the gentleman from Butler, (Mr. PURVIANCE), he would say, that he would have the regulation made by the Legislature. If it took one Session, as alleged by the gentleman, or if it

took five Sessions, it would be no objection to him, provided it was attended with beneficial results. But the gentleman from Butler had said that if the salaries of these officers were fixed at one hundred dollars each, it would amount to four or five hundred thousand dollars. Now, no man could suppose that four or five thousand Justices of the Peace were necessary in this Commonwealth. Every one must be aware that this number is too great, and that it should be limited. He would, therefore, allow the people of each county to pay the compensation of these Justices, and whenever the proper and necessary number was exceeded, they would apply to the Legislature and have the evil remedied. This would be leaving the matter in the hands of the people, in the best possible mode. If they desired the number in any particular county or township increased, they could apply to the Legislature and get the additional number, and if they wanted it diminished, they had it in their power to apply to it, and have it diminished. How was the tax raised for the support of these officers at present? Was it an equal and just tax? Not at all—it was a tax raised from the poor and unfortunate; it was a tax unequal, unjust, uncertain, and limited only by the cupidity of the officer. The rich could never be oppressed by these officers, because they could appeal and carry their cause to another tribunal; but the poor it was who suffered; they were the class of persons injured, and they alone suffered from the extortion of these officers. That the Justices, if they had equal pay, might still do an unequal amount of business, might be true; but it would apply equally to all the higher Courts. He held that the present mode of administering justice in Magistrates' Courts was at variance with the principles of justice and law, and oppressive to a large class of the persons who had business before those tribunals. Their avowed object was to do justice between man and man, but they fell short of this. They only "keep the word of promise to the ear, while they break it to the hope." He had introduced this proposition from a sense of duty, but he had little expectation of carrying it at present, as he was fearful it would be considered by the Convention as altogether too novel to meet their approbation. But he hoped that what had been said might be reflected upon, and that it would receive due consideration by the Committee.

Mr. SERGEANT (President) said, it was impossible, according to his notion of the matter, to separate the different propositions from one another, in such a way as to avoid, on each of them, a discussion of the main point. Each proposition connects itself with the first one, which goes to change the mode of appointment; and he confessed, for himself, that he despaired of any additional amendment to remove the alleged evil, if that evil be not removed by the principal, not to say radical, change proposed. His mind, therefore, recurred continually to the principal question, which was a question of vast importance, and worthy of serious consideration and discussion. It was not to be passed over by a hasty vote, introducing into the fundamental law of the land, a principle which we may have cause to lament as soon as it is introduced. Let us examine this subject for a few minutes. I have not understood that any member of this Convention suggests it as a possible thing, to dispense with this class of officers. There are functions belonging to them, of such a nature, that the well being of society demands their existence. I allude here to what may be called their primary functions. Others have been engrafted by Legislative acts,

as one of my colleagues has suggested, which have caused the chief complaints, well or ill founded, that have been made against them. Their primary functions are those which belong to them as conservators of the peace—as a conservative body. I do not mean that they are conservatives in the sense in which that word is used in our debates, to denote a party. Thus applied, it might injure them with those who style themselves reformers. But he knew no other appropriate term by which to designate them, excepting this; and if, by reason of the name, they were obnoxious, they must fall under the opprobrium of the name, but he for one would be very sorry to see it. He would almost be willing to fall with them, if that sort of conservatives were to go down. As conservators of the peace, however, he supposed it would be conceded that they must be preserved. They were essential to the peace and security of society. Then, how was this body, consisting of nearly four thousand citizens, to be constituted? This is a question which ought to be decided by evidence, or by argument, or by both. Let us examine it upon the grounds of evidence and of argument, applied to the subject. When he said this, he did not mean to admit as proved, every thing which any body might state, but such evidence as ought to influence the judgment of reasonable men, inquiring after truth. What is this evidence? For, evidence we certainly have. It is of two kinds; the one, authentic and indisputable; the other, of a different kind, consisting of loose, general hearsay and belief. He would not contrast them at present. What, he said, is the evidence with regard to the present plan of appointing this sort of Magistrates, compared with the plan now proposed to be adopted? The first evidence you have is, that the method now proposed, has been tried and found wanting, and deliberately condemned, after fourteen years actual experience. It was the plan of the Constitution of 1776, and it was rejected in 1789-90. The operations of the first system, are still within the recollections of some persons still living, who can go back and speak of the Magistracy as it was at the time of the adoption of the present Constitution. He did not, however, mean to rest upon this position alone, strong as it was. The evidence does not stop there. That is, the condemnation from experience of the plan now proposed. But, in favor of the existing plan, we have the evidence of the Legislature, from the adoption of the Constitution to the present time. Look at your statute book, and see if you can find any warrant there, for the indiscriminate abuse indulged in, of this class of officers, which would condemn them all, without exception or distinction, as men unworthy to be trusted. Why, sir, is it not a fact, that from session to session, and from year to year, your Legislature, elected by the freemen of the Commonwealth of Pennsylvania, has borne continual testimony to the high character of the Magistrates of the Commonwealth, by increasing their duties, enlarging their powers, and placing more confidence in them? Let us, for truth sake, and for the sake of common justice, pause in our condemnation of men or bodies of men, upon slight hearsay evidence, and vague, unfounded generalities. Any one who hears what is bad said of these officers, without knowing any thing of the facts, would be led to believe that Justices of the Peace in Pennsylvania, are and always have been a set of the greatest villains in the world; and yet when you come to recur to the facts, you will find that the Legislature has increased their civil jurisdiction from five dollars and thirty-three cents to one hundred

dollars. This increase has been made gradually, from the time of the adoption of the Constitution to the year 1809, when it was brought up to the sum it now stands at. Thus we have the evidence of the Legislature for a long series of years in favor of these Magistrates, and this evidence, rightly considered, must carry with it great weight. What do we have in opposition to this? Declamation, abuse and charges of an indefinite character, which can not be examined into, and these charges directed against a class of individuals who have no opportunity to meet and counteract them, and show that they are totally unfounded. Thus, in the face of the whole legislation of the State, we are to be led to believe, without a particle of testimony, that this class of officers are unworthy to be trusted.—Is it just or rational thus to decide? This is one description of evidence which cannot deceive us. Then there is evidence of another sort to be considered. We have heard a statement given to this committee by the gentleman from Indiana, (Mr. CLARKE,) which in his (Mr. S's) opinion went at once to determine the whole question. This evidence was in relation to the operation of the system of elective magistracy in our sister State of Ohio. That gentleman had stated, as information obtained from a credible source, that men living out of the district where an elective Magistrate resided, could not obtain justice when the suit or complaint was against a resident in the district. Why was this so? Because he had no vote, and the other party had. Such was the operation of the system of elective magistracy in Ohio, according to that gentleman's own showing. He would request of every member of the Convention to put it to his conscience, and say whether it would be right to establish a tribunal of justice, the officers of which were incapacitated by their mode of appointment for doing justice. He knew the gentleman from Indiana had said, that he used this as an argument only against limiting the term of office to three years; but in his (Mr. S's) opinion, it went to the root of the whole matter, and proved the wisdom of the system adopted by the framers of the Constitution of 1790. The system had a canker at the heart. There appeared to him to be many objections to this proposed mode of appointments; vital and insuperable objections, such objections as it appeared to him it was impossible to get over. So much then for the matter of fact evidence which has been examined. Now with regard to the other evidence which he proposed to notice. But, first, he wished to inquire whether it is true that Justices of the Peace are life officers? He would answer, (to remove the odium of the phrase) that they are not life officers, and never have been. They are officers *during good behaviour*, and subject to be removed if they do not behave themselves well. The distinction is a plain one. But, to proceed with the evidence—if any gentleman will take the trouble to count over the number of Justices of the Peace that have been appointed, from the time the Constitution went into operation, until the present day, and put the number down. If he will then count over the number of Justices of the Peace who have been complained of, and put that down. And will follow this by putting down the number of Justices of the Peace, who, after a hearing by the Legislature, have been removed upon address, and put that down also, he will find, to his astonishment, that the number complained of, is very small in comparison with the whole number of Magistrates; and that the number against whom the complaints were well founded, is quite inconsiderable—amounts to nothing.

ing. In fact, the review will do honor to the body of Magistrates, and will prove, incontestably, that they do not deserve the gratuitous censure, so freely cast upon them. This result is the more remarkable, because the examination includes a period when complaint was actually invited—there was a committee of grievances, in the House of Representatives, (he thought in 1835-6.) to facilitate, and as it were, provoke complaints. But he was not willing to stop here, in the array of facts to disprove these accusations. He would, therefore, enquire, whether there has ever been a period, from the adoption of the Constitution, to the present day, when Magistrates have not been elected by their fellow citizens, to be members of the Legislature? Had it not been of frequent occurrence, almost continual? How could this be, if the body were such as they are represented? He did not know how it might be, with regard to this Convention, but he presumed there are members here who had held the commission of Justice of the Peace. Thus we find that the people, too, have done honor to that class, (justice, he ought to say,) and he did not doubt they would continue to do so. He would enquire further—have not those who have been Justices of the Peace, and have been elected members of the Legislature, there conducted themselves as good, honest, and intelligent men? Most assuredly, they have. This is still another testimony in favor of the present system. When you have got thus far, and disposed of the unfounded general allegation—of the general declaration against men, when you have reached the sober conclusion of truth, that they are, at once, a highly respectable, and useful class of citizens—then it is proved, to my satisfaction, that the system has not worked so badly, as we have heard represented. We may, then, approach, without prejudice, the fair question how this office ought to be constituted in a Republic? Ought it to be constituted in the way that it is under the present Constitution, or in the way that it is now proposed? Which gives you a better prospect—a better chance for the rightful performance of the functions belonging to the department, and for the sake of which it is established? This consideration of the public peace, is a provision for the protection of life, liberty, property and peace.—To this body of Magistrates, or inferior officers, we are indebted in a considerable degree, for security. To them you apply in every case where injury is threatened, or injury has been done. To them, too, you look for protection and support, against whom? Why, against every wrongdoer. And, what do you require in them? Independence—independence—a capacity to look singly at the point which they are to carry into effect. That is necessary for your security. Are they to be tempted to enquire which of the two parties is the most powerful? who can bring forward the greatest number of votes at an election? Put the case of an election coming on in a few days, of a complaint made to a Magistrate by an humble individual without power, of an assault committed on his person, or some other wrong done to him by a man possessed of influence, and who could most powerfully effect the election, whilst he, the injured party, could do nothing. What is to be the consequence? Will you suppose that human nature is free from infirmities? that it is capable of resisting all temptation? If not, then the very thing which the gentleman from Indiana mentioned this morning must unquestionably happen—it will be here as it is there, that a man not a citizen of the county where a

Magistrate was elected, will not be able to get Justice. A Magistrate before giving his decision between a complainant and defendant, will be induced to weigh well the power of each, to influence his election, and to decide accordingly. Besides, is it not the most unseemly thing in the world, to say nothing of the contradictions it implies, to give the party who is judged, the power of destroying his Judge? to enable him to wreak his vengeance upon a Magistrate for doing what is right? to turn him out of office? Is that consistent with any right notion? Can it ever work well? Must it not inevitably prove a curse to any people? I do not look at the question of the rich or the poor; I look at the functions of a Magistrate, as they concern all classes of the community. While he exercises those functions with fidelity and for the public good, and with a single eye to justice, they will be exercised so as to bear impartially upon individuals. But, when his views are changed by setting before him wrong motives, when they are perverted—when he is compelled to weigh the consequences to himself of any judgment he may render—when you oblige him to fear the spirit of revenge and every bad feeling—to foresee, in a word, that he will suffer if he do right—what can you expect from him in his seat of justice? You expose the infirmities of our nature to trials they cannot bear. Your Magistrates are, generally, respectable men—far better than they have been represented. But they are men—they have the ordinary portion of human weakness. It is absurd to suppose otherwise: all men have their infirmities. But, notwithstanding their infirmities and vices, they have a portion of strength which is sufficient, if duly supported, to enable them to do their duty. It is insufficient, if assailed by strong temptation. Such a temptation, the elective system would produce. The appointment of Magistrates by the Governor, during good behaviour, secures you against the influence of the temptation to do the injustice I have just mentioned. This is exactly what you desire. The end and object of his appointment is to do justice, and to avoid the contrary. But we are told the people know who has been a good Magistrate; they know who is a good Magistrate, and they will be guided by that knowledge in their elections. The people only know comparatively, as any man only knows comparatively, who is good, in the broad and most undefined acceptation of the word. But as to particular qualifications of conduct, they have not, in general, the opportunity of knowing, and, therefore, cannot have the means of judging. They are sometimes, perhaps often, mistaken; and after all the pains that can be taken, there will be mistakes, even in cases where it is much easier to judge. It has been stated in this body, (he did not assent to the truth of it in individual instances,) that it frequently happens that a representative is chosen from a belief that he has one set of views, and that when elected he adopts, or discloses, another, and very different ones. Have you not heard it? Has it not been complained of? Well, sir, how is it with regard to the Magistrate? Why, all the time, he is elected for, you have disturbed and influenced his mind by an improper bias—rendering him unable to administer justice, as he would otherwise do. How is it to be remedied? By a new election? But, will it be corrected by a new election? Sir, will the instances of wrong done to individuals, be of such a nature, and of such magnitude, as that you can enlist a majority to turn him out? If you can engage the attention of a majority, upon what grounds will they decide? Will they examine the

question of right or wrong? This can be done in the Legislature, not perfectly, but still it can be done. The complainant can have his case examined into, judicially, that is, in the presence of the party accused, and with an opportunity to him to defend himself. But, sir, what is the appeal given to an unfortunate individual who is oppressed—who is injured by a Magistrate, if the machinery is to be an election? His chance of redress depends upon getting the Magistrate turned out. What is it? exactly nothing at all. I would not give a straw for it. It is not worth estimating. How can those who have no interest in the matter, be brought to trouble themselves about it? And, as to the accused, what hearing will he have? When and where is he to defend himself? It has been said, and well said, that a man feels a scratch upon his own finger, more than he does his neighbor breaking his leg. What concern will people feel in this sort of controversy? How is the complainant then to draw around him on the day of election, a majority who will aid him to turn out a Magistrate? The election will be determined upon other grounds, foreign to the true question. This is the very evil of the system. A good Magistrate who faithfully performs his stern duty, will have no security. A bad one, will not be made responsible. But, that is not all: Human nature, prone as it is, under the influence of temptation, to err, is not so prone, without temptation. Men, in general, will speak the truth, if they have no motive for falsifying. In general, men will do right, if they have no temptation to do wrong. Now, in regard to the Magistrates, here is a great temptation to do wrong—and to attempt to conciliate by the sacrifice of duty if he wishes to be continued in his office. He must bend to the popular will. At present, we have no such state of things. When it is said that a Magistrate is not amenable, it is not true. He is amenable to the Legislature. He may be turned out for cause. He is so independent as not to be obliged to regard any man's opinion, but only to take care of his own conduct. That is exactly what is wanted. For, what is likely to be the conduct of a man thus independent? Why, it is that he will not, knowingly, do wrong. Under the Constitution, as it now stands, the Magistrates—civil and criminal—are thus independent. They may look upon the stronger or the weaker party with entire disregard, of their relative strength, and take the course which justice requires, that they should follow. But, take the case of a Magistrate elected by the people. Whenever two individuals are brought before him, he must examine their character and situation in life, and before he proceeds to decide, he must balance in a question of justice, which of the two had it most in his power to injure or advance him. This is destructive of the administration of justice. It is not *justice* that is administered. He had no hesitation in saying, they had better put the whole thing out of the Constitution, and try to arrange some other machinery as a substitute. Is there any thing, in all this, derogatory to the capacity of the people to judge? Every man can judge as far as he is informed, but no man can judge without hearing, and when and where is the hearing to be? The judgment must be without a hearing, which is the grossest injustice. In ordinary instances, very few have to do with Justices of the Peace, or courts of justice, or know much about them. *That* is the excellence of the law, administered by these tribunals. It operates unseen and unfelt. When you are sleeping, unconscious of its protection, it is silently

acting—watching over your slumbers, and imparting to them tranquillity and safety. Their operation is such that you do not feel their existence. They act so as to guard you from danger and from wrong—and though but very few know any thing of the character of those who exercise the power of the law, yet that silent power pervades the whole community. Every man is concerned in it, and must continue to be concerned in upholding it. It appears to me that the independence of the Magistrate, and the opportunity to be heard in his defence, are indispensable. The want of them, shocks every feeling of justice, and would destroy the character and value of the magistracy. And, then, what does it make your community? Why, it may be that many of the members of this Convention never had any thing, in their lives, to do with Magistrates, or Constables; and, it may be, that in some districts there is no Magistrate, and that none is wanted. But, through the State, the existence of their power, in respect and vigor, is essential—the high and the low, the rich and the poor, the old and the young—those who are able to defend themselves, and those who are not—those who would be utterly helpless, if not furnished with the protection of the law, are guarded by the magistracy, and the tribunals of justice. These, sir, are some of the considerations which belong to the matter. I suggest them to the calm and careful deliberation of gentlemen. Whatever may be the ultimate decision of the Convention on this, or any other point, until that decision is made, it is open for consideration and discussion. I should be glad rather to hear what is said by others, than to trouble the committee with my views. But, this is a question of great importance, and it is this consideration which has induced me to address you. It seemed right to endeavor to vindicate the principle of the Constitution. It was right, and I confess, very grateful to my feelings, to endeavor to vindicate that highly respectable and useful class of our fellow citizens, who compose the Magistracy of the Commonwealth.

Mr. BROWN, of Philadelphia, said, that he agreed in the sentiment expressed by the President, (Mr. SERGEANT) as to the importance of the Magistracy to the community at large—to the poor, as well as the rich.—He presumed that there was no difference of opinion on that subject. The question, and the only question under consideration was how, and by what means we could improve this part of our Judiciary, and make it the most valuable. He could not agree with that gentleman, as to the mode of obtaining good and competent Magistrates. He fully concurred in the opinion expressed by him, that we ought to have an independent Magistracy—*independent of any one man—of any set of men—but not independent of that highest power in a free Government like ours—the will of the people.* The effect of the present tenure, and mode of appointing Magistrates, had been to make the Magistracy too irresponsible to the people—to establish a power beyond their control—in fact, to make a greater power bend to an inferior—the principal subservient to the agent.

The present system of appointing Magistrates was acknowledged to be a bad one. Nine times out of ten, the appointment was made on personal or political grounds, and not with reference to the qualification of the candidate. The Governor had no means within himself of knowing them, if he was desirous of acting advisedly—he must depend for information on others, and from whom did he receive his information? Gene-

rally from political partizans—little politicians, who have little views and interests to promote. This was not always the case, but it was too often such;—so often as to have brought our inferior Magistracy into bad repute—very bad repute. That the present mode of appointment was a failure, needed no argument to prove. How will we get a better? Certainly, by giving the selection to those who have the best means of judging of the fitness of the candidate for the office of Magistrate, and who will have the best means of knowing with what fidelity and ability he performs the duties of his office. He conceived, that the other gentleman from the city, (Mr. MEREDITH) had fully answered, in advance, the gentleman's (Mr. SERGEANT'S) remarks, in reference to reaching the Magistrates, by address or impeachment, when they transcended or abused their authority; and, as to the oppression of the poor, that gentleman had been well asked, where, and how could a poor man prosecute to conviction his rich oppressor? It was well known, that the chance of removing a Justice of the Peace was, as one to ten thousand. To effect that object, much investigation, and a greater waste of time would be required, than any poor man could afford; besides, the Legislature had shown a dislike to enter into enquiries of this character, on almost every occasion. All appeals to the Legislature, to remove a Magistrate, had been but slightly regarded, and made to yield to the other great business of the State. He would ask, where then was the tribunal that would hear the complaints of the poor man, as well as the rich? To remove a corrupt or imbecile Magistrate, by address or impeachment, all know was next to impossible—these provisions in the Constitution were almost, if not quite nugatory. To whom then could the poor man appeal for redress of grievances? And it was comparatively poor classes, he said, that suffered most from the oppressions of Magistrates. To whom could he appeal, with so much propriety, as to those who elected the Magistrates—his neighbors—to those whose interests and sympathies would induce them to do justice. To that tribunal the poor man could apply, as well as the rich, with some hope of obtaining redress, by rendering powerless his oppressor. If that tribunal was not to be trusted, then our Government was an absurdity—a fiction, and we had better give up our republican institutions altogether.

He (Mr. B.) wished the Magistrates to be elected by the people, because they have the deepest interest in the proper discharge of their duties, and who certainly are best qualified to judge of their fitness for the office, and most capable of appreciating their actions; who are most effected for good or for evil, according to the manner in which they discharge the duties of their office.

He must be allowed to express his dissent from the opinion expressed by the gentleman from the city, (Mr. MEREDITH) that the experiment of electing Magistrates, under the Constitution of 1776, was a failure. He maintained, that this was one of those changes made in that instrument, which had not been asked for by the people, and he called upon that gentleman to produce any evidence to the contrary. He (Mr. B.) had examined this subject, and was well convinced, that the election of Magistrates, for a term of years, from 1776 to 1789, was satisfactory to the people, and that no such complaints existed then, as have since grown up against the present system.

With regard to what had been said by the gentleman from Indiana, (Mr.

CLARKE) and the President of this body, of the effect of the elective principle in Ohio, he felt himself compelled to say, that they were wholly in error. He had travelled from one end to the other of the State of Ohio, —had had considerable intercourse with citizens of that State—had made numerous inquiries in reference to the practical working of the elective system, and he had not heard one word of complaint against it. On the contrary, he found that it gave universal satisfaction. He had spoken to men of all political parties from that State, and they corroborated every thing that he had heard on the subject. The gentleman from the city had pointed out a few instances of bad Magistrates being elected in Ohio, and had asked if there were no good ones in Pennsylvania? The gentleman from the city should recollect, that it was written, that Sodom would not have been lest, had there been found therein ten righteous men. And, had the gentleman pointed out as many as ten righteous Magistrates, under the present system? No, he had not. There might be, and no doubt there were, a great many good Magistrates in the State of Pennsylvania. But that there were a great many bad ones, was too notorious to be denied.— He (Mr. B.) knew some worthy gentlemen in this Convention who were Magistrates, but he believed, they had not, as yet, acted much under their commissions. They did not, therefore, come within the scope of his (Mr. BROWN'S) remark, nor did any other Magistrate who had faithfully performed his duty. But as all agreed that there were some bad ones in every county in the State, he apprehended there might be found some corrupt Magistrates. If there were any such—if it was but one in a county, it was too much. One corrupt Magistrate in a county might do much injury. Every scoundrel in the county, might use him to harass and injure his fellow citizens. That this was now the case, to an alarming extent, could not be doubted by any one acquainted with what was going on around him. It was not enough to say that such a Magistrate might be removed by address or impeachment. It had already been shown, that this was impracticable. But if it were even more easily done, still a Magistrate might do much wrong—might be a curse to the people of a whole county, and yet do no act that would render him liable to removal by this process. There was no way of getting clear of bad Magistrates, so easily and quickly, as by short terms of office, or not to re-elect them, and that all their agents should be responsible to them. A true republic is that in which the people make and execute the law; a representative republic, is that where the people do all this by their representatives. Was not this the principle of our republic?

Here Mr. SERGEANT said: I did not enter at large into the question of how a Republic should be constituted, but only how, in a Republic, Magistrates should be constituted.

Mr. BROWN proceeded—They should be so constituted as most faithfully to carry into effect the law, that peace and justice may prevail. The gentleman had said that the people at large had very little to do with Justices and with Courts. If this be true (said Mr. B.) then, as he had already said, if any man were oppressed under the elective system by an unjust and tyrannical Magistrate, he could appeal to his neighbors—to the people, who would have no interest in his particular case, only a common interest in the pure, faithful, and disinterested administration of Justice; and they would impartially judge between the Magistrate and one of

the humblest citizens in any case of complaint. The people, then, were the best tribunal to which an injured man could appeal. They would always decide correctly, as they always had done. He could not suppose that there was a ward or a district which would decide such a question merely on political grounds, and in violation of those strict principles of justice which were necessary to preserve our free institutions, and which are the leading characteristics of the people of Pennsylvania. He was of opinion that under the present system, a high Magistrate had too much power in his hands. But if the proposed change in the system would not remove the evils that had grown out of these powers, they could be cured by Legislation, and would not require a Constitutional restriction.

With regard to the amendment under consideration, his belief was that it would be a good and salutary regulation to allow salaries to some of the Justices of the Peace. There were, however, some difficulties in the way, particularly in the country. He thought that by giving salaries to Magistrates in cities, boroughs, wards, or incorporated districts, and confining their jurisdiction by the same, a beneficial influence would be produced. For the purpose of increasing their emoluments under the free system, too many encouraged litigation, and so far from having the effect of producing peace in the community, its tendency was to destroy it. He therefore hoped that the election of Justices of the Peace would, for a term of years, be given to the people, who would elect good men, and would not re-elect them unless they kept within the strict line of their duty, and performed it well.

Mr. MEREDITH, of Philadelphia said that he was about to ask his colleague whether there was any general tax upon the Justices of the Peace.

Mr. SERGEANT remarked that he did not understand his colleague to say any thing of that nature. He believed it had been said by the gentleman from the county, (Mr. BROWN).

Mr. BROWN said that there were great complaints of the corruption of the Justices of the Peace, but he did not mean to say there were not a great many good men among them.

Mr. S. replied, that that was twenty-one per cent. upon the whole.— He did not believe, however, that there were not five thousand men in the State, who would conduct themselves with honesty and propriety, as Magistrates. He was unwilling to admit such a reproach to the State. With regard to Ohio, he knew nothing, except from the information given by the gentleman from Indiana, (Mr. CLARKE.) The gentleman from the county of Philadelphia (Mr. BROWN) said, that he had traveled through the State of Ohio, and had heard no complaint there in regard to the operation of the elective system. He (Mr. S.) would certainly have had greater respect for the gentleman's evidence, if he had traveled leisurely in that State, for the express purpose of ascertaining the practical working of the system. However, he (Mr. S.) did not doubt the truth of what he had stated—that is, that he (Mr. B.) believed it. As he had already remarked, he knew nothing in reference to Ohio. But, he would meet the gentleman on the question of a complaint. Here was an article published in all the newspapers. Mr. S. read the following :

“Indifference to crime in Ohio”.

The substance of it was, that a murderer (a man of some character and

influence) had been allowed to escape, by the criminal connivance of the Magistrates, they knowing of the murder, and where he was to be found. It would seem, indeed, that he did not effect concealment.

Mr. S. said that he had nothing more to say.

Mr. MEREDITH, rose merely to say that he was right in having supposed that his colleague (Mr. BROWN) had not mistaken his remarks. He (Mr. M.) would not have any one suppose that he had made a general attack upon the Justices of the Peace. The remarks which had fallen from him, were made for the purpose of calling the attention of the CHAIR and the committee, to the fact that he was desirous to remove all danger from corrupt or sinister motives on the part of the Justices. They were many in number, but he trusted that there were few who would resort to unjust and unfair practices. As it sometimes happened that the misconduct of a few individuals brought general suspicion upon the whole body, and he was desirous to prevent this, he had offered his amendment, providing by law, for the compensation of these officers. The amendment would not, in the least, conflict with the mode of appointment. The question presented for the consideration of gentlemen, was, whether they preferred giving to officers, exercising a large civil and criminal jurisdiction, a fixed compensation for their services, or, that they should be left to earn their daily bread, as heretofore, it being dependent upon the way in which cases might be decided.

Mr. PORTER, of Northampton, said he rose merely to enter his protest against the sweeping denunciation of the delegate from Philadelphia against the Justices of the Peace, so far, at least, as regarded the county of Northampton, where there were some fifty or more Justices of the Peace, of whom there were very few, not over two or three, that were not esteemed men of integrity, of good sense and sound judgment, and calculated to give satisfaction to the public in the discharge of the duties of their office. It was true, there may be more Justices than the business of the public requires, and there ought to be a limit to the number regulated by the number of taxables in the district or township; but, as a body, he thought they would be found to be mainly intelligent and honest.

Mr. BROWN, of Philadelphia, explained, that he had said there were many honorable exceptions—that he had related a fact, and given high authority for it, that in the city proper, there were not ten in five thousand. The rule was a good one. If there was but a single corrupt Magistrate in a county, that was one too many, as corrupt men might go before this corrupt Magistrate, and obtain a corrupt judgment. Although there were many honorable exceptions in the county of Philadelphia, yet there were too many who did come within the rule. If there was one thing more than another from which the poorer classes suffered, it was the arbitrary and unfair practices of their Magistrates. They suffered more on this account, than if they were living under any foreign Government. They were continually being annoyed, and therefore desired a change—a reform of these abuses.

With regard to the term of office, he was in favor of a shorter term than five years. He would vote for the shortest time that should be named.

Mr. STERIGERE, of Montgomery, said he also felt bound to protest

against this general denunciation of the Justices of the Peace of this State. It was not warranted by facts. What testimony, he would ask, had been submitted to the Convention, that would justify this indiscriminate condemnation? The common rule was to presume all men innocent till found guilty. Here the rule was reversed. The gentleman from Philadelphia (Mr. Brown) had pronounced the Justices of the State more corrupt and wicked than the people of Sodom, where ten righteous men could not be found to save the city. He was glad to hear the gentleman from Union (Mr. MERRILL) and the President of the Convention, raise their voices in defence of this class of our citizens. So far as it regarded the Justices of Montgomery county, the denunciations were a calumny. With two or three exceptions, there was no class of her citizens more respectable. He knew them well, and felt bound to say this much in their defence. Under the present Constitution, Justices are removed by address of the Legislature, on conviction for misbehavior in office, and for any infamous crime. With these means of removal, how few had been turned out of office? The number for forty-seven years would not average one for each county. This was strong evidence in their favor. In Montgomery county, he had no recollection of any proceedings having been instituted for the removal of any Justice; nor did he know of one instance of removal in that county. There was a complaint there, and indeed he believed every where, as to their number: they were considered too numerous every where. Whatever other cause of complaint there exists against this class of officers, arises out of the exercise of the civil jurisdiction conferred on them by the Legislature, and can be remedied by the Legislature.

He should vote for the amendment offered by the gentleman from Philadelphia, because it would in some measure remedy the evil. The objection to it, on the score of expense, was not well founded. In Montgomery county, there were thirty-two townships and boroughs; at an average there was not more than two acting Justices in each, and he did not believe the whole number of acting Justices in the State amounted to two thousand. At an average, their fees did not amount to twenty-five dollars—certainly not to fifty. The evil was, we had too many—that we had too many civil tribunals of this kind. Civil jurisdiction should be conferred on a few—he would confer civil jurisdiction on one Justice only in each township—the oldest in commission, and let the rest be mere conservators of the Peace. He could then hold his small courts regularly and publicly out of Philadelphia. At an average, fifty dollars a year would be an adequate compensation for his services. This would have a greater tendency to remove the evil complained of, than any other mode suggested. He did not think the remedy would be found in the election of Justices.

The gentleman from Philadelphia (Mr. Brown) had said that one bad Justice in a county was too many. But if these offices were made elective, would not a larger number of bad officers get into office under that system? He thought there would. He would not have spoken on this question but for the attack made on the Justices indiscriminately, and to defend those of his county against the general denunciation.

Mr. PURVIANCE said, he was opposed to the amendment of the gentleman from the city, (Mr. MEREDITH,) as well on account of the impracticability of carrying it into effect, as on account of the prejudicial effect it

would necessarily have upon the success of reform. He (Mr. P.) knew of no better mode of defeating reform, than to adopt the proposition embraced in the amendment under consideration, by which three or four thousand salary officers would be created, at an annual expense of more than half a million. Rather than adopt a principle so obnoxious, the great mass of the people would yield their predilections for Constitutional reformation, and adhere to the present Constitution. In the first place, that gentleman proposes to confer upon the Legislature, the power of regulating the salaries of Justices; and, in the second place, to confer upon the same department of Government, the additional power, of assigning to each Justice the amount of salary he shall receive. Adopt the amendment, and the Legislature would be occupied with no other business than that of regulating the salaries of Magistrates, which would have to be graduated by the amount of business done in the respective districts. A district purely commercial, might require double and treble the salary of one wholly agricultural—or a district of a mixed, discordant, and litigious population, might, and necessarily would, require ten times the salary which would be adequate to the support of a Justice resident in some of the quiet interior and western districts. This, then, is an argument against the practicability of the proposition, and I now proceed to remark upon its evil tendency, and fatal political consequences. It would be giving to the Legislature a patronage greater than the Governor now possesses; and, instead of having applicants to him for the office, you would have them here in the character of bidders upon the Legislature, to increase their salaries, resulting in favoritism to some and injury to others, and in an improper interference with, and interruption of the legitimate course of legislation. The distribution of so much money by the Legislature, would convert our law makers into political bankers, with power to give to one Justice a salary of a certain amount, and to deny to another, equally, and perhaps more meritorious, a similar favor.

Although the discussion of this amendment does not, strictly speaking, involve the Judicial term of office, the debate has been so extended by both the gentlemen from Philadelphia (Messrs. MEREDITH and SERGEANT,) as to embrace the relative merits of the various kinds of tenure: and both the gentlemen named, have avowed their opposition to the elective principle, and have expressed their belief, that the change in the Constitution of 1776, was occasioned by the repeated complaints of the people; and that, under the present Constitution, those complaints have been no longer heard. He (Mr. P.) had searched in vain for the evidence that any complaints were made, or dissatisfaction existed, under the Constitution of 1776: and believed that the people were much more happy and contented under its liberal provisions, than under any other form of Government which could be devised. That Constitution was wrenched from the people by the advocates of strong power—by those who looked for the fulfilment of their political hopes, to the extensive patronage which would result from the changes—the benefits of which they would, if not entirely monopolize, at least in which they would become the principal participants. He (Mr. P.) would not enlarge in his answer to this argument, as it had been already ably replied to by his talented friend from Philadelphia, (Mr. Brown.) It has been said, that by a life tenure, and a regulation of the salaries of Justices of the Peace, the poor man's rights would be better pro-

teeted. This argument is founded upon the idea, that the tenure would remove the officer beyond the influence of fear, and that the salary would make him alike indifferent to both rich and poor. The election is deprecated, because, forsooth, it may induce a Magistrate, in the administration of justice, to favor the rich and influential, for the purpose of securing their political support. Sir, said Mr. P., this argument, to have weight, must pre-suppose dishonesty on the part of the Magistracy of the country. An honest Justice would be influenced by no such consideration—a dishonest man would not be exempt from that influence under any tenure. The tenure of office, whether of life or of years, whether by appointment or election, cannot and will not make a man honest. Honesty flourishes as well under the influence of one kind of tenure as another. It is a principle which claims no protection, asks for no extraneous aid, requires no peculiar official tenure, to shield it from the temptations with which it may be surrounded. When once implanted within the bosom, it takes deep root, and spreads throughout the whole frame; it cannot be shaken, but remains firm amidst the tempest and the storm of political violence. The gentleman from Philadelphia (Mr. SERGEANT) has referred to the various acts of the Legislature by which powers have been conferred upon the Justices, as an argument in favor of the existing tenure, and as an evidence of an increased and increasing public confidence in their official conduct. Sir, said Mr. P., the act of 1810, to which our worthy President referred, conferred no powers, other than those absolutely necessary for public convenience. That act confined their jurisdiction to contracts under one hundred dollars, and was intended for public convenience, that justice might be brought to every man's door, and administered upon the cheapest and most economical plan. Beside the powers thus conferred, in addition to being confined to matters *ex-contractu*, were subject to another important limitation, which is, that the judgment of the Justice is entirely inoperative, if either of the parties be dissatisfied. This limited and qualified power is rather an evidence of public distrust than otherwise—at least it cannot be offered as evidence of increased public confidence.

The advocates of the elective principle (said Mr. P.) have been called upon to furnish instances of incompetent officers under the existing Constitution. He would not deal in general denunciation against any class of citizens, nor did he believe the Justices of the Peace more obnoxious to the charge of frailties and imperfections than any other portion of the community. They are but men, and, like all men, subject to the influence of improper feelings and passions. He would speak of individual instances to show that appointments are made by an Executive, of men who could not receive a majority of the votes of the district in which they reside.— This, he conceived, was now an imperative duty, inasmuch as it had been said that competent appointments had almost universally been made.— He referred to the case of an individual who had been appointed a Justice, and before whom a physician instituted a suit for professional services, in what was supposed by the physician and the patient, a case of witchcraft. The Justice entered a formal judgment upon his docket against the physician, on the ground, as he set forth, of an improper remedy having been applied for the relief of the supposed malady, and further spread upon his record the remedy, which, in his judgment, would have been proper and effectual. He also referred to the case of a newly appointed Justice, the

account of which he had some where read—to whom application had been made for legal advice in relation to a stray. The Justice, ignorant of the law, but unwilling to acknowledge it, immediately presented the remedy, which he declared would be in the nature of a shew cause against the man in whose possession the stray was found. He accordingly instituted a suit in the name of the Commonwealth against the man who made the application, and gave judgment against him for the price of the stray.—These instances, together with those referred to by the gentleman from Northampton (Mr. PORTER) and the gentleman from Franklin, (Mr. DUNLAP) of a Prothonotary who endorsed a writ of right of dower, “Rit of Rit of Douer”, and of another Prothonotary who endorsed a writ of scire facias, “scurry furry”, are strong instances of the imperfections of the appointing power, and conclusive, to my mind, of the superiority of the elective principle. The people, under no state of excitement, would commit such palpable mistakes, but would have an eye single to the qualifications of the candidates, without reference to the party, cause, or principles, to which they might be attached. Under the present system, men are appointed Justices without any other qualification than that of services rendered to the party; and, what is most objectionable, a few men in each county draw the wires and make officers at pleasure. The President had referred, in the course of his remarks, to a publication in some Ohio paper, of a wealthy and influential man, who had murdered his wife, and who had been permitted to stalk abroad, unmolested by the magistracy or people. This had been offered as an argument against the elective principle, and to show that the desire of re-election depraves and corrupts the mind. He (Mr. P.) would answer the argument by saying, that it was but a newspaper fabrication, and that he was unwilling to believe a state of society existed any where in this enlightened land, that would tolerate the commission of the most horrid crimes, and especially the one referred to, that of a husband embroiling his hands in the blood of the partner of his bosom. If, however, the story were true, it proved but one thing, to wit: an entire absence of that religious, moral, and social feeling, so necessary to bind society together, and preserve it from the excess to which depraved and excited passions render it exposed. Amongst such a people, no tenure of office could effect a change: the error is to be found at the heart, where the change must first be wrought. Reference has been made to other States, to show that the system of election has failed to answer the public expectations. A few days since, a distinguished gentleman from Ohio, (Senator EWING) who was in this Hall, gave it as his opinion, that the Ohio system was much superior to that of Pennsylvania, and as an additional evidence of this being the case, we have only to advert to the returns of the election for and against a Convention, when it will be observed that every county adjoining either Ohio or New York, has given almost unanimous votes in favor of reform; and certainly these counties, from their contiguity, and from having tested the relative benefits of the different systems, are much better prepared to give a correct and satisfactory expression of opinion, than the eastern, southern, and western counties. He (Mr. P.) would not trouble the committee further, and concluded with the hope that the friends of reform would perceive the prejudicial tendency of the proposed amendment, and would vote it down.

Mr. FLEMING said he should vote for the proposition under considera-

tion, because he believed that some change was necessary, and ought to be made. He was pleased to find so many gentlemen who were able to vouch for the integrity and respectability of the Justices of the Peace in this State; but he found they had presented but one side of the picture.— He knew many of them who were highly respectable, and good officers; but he regreted to say, that he, also, knew of some Justices, who were wholly unfit for an office so important—for, in his opinion, it was an important office. This was a subject, as to which his constituents wished some action, with a view to the remedy of existing evils. He was willing to fall in with any proposition, which should offer an efficient remedy. The great, growing, and crying evil complained of, was the great number of Justices. The office was thus made too cheap: and it was no longer regarded as a respectable and responsible situation. The appointment was too easily obtained; for it was not uncommon, nor difficult, in townships, where there were already a dozen acting Magistrates in a township, for the friends of the Executive to procure more appointments for the same township. The number has, in this way, been increased till they had become a curse, instead of a benefit, to the community. He spoke from his own knowledge, as derived in the course of his professional pursuits, when he said that he had no confidence in the Justices, as a body. He had had occasion to examine into their character and conduct; and he would say that there were very many of them who were utterly unfit for their office, and who did much mischief in its exercise.— They had lost the confidence of the community, and that was a sufficient reason with him for providing for some other mode of appointment, and for a limitation of their number. It was high time to restore public confidence by a salutary reform. Let us lay the axe at the root of the evil. He asked gentlemen who wanted evidence of the evils of the present system, to refer to the dockets of the several Prothonotaries in the Commonwealth, and ascertain how many writs of appeal and *certiorari* there were from the Justices' courts, and see how litigation was promoted, and costs accumulated by the ignorant or corrupt conduct of the Justices. Their jurisdiction had been extended, and with it had been increased their power to do injury to the poor man. The great reason urged in favor of increasing their jurisdiction, was to save costs; but the costs had been increased four fold by it, and it had not afforded any of the relief contemplated by the law of 1810. He had stated that there were many incompetent Justices of the Peace, and he would mention a single instance: A Justice issued a summons in a case of slander; and when the defendant was brought before him, he said that there was no bail allowed in the case of slander, and actually made out a *mittimus*, and sent him sixty-five miles to prison. Justices, of similar qualifications, abounded in the country. He thought the only way was to remove every man, good and bad, to limit their term, and limit their numbers. So long as we continued the present number, it would be impossible to follow out any scheme of reform, or prevent the injustice and errors of their proceedings. Half of the Common Pleas business related to appeals from Magistrates. If we were to have continual appeals and complaints under the present system, why not agree to apply some remedy? Let us have an experiment of reform. If it was thought that the salary would amount to too much, then, as the next remedy for us to try, he would refer to the proposition of the report

from the committee on the fifth article. It was conceded that some remedy ought to be applied, and he hoped we should adopt an effectual one. He had some objections to all the plans that had been suggested; but he preferred the proposition in the report of the Judiciary committee, which provided a limitation of the number. If no other alteration were made to the Constitution than this, it would be worth all the expense attending this Convention. He was in favor of the amendment now under consideration, and should vote for it; but he would be willing to vote for any feasible plan, having in view the same object.

Mr. SHELLITO said, as the State of Ohio had been alluded to, and as he lived on the borders of that State, he would say, that though he had had much intercourse with the people of Ohio, and had heard their sentiments in regard to the operation of their system of electing the Justices, he had never heard any complaint of the system. Every body appeared to be well satisfied with its results. He heard the people say, they would not exchange it for ours, nor for any other that could be devised. In regard to the proposition of the gentleman from Philadelphia, to pay the Justices' salaries, he said it would have a most mischievous tendency. There were many litigious and quarrelsome people, who would always be ready to go to law, if they could do so at the public cost. Contentious people would have an opportunity, without expense to themselves, to drag their neighbors into the courts, without any reason or excuse. They would take their neighbors from their plough, to carry them before the Magistrate. Such men would be pests to society, if they were allowed such facilities for litigation. Many men would refuse to pay an honest debt, until they were sued, for they would argue that the suit would cost them nothing. There must be some way to make a man responsible for going to law. For these reasons, he objected to the proposed amendment; but there was another reason, growing out of the effect of the provision, upon the Magistrate himself. When he found that he was to have a certain salary, whether he did little business, or much business, he would probably do no business at all. He would not lose his time and quit his private affairs, to attend to the business of any poor man, if he was to be paid the same sum, whether he discharged his duties or not. He was not going to condemn the Magistrates as a body, but it was evident that the people were dissatisfied with the present system, and wished to take the matter into their own hands. He held that the appointing power was very liable to abuse, and that it ought not to be conferred on any one man. An absolute power of appointment, exercised by one man, was tyranny. No tyrant could go beyond that. The people wanted to take the election into their own hands, and if they happened to make a bad choice, it would be in their power to remedy it at a subsequent election, by leaving out men who are found to be incompetent and unfaithful. But when they get good men, they could re-elect them. Upon these considerations, he should find his vote.

Mr. READ proposed, he said, for a few minutes, to examine the argument of the gentleman from Lycoming, (Mr. FLEMING,) and see upon what it was founded. His two positions were, first, that some change was necessary; and, second, that the complaints against the present system, proceeded from the circumstance, that there were too many Magistrates. For these two reasons, he tells us that he will support the amend-

ment of the gentlemen from Philadelphia, (Mr. MEREDITH). How would these two reasons stand together? Any man who wishes to remedy an evil, would naturally look to the origin of the evil, and propose something that would remove its cause. Those who thought that the evil was in the too great number of Magistrates, would, of course, propose to reduce the number. But how is this to be effected, by changing the mode of compensation? The report of the committee as fully and effectually reaches the evil, which he supposes to lie at the root of all the faults of the present system, as does the amendment of the gentleman from Philadelphia. It does not, to be sure, limit the number of Justices, but it leaves it to the Legislature to carry out the principle, and fix the number, according to the circumstances which may hereafter arise. The Convention cannot fix the number. How can we tell what circumstances may arise, in the lapse of time, to render a change of the number necessary? We can, and perhaps may, allow the Legislature to assign certain numbers to each district, according to the number of taxables. The gentleman seemed not to be aware, as most persons were who had resided in any county, that it would be impracticable to fix a salary which would be adapted to the business and labor of each Justice in the county. Some Magistrates, owing to their peculiar location in the county town, or to other circumstances, were employed their whole time, and took fees to the amount of six or eight hundred dollars a year; while there were other Magistrates, in the same county, who were not employed two days in the whole year, and whose entire receipts did not amount to five dollars. But it was necessary for the convenience of the citizens of every county, that they should have four or five Magistrates in different neighborhoods, to take acknowledgments of deeds, or to take testimony from females, and from the aged and infirm, who could not go to the county town for the purpose. If we undertook to graduate their compensation, according to their business, could we say, half a century before hand, what each Magistrate's salary should be in proportion to his duties? Could we tell, with certainty, what would be the amount of business that each Magistrate would perform? There was a limitation of the number of Justices fixed by the report of the committee. The report made it necessary for the Legislature to district the State, and limit the number of Justices to be voted for in each, before the elections; and until they did this, the people would have nothing to vote for, and there could be no election.

Mr. FLEMING said, the gentleman had alleged, that he had fixed the number of Justices in the report. In what section of it, was there any limitation of the number? Could the gentleman point it out to us? It was not competent, for us to leave this matter to a future Legislature, who might, or might not effect a limitation. We were bound to do it ourselves, and for that purpose, mainly, had this body been assembled, to leave the whole matter to the hazards of future legislation, would be a gross dereliction of our duty. The best way, in his opinion, to effect a practical limitation, was to require the people to pay their compensation, and their interest would then induce them to elect only such a number, as was necessary. We wanted a limitation which was tangible, and which the people could comprehend at a glance. The prospect of limitation by the Legislature, was not sufficient to satisfy them. Unless we could raise the character of the Justice of the Peace, by limiting their

number, we might as well do nothing on the subject. Any regular system that was now adopted, could be carried into effect, a century hence, just as well as now. There could be no difficulty about the details. Of all the plans which had been suggested, as yet, there was none which was so well adapted to the wants and interests of the people, as that which had been offered by the Judiciary committee, and he trusted, that it, with some modifications, would be adopted. He would go for any practicable reform, which would answer the object of removing this evil, and he had no doubt, that the proposition of the gentleman from Philadelphia, would tend to limit the number of the Justices; to raise their character; to render them more independent, and impartial; and to restore public confidence in the Magistracy. He conceived this to be a subject of vast importance. It was a question, whether we should break up a corrupt and tyrannical system, from which the most mischievous effects daily proceeded; whether we should suffer men, of moderate circumstances, and poor men to be daily dragged before the Justices, and robbed of their money, for the emolument of those men. He knew that there were many Justices of the Peace, who were honest and respectable men; but, he also knew, that there were many who oppressed the people, and created business for the sake of their own emolument. The worthy and respectable of the Magistracy, were not those who got the money, but it was those who were guilty of extortion and oppression, some of whom got rich by their offices. To deprive them of their fees and perquisites, would have the effect to withdraw the inducement, which they now have, to promote litigation. The gentleman from Susquehanna, objected that the compensation by fixed salary, would, necessarily, be unequal; but either the Legislature or the county Commissioners, could easily regulate the salary, so as to equal it in proportion to the amount of business done by each Justice. There could be no better protection, against the number, and the extortions and corruptions of the Justices, than to allow them a salary, instead of fees of office. The people would not, then, ask for such a number, as would be a burden to them, and the officers themselves, would have no inducement to abuse their power.

Mr. DUNLOP said, when this proposition was first offered, he was disposed to vote for it, out of respect to the judgment of the gentleman who offered it, and from a conviction, that something should be done, to correct the evils of the present system. But, in this, as well as any other subject, he kept his mind open to conviction, and, after listening to the argument, he had concluded to vote against it. The people of Pennsylvania were not disposed to increase the number of salaried officers. There was something odious to them in the very name. The number of Justices, as stated in the document before us, was now three thousand six hundred and thirty-six. It would not be tolerated, that such a number of salaried officers, should be thrown on the treasury; and even this number, great as it was, might be increased. It was said, that the Legislature might direct, what salaries should be paid; but could they not also direct the mode of paying them? They might direct whether they should be paid by the counties, out of the public treasury, by fees, or that they should not be paid at all. The Legislature had this power now, and he was not prepared to take it out of their hands. He doubted whether the people would consent to have such an army of Justices, quartered on them for support,

Now, the burden of compensating them was thrown on the litigants, themselves, who were obliged to pay for the indulgence of their litigious propensities. As the Legislature had control of the subject, he did not think it necessary for the Convention to act upon it; and that principle he applied to every subject which was brought before us. It was not necessary for us to undertake the functions of Legislation.

The Convention adjourned.

### WEDNESDAY AFTERNOON, 4 O'CLOCK.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole on the 6th article of the Constitution, Mr. CHAMBERS of Franklin in the chair.

The question pending, being on the motion of Mr MEREDITH, to amend the amendment offered by Mr. REED.

Mr. REED said, that the gentleman from Lycoming (Mr. FLEMING,) had asked him a question, which he had answered before. His reply had not been understood, and he could answer him again. The gentleman had asked where was the limitation to the number of justices? It was to be found in the nature of the case. No other power than the Legislature can limit them, because we cannot foresee every contingency, when we say in the report, that they shall be elected in every township and borough, it would be impossible to know how many there will be to vote for. That must be determined by the Legislature. If the gentleman thinks the language is not sufficiently clear, he can move to amend. He himself could not make such motion, because under his amendment the Legislature would fix the number.

Mr. M'DOWELL said, before the vote was taken, he begged leave briefly to suggest to the Committee his views upon the subject before them. As a reformer, he felt an earnest desire that great caution should be exercised upon all occasions; and that, although individual members might have a strong bias in favor of certain forms of amendment, still he hoped their minds were open to the force of truth, and possibly to conversion. Every material innovation upon the present Constitution was of vast importance, and before it met the sanction of the Committee, should be carefully and deliberately weighed. It was going very far, when, by a pretty decided vote, the Committee determined to elect Justices of the Peace, but since that important change was likely to be made, he deemed it of the highest interest to guard the integrity and faithfulness of those inferior Courts in every possible manner.

He believed the question before the House to be one of the highest importance, and involving a principle of equal interest with any that would come before the Convention. It embraced, in fact, the independence and purity of the Judiciary: and, although the application of the principle was to a Court of inferior jurisdiction, it nevertheless carried with it in its consideration, all the weight and all the consequences that could follow its adoption in the regulation of a higher tribunal. It was deeply to be regretted, that neither the jurisdiction, nor the character of appointments of

Justices of the Peace, had received that attention nor commanded that respect, which the present Constitution intended to create and confer. Their Judicial tenure and functions lay at the very root of the Judicial system of the commonwealth, and their action within the scope of the same, brings them to pass upon the most important rights and interests of the community. So much had been said about the rich and the poor, that he felt some distrust in introducing the claims and rights of the poor man even in their proper place. But he said it became us to speak of men and things as they exist, in the proper spirit and at proper times. The poor man had his rights, and it was the office of Government to protect them. He regarded those inferior tribunals of Justices of the Peace, as more especially the poor man's Court, and the nature and extent of their action brought them mainly into the interest of the humbler classes of society. But it did not follow, because their jurisdiction was limited, and, consequently, they were not brought to act upon large claims, that they ought not therefore to act correctly and honestly. A Magistrate's Court was a Court of the *last resort*, and as absolutely so, within certain limitations, as the superior tribunals of Common Pleas, or the Supreme Court. From his decision, within a certain amount, there was no appeal: his judgment was *absolute*. An erroneous judgment in a sum of *five dollars and thirty-three cents*, involved as great a principle and affected as large a right to the poor man, as an erroneous judgment in a sum of nine hundred and ninety-nine dollars and ninety-nine cents did to the rich man; although the one might be committed by a Justice of the Peace, and the other by the Supreme Court. It was the principle of right and wrong that was implicated, and not the amount of claim. The number of rights passed upon by these inferior tribunals—the incalculable number of subjects of litigation necessarily thrown before them by legal restrictions, made them the most universally important tribunals of Justice in the Commonwealth—and it was for these reasons they were entitled to what they of late years, at least, had never claimed nor received—the greatest possible perfection in their organization, and the most scrupulous exercise of their powers.

Did these tribunals sustain, in character and usefulness, what was originally conceded to them in principle and importance? Certainly not. He was surprised to find so predominant a spirit of complaint. The whole western section of the State seemed to be arrayed against the Justices of the Peace, as against a prevailing evil. And it was a singular fact, that, in proportion as their Judicial functions were enlarged from time to time by the Legislature, the character of the office became diminished, both in dignity and usefulness. From whence springs the evil? In answer to this, there was but one opinion. It arose from the abuse of the *appointing power*. That power, to the extent exercised, was perhaps never in contemplation by the framers of the Constitution. Since its adoption, the jurisdiction of these subordinate Magistrates has been enlarged from forty shillings to one hundred dollars. Whether that jurisdiction was wisely extended, was debateable ground. Wise or unwise, it was a tribunal to whose judgment seat nine-tenths of the disputed concerns of mankind were brought for decision. And, notwithstanding this, it was a tribunal constituted by the Governor of the Commonwealth carelessly, recklessly, corruptly. It was a part of his patronage, more than any other, that had been basely prostituted; FIRST, in regard to the competency and fitness of the men ap

pointed; and, **SECONDLY**, in the number of appointments that had been made from time to time to repay party services performed, or secure those that were to be performed.

In practice, he inquired what was the process in creating Justices of the Peace? Was it to consult the people. **FIRST**, whether a Magistrate was necessary; and, **SECONDLY**, who was their choice? Not at all. There were certain "Kitchen Cabinets" in every county of the Commonwealth, composed of the "wise men of Gotham"—the pure in faith—the "King's Counsellors", to whom "homage" must be paid by the people in the first place. They were the dispensers of public favors; and, no difference what party was in power, the *process* was the same. The honest yeomanry of a neighborhood, pursuing their business in peace and quietness—not dreaming that they were in want of an additional Magistrate among them, were often surprized and paralyzed by the pouncing down upon them, all of a sudden, a new Justice of the Peace—a fellow with a commission in his pocket from the Governor, who is, thenceforth and forever, a great man, though he was never heard of before; or, if heard of, it was during some electioneering campaign, where, perhaps, he was more dexterous at playing the demagogue than any other man. In all this, was the voice or wishes of the **PEOPLE** consulted? No—their rights were violated, and themselves insulted! It was these abuses and mal-practices in the appointing head, that had brought the *Judicial character* of subordinate Magistracy into disrepute and odium. A large portion of the Justices of the Peace were competent and worthy men; but there were those among them, and they not a few, whose character and qualifications threw a shade over the whole.

He did not know a greater curse that could be fastened upon an orderly and peaceful neighborhood, than a meddling, officious, business-seeking, pimping, pandering Justice of the Peace—a man, too, whom the people over whom he presides, condemn and despise. There was no worse visitation, unless it be an *excess* of Magistracy.

Here Mr. M'DOWELL went into an argument of some length, to show the evils resulting from the existence of so many Justices of the Peace.—He believed litigation was multiplied exactly in proportion with the increase of Magistrates. A majority of them were ambitious to acquire business, and he who obtained most, was of course highest in judicial excellence and importance. It unfortunately too often happened, that those who were least worthy and least competent did the most business, and, consequently, injured and fleeced the greatest number of people. He believed it to be generally true, that the Justice of the Peace in the county, who made his Magistracy an exclusive business—a *means* of livelihood—was an injury to the community in which he lived. He meant the man who sought business as some of them did. People needed no prompting to litigation—there was too much tendency to the law for the peace of society, or the interests of individuals. He did not believe in bringing justice to "every man's door"—at least, he did not believe in bringing a Justice of the Peace to every man's door. He was opposed to offering facilities to litigation—he would not increase the opportunities of a man to get into a law suit. It was better that many obstructions should lie in a man's way before he was permitted to sue another. No man should entangle his neighbor in the meshes of the law, unless there existed an ab-

solute necessity for it. He believed hundreds—nay thousands of little, petty, malicious actions were brought, because of the ease and convenience which attended them. A difficulty arises between a man and his neighbor—they dispute—a Magistrate is in sight, and while the blood is heated they sue. He had said a Justice of the Peace was a great man from the date of his commission; he was fit to counsel his neighbors, by virtue of the great seal of the State—his counsel generally ended in bringing a suit as the most *judicial* mode of settling a dispute, which a little time, or inability to get to a Magistrate, would have settled itself. But Justices are so thick, a man has not time to cool or reflect, before he runs against one.—In matters of consultation, they become the agent of the consulting party, and if a suit is brought, they are bound in honor to make good their advice; consequently, judgment is given for plaintiffs, and hence has arisen that approbrious saying, “that Justices of the Peace always give judgment for the plaintiff, *unless the defendant is unable to pay the costs*”. He spoke of those Justices who abused and disgraced the office.

He went into a further examination, to show how oppressively the abuse and prostration of the subordinate Magistracy of the country operated upon the humble classes of society—and how important it was, that these tribunals, inferior as they might be, should be respected and respectable, and those who fill them, should be men of sound heads and pure hearts.

Such being the state of things, and the people of this Commonwealth seeing that the evil was growing upon them, and that it was getting beyond endurance, claim to have a change in their fundamental law in this respect. They ask, by a large majority, if the opinions of the members of this Convention are evidence of the will of their constituents, that the creation of Justices of the Peace be given back to them. If it is their will, they have the right to elect them. The experiment is about to be tried, and it is said the hazard is not great, inasmuch as the result cannot be worse. Time will test the change.

The amendment offered by the gentleman from Philadelphia, (Mr. MERRITH) presented to his mind a subject worthy of great consideration.—The proposition was to give to the Justices of the Peace a fixed salary, instead of the fees of office. Inasmuch as the door was thrown open for improvement, he was favorable to the amendment; it struck him with great force. There were two principal evils to get rid of in the amelioration of the system; the first was the number of Justices; the second the abuse of the office. The first evil must be eradicated, or all amendments are vain. Unless some limit is fixed in the Constitution as to number—if the Legislature is to say how many Justices of the Peace are to be elected in each township, ward, or district—if they are to determine when and where a new Justice is necessary, he feared there would be nothing gained by the change. He had no faith in Legislatures, and he would sooner trust matters of patronage with the Governor, much as it was abused, than with the Legislature. He would not make the Legislative Hall a political arena, where office hunters were to assemble to contest their claims to office. Members of that body would have the same inducements to abuse the power as the Executive; they would strew their districts with newly made Magistrates, to reconcile present and secure future promotion. He had heard enough about legislative encroachments and abuses since he had been honored with a seat in this House, to make him

distrust the virtue and integrity of that body. Indeed, so much had been said about public men and bodies of men—such charges had been preferred and imputations cast by one upon another, here and elsewhere, that he was at a loss to know in what quarter to repose confidence. The gentleman from Northampton had complained of this universal distrust. He agreed it was painful, and presented a state of things not very creditable. He believed, however, it would not do to withhold the truth from motives of delicacy. Distrust of public men was of wholesome tendency.—Curb, guard, and limit the exercise of delegated power as you may, the people will find the trust too often abused. Politics had become a profession: men followed it as a business: and in deep humility he was constrained to say, they were but too successful in their calling. His faith in a man diminished as he grew in politics—he spoke of the mere politician.

He said again, and he gave it as his solemn conviction, founded upon experience, that the great evil of the system was in the number of Justices. Nothing could be done in the way of reform, unless a clause was introduced in the Constitution, giving one Justice to a certain number of taxable inhabitants; thereby, placing it beyond future Governors or Legislatures, for political purposes, to flood the country with these officers of the peace, unmasked for by the people.

He had said, the amendment of the gentleman from the city (Mr. MERRITT) met his views favorably. It did so, and the more he had reflected upon it, the better he thought of it. Like that gentleman, he was desirous to record his vote in favor of it. He believed the time would come, when their views would be more favorably received. He believed the subordinate Magistracy of this Commonwealth, with its enlarged jurisdiction, was of the most vital interest to the people. He had given his reasons for this opinion. He was anxious, therefore, to make it as useful and as perfect, as it was important. He believed in the *purity* of Judicial officers, more than he did in their independence. Give him the first attribute, and he would risk the other. There might be independence without integrity; but, he doubted whether the latter merit could prevail without the former. Under the present Constitution, Magistrates are multiplied to an evil. Under the system of fees, *extortion* was invited and practised. He was at a loss to know which was the worst. The amendment under consideration, to his mind, proposed an entire remedy against extortion.—It removed the inducement from the officer—it took away all interest which he had in his fees—he would be no longer led into temptation.—Between the man of large and multifarious business—of many suits and collections—of great wealth—and the poor man, of few suits and less influence, he would stand impartial. He feared extortion was a prevailing sin of the day; and it was well, perhaps, for the people, that they were ignorant of its domination. There were other and greater peculators than Justices of the Peace. He doubted the propriety of any officer receiving fees for services, much less a Judicial officer. But society had still a deeper interest in this amendment. It put an end, in a great measure, to useless litigation. Magistrates, instead of aiding, abetting, and encouraging suits, would discountenance petty, paltry, legal altercations. They would have neither interest nor inclination to incite them. Thousands of suits now prosecuted with fierceness and angry feeling, would then be settled

by advise and persuasion. It would cut up, by the roots, a miserable system of pettifogging. He had learned since he came here, that in a county not far distant, a certain class of lawyers (such as hang round every Court House) had contracts with the Justices of the Peace, and gave them so much per cent. for every fee they could procure; and, in this way, a consummated system of pecculation and pettifogging, was kept between *small* lawyers and corrupt Magistrates. What was the consequence? The people were deceived and robbed.

What were the objections to this amendment? He had not heard one that struck his mind with any force. It had been said it would not be popular with the people; they would object to so many salaried officers.—Whether it would be popular or unpopular, was no argument with him. But why should the people object to it? Because, it is said, it produces a total change, and therefore, they will not be satisfied? He admitted it would produce a change—a wholesome, salutary, republican change; it would introduce a change that would secure the poor man against a common abuse of his rights and interests, and nothing more, it would produce a change that would purge and purify the most important branch of our jurisprudence. What evil would result from it? None: essentially none. Would the costs of the administration of public justice be increased? Not a dollar. Then, how would the people be injured? The views of the gentleman who had spoken in favor of this amendment, had not placed this matter upon its true foundation.

The gentleman from Crawford (Mr. SHELLETO) complained of the costs. He trusted that no man had it in contemplation to abolish the fee bill, and permit parties to bring suits, and lose them without paying costs. This was not what he contended for. He only contended that the *wages of the Judge* should not depend upon the fee bill, or the number of suits he could manage to institute. Let the fee bill remain as it is, or let it be suitably amended, and let the costs, which now go to the Justice, be collected by him, and paid over on oath to the county or township treasurer.—Let such laws be passed as will make it his imperative duty to receive and account for all such fees. Beyond a certain amount, the Prothonotaries, Registers, &c. of the different counties, are compelled to pay to the State Treasury, certain portions of their fees. To do this, an account must be kept of all received. Let the Justices pursue the same course.

Limit the number of the Justices of the Peace, and you will make the office respectable and respected. Make them like angels' visits, "few and far between", and men will consent to fill the station who will do honor to it, and justice to suitors. Limit the number of Magistrates in each county, and the *honest* fees of their business will pay them ample salaries. The costs will not be the addition of a farthing. Public security, private rights, judicial confidence, and the satisfaction of the people, would be worth millions.

He would be willing, further, to restrain the action of Magistrates, with a view to the greater perfection of the system. He would confine the jurisdiction severally to their respective districts, (except in criminal cases) at least so far, that either plaintiff or defendant should reside therein. He had known many instances of the grossest and most wicked abuse, for the gratification of the worst of feelings, of this general and unconfined jurisdiction of Justices of the Peace. He would put it out of the power of a

plaintiff to travel over a county to pick out a Magistrate, before whom to bring an unrighteous and unjust suit. He wished, as far as possible, to guard against all abuses; he might be mistaken in his views; but he conscientiously believed, if they were once put in practice, they would be found universally beneficial.

Mr. MERRILL said, that in discussing this question, it might be proper to go back to the system of appointments of Justices of the Peace, in order to come to a correct conclusion. He had taken considerable pains to inform himself in relation to the operation of the system of election of Magistrates in the neighboring States, in which he had lately travelled, and he would state some of the facts which had come to his knowledge, in the course of his journey. In Indiana, they elect their Justices of the Peace for five years, and the honesty and justice of the operation of the system, might be judged of, by relating a story which he had heard while in that State. He had been told by a young man, who practiced law in that State, that he had been called upon to go seven miles to argue a case, where the amount involved in the controversy, was only three five-penny bits. No controversy, however trifling, could be decided there, without counsel, and the fees of the counsel generally were as great, or exceeded the sum involved in the controversy. This was the operation of the elective system in the State of Indiana. He had also been informed, that it was a quite common matter there for persons who had suits to bring, to inquire before they went to put them in the hands of a Magistrate, how long he had to serve; how soon his time would be out; and if the Magistrate had but a short time to serve, they would not entrust him with the collection of their accounts. This was the confidence put in the elective Magistracy of the State of Ohio by the citizens of the State, and by those best qualified to judge of their integrity and honesty. It was frequently the case in that State, that men were elected Magistrates who were possessed of no qualifications whatever, and the same thing no doubt, would occur here under the same system. In fact, he had heard of a case there, in which a man was near being elected a Justice of the Peace, who was possessed of no qualification whatever, unless it was for a high-way robber. In the State of Ohio, Justices are elected for the term of three years; and here again, lawyers are called in on all occasions, to plead the causes which come before these officers. But very little confidence is placed in the Magistrates, and hence all persons having business to transact before them, are compelled to employ lawyers to see that the suit is conducted properly. He knew a very young lawyer, who resided in that State, who had told him that his regular weekly business before Magistrates, brought him in about eighteen dollars a week. This was a pretty good sum, considering that it was all earned before Justices of the Peace, and was, perhaps, more than many lawyers in this State made in their practice in courts. Now, he would ask, whether gentlemen desired to see such a state of things existing in this State? He thought the people of this Commonwealth would be better satisfied with their present system, than with any such system as this, which could be of no benefit to any person but the lawyers. Under this system, if a man had an account of a few dollars, which he wanted to bring a suit upon, by the time he employed a lawyer and gave him his fees there would be little or nothing left. When he was in Cincinnati, he was told by a lawyer there, that the most laborious part of his business

was the suits before Magistrates, they being so much more numerous than the suits in courts. In the State of New York, the Magistrates were elected, and they have four to a township. In the course of his observations there, he had found that sometimes two, and sometimes the whole four Magistrates were young lawyers, who had but little practice in the courts. They generally, after they get through with their reading, get some of their friends to use their influence to have them taken up for the office of Magistrate; and by this means, they get elected to that office, and practice in the courts at the same time. He would relate another matter which he saw there, relative to these lawyer-Magistrates, which struck him as a most singular judicial proceeding. In a certain township, in that State, there were two young lawyers who were Magistrates, and they had an arrangement, that their law days should be different, so that one could attend the trials of suits of the other, and act as lawyer in the case. Thus they alternately acted as lawyer and Justice, A pleading causes before B on Monday, and B, pleading causes before A, on Tuesday. This might be considered pettifogging on a new system. In fact, he had been informed that the pettifoggers in the State of New York, beat the larger lawyers all to smash. He believed, there were as many honest men connected with the profession of the law, as with any other profession, but he did not wish to see them placed in a situation where they would have the opportunity, and it would be their interest to multiply law-suits, because it would bring the profession into disrepute. He wished to see them stand before the world in their true character, without being prejudiced by any such practices or system as he had alluded to. In the State of Vermont too, the Magistrates are elected, and the same system is practiced there, of employing attorneys in all cases of suits brought before them. He had heard of a young lawyer, who went into that State, and after being there for some time, he returned on a visit to his friends, and on being asked how he was getting along in Vermont. "Oh" said he "I am sure of a living, for I have all the suing of one store". Then was it to be supposed by gentlemen that the citizens of Pennsylvania would prefer the mode of appointments he had alluded to, if they were to take along with it the system practiced under it in other States? He apprehended that they would prefer the present system, which was well understood, to any of these new and untried systems. Then, he was of opinion, that the whole evil complained of, might be remedied by limiting the number of Justices to be appointed, and dispensing with what was called the fee bill. Put them in the same situation of the other Judicial officers, and your minor Judicial officers will give as much satisfaction to the people, and they will place as much confidence in them as in your other Judicial tribunals. He did not know that the Governor appointed better persons than the people would generally elect, and he did not know that it would be an evil, to elect Justices of the Peace, but if they were to be elected for a few years, he took it that it would be a monstrous evil. If you elect them for a few years, you will have them all the time electioneering for their re-election, and every kind of corruption would be introduced into the administration of justice. It would entirely destroy the rights of the poor, and give the rich the advantage in the decision of all suits. If a rich man, who resided in the same township with the Magistrate, brought a suit against a poor man, in another township, there would be but little chance of the poor man

having justice done him, and if the amount was below five dollars and thirty-three cents, there would be no appeal. But, even if the sum was larger, the situation of the poor man generally shuts him out from an appeal, because he was not able to defray the expenses of carrying a suit into court. He thought, there were few men who would say but what this would be the consequence. Certainly there would be every opportunity, for this kind of oppression to be practiced. If we are to alter the Constitution, let us alter it to provide against these evils, instead of making it introduce them into our system. Let us adopt a system which will induce all men to act honestly, honorably, and independently, and not be laying a trap for poor, weak, fallible, human nature. To elect Justices for a short term, could be of no benefit to any one, but was calculated to make them electioneering politicians, and to make the lawyers all pettifoggers. Men who are elected Justices seldom understand any thing about the law, and they never have time to inform themselves if they are to be changed every three or four years. But if you make them Justices during good behavior and make them removable for misconduct, you will have honest, upright, and competent Magistrates. He did not believe, that paying salaries to the Justices would cost the State any thing more, than to let their compensation be provided for, by the payment of fees. He would require the costs of suits to be collected in the same manner as in courts of justice, which should go into the Treasury to defray the expenses incurred by the payment of Justices' salaries. This would make the Magistrates independent, and prevent them from extorting any thing from the poor from interested motives. The gentleman from Bucks, (Mr. M'DOWELL) had explained away the objection of their salaries costing the State a larger amount, and he did not consider that it was necessary for him to say any thing more on that subject. It seemed to him then, that we ought to adopt the amendment of the gentleman from the city, (Mr. MEREDITH) and place the Justices of the Peace above temptation.

Mr. SMYTH, of Centre, had been surprised at the remarks of the various gentlemen who had spoken on this subject. We have had speeches from all sides of the House on the question, and really such pictures as we have had of the depravity of Justices of the Peace, in Pennsylvania, and other States, were almost enough to make a man doubt whether there were any honest men in the country. We have heard the characters of this class of officers held up to the world, in all the deformity which the human character is subject to; and a stranger coming in here, would take these officers to be the most degraded set of men in the universe. He thought gentlemen had gone too far in this matter. He had known many worthy and good men, who were Justices of the Peace; and as a class in Pennsylvania, he believed they were equal to almost any other class of citizens. Gentlemen had argued, that if Magistrates were elected, they would be continually electioneering; and that the few rich men would be able to oppress the many poor, inasmuch as the Magistrates would always decide in favor of the rich, in suits brought before them, for the purpose of securing their interest at the next election. Now he took it that there was nothing in this argument, and he must beg leave to differ entirely from gentlemen, because he believed that every man who had received injustice at the hands of a Magistrate, would vote against him, and use all his influence to put him out. If one rich man brought unjust de-

mands against fifty poor men, and the Magistrate decided against the poor man, and in favor of the rich one, did any man suppose that the rich man's influence would be able to sustain such Magistrate? Certainly no man could believe this. When a poor man received injustice at the hands of a Magistrate, and that Magistrate was elective, he would tell his neighbors of it, and that would have more influence with the public, than all that could be said or done by the rich man. The poor men of the township, who were always in the majority, would rise in their strength, and turn out such dishonest Magistrate, unless you prevent them by the passage of a Registry law, or place some such restriction upon them, which would prevent them from voting. The gentleman from Bucks (Mr. M'DOWELL) had drawn such a picture of the Magistrates of Pennsylvania, as he (Mr. S.) believed, never did, nor never would exist. He believed many of them to be honorable, honest, and upright men.

Mr. M'DOWELL explained: He had not spoken of the individuals, but only of the system, and of the corrupt practices which must inevitably grow up under the system.

Mr. SMYTH: If the argument of the gentleman went to show any thing, it went to show that the Magistrates ought to be elected, instead of their being appointed by the Governor. The gentleman from Union (Mr. MERRILL) had taken us into the States of Vermont and New York, to show us, that there, young lawyers were elected Magistrates—and to show us the practice of those officers. Now all he had to say to this, was that he did not believe that any young lawyer, who conducted business in the manner set forth by the gentleman, could ever be re-elected a Justice of the Peace in Pennsylvania. He had too high an opinion of the intelligence of the people, to believe that they would ever make such notoriously bad selections, as had been instanced by gentlemen here. They were acquainted with the candidates, and having an interest in having a good man appointed, they would select none other; whereas, the Governor, not knowing the person he had to appoint, could easily be imposed upon, as was too frequently the case. He was sorry that so unfavorable a picture had been drawn of the Justices of the Peace. He had never had an opportunity of observing what was the practice of even half a dozen States, in relation to their Justices of the Peace. He thought that gentlemen went rather too far in condemning them. His own opinion was, that they were very useful members of society. He could not agree with the gentleman from Bucks, (Mr. M'DOWELL) that we were overrun with Justices. There were but two in the township in which he (Mr. S.) resided, and both were, decidedly, honest and respectable; and if the election of Justices of the Peace were left to the people, these men would be sure to be re-elected.

Mr. CLINE of Bedford, said, that the proposition, pending, was of the greatest importance. He regreted that the discussion had not taken precisely the channel he could have wished, and that the amendment of the gentleman from Philadelphia had not met with the attention, to which it was really entitled. At the time, that he had the honor of being elected to a seat in this Convention, he deemed it his duty to listen attentively to what his constituents desired in reference to amending the Constitution of Pennsylvania. And, if any impression had been made upon his mind, at all, it was, that they wished a change to be made in the manner and

mode of electing their Justices of the Peace. He had bestowed some reflection upon the subject, as well as other gentlemen, as to the reasons which had induced the people to desire a change, and he soon arrived at the conclusion, that the people must have considered the Justices of the Peace, as at present appointed, either incompetent, or dishonest. He could not conceive why they should want to change the existing mode, unless it was in order to get rid of evils which attached to it. He confessed that he was not at all partial to the election of Justices of the Peace, by the people, and he was afraid, that it was an experiment, which in its consequences, might prove, if not detrimental to the interests of the people, at least, not beneficial to them. And, with regard to appointments by the Governor, we were all aware, that he knew little or nothing of those whom he appointed Justices. He listened to the opinions of his own political friends, from the county, in which an appointment was to be made, before making it. He (Mr. C.) believed that this had been done, not only by one or two administrations, but by every administration which had ever existed in the State of Pennsylvania. Now, he would ask, if it was to be supposed that appointments thus made, could be of that character which the people desired? In his opinion, nine out of ten of such appointments, did not give satisfaction. The question which then recurred was—would the election of the Justices by the people, themselves, cure the evils now existing? He entertained much doubt on the subject, yet he would vote for the measure, because it was not, certainly, less objectionable than the present one. He would say that, whether the Justices were elected, or appointed, still a very great evil existed. The Justices, he would maintain, were not independent. And, why not? Because they were dependent upon what they received, as a compensation for their labor, on the fees attached to their offices. How, then, were they to be rendered independent? Could they be made more so, than by giving them a fixed salary, which should not depend upon any extraneous circumstances? What other, or better mode, could be adopted than that? He thought that their decisions would then be more likely to be impartial and just, and that they would feel honored in giving them. He would repeat, what he had already said, that the people have complained that the Justices of the Peace were either incompetent, or dishonest. And, he would say, that if they had not called this Convention, mainly to correct these evils, they undoubtedly, at least, particularly desired to have them removed. He had expressed his regret that the question had not been discussed, with reference to the amendment of the gentleman from Philadelphia, (Mr. MEREDITH.) That amendment had been fully explained, and he wished, if it could be done, that the gentleman would so modify it, that the suitor should not be relieved from costs, but should pay them into the county treasury, towards the fund for the compensation of the Magistrates. By doing this, it would, in his opinion, render the system much more perfect. It was expected that the number of Justices would be limited, and if that should not be done, one of the evils of which the people now complained, would still remain. He contended that it was absolutely necessary that the number of Justices should be reduced, because there were really more than there ought to be. He fully concurred in the justice of the remarks, of the gentleman from Bucks, (Mr. M'DOWELL) as to the impolicy of, and the evils which orig-

inated from, having too many Magistrates. He (Mr. C.) would again say, that he considered the amendment of the gentleman from Philadelphia, as containing the only practicable mode of rendering the Justices of the Peace independent. The gentleman from Philadelphia, (Mr. MEREDITH) adverted to it, as being a novel scheme. It was not novel to him, (Mr. C.) but he was afraid it might be novel to some of the gentlemen present. What was wanted, was something that should render men independent, and dispose them to act honestly and impartially, in giving their judgments. As had been declared, over and over again, the administration of justice was of more importance than any thing else. It was no reason why, because suits were small, and unimportant, that they should be neglected, or should receive a secondary consideration only. There could be no doubt that a certain class of our citizens, have cases coming before Justices of the Peace, which were of the utmost importance. He would not say of the utmost importance to the poor, in contra-distinction to the rich, nor that the Justices of the Peace, would favor the poor against the rich, nor the rich against the poor. Bad as the present system was, he believed that both suffered—that injustice was often practised on the rich as well as the poor. For the reasons which he had assigned, he should vote for the amendment of the gentleman from Philadelphia. He considered it of vital importance to the people of Pennsylvania, and he could only hope that it would be adopted.

Mr. READ, of Susquehanna, remarked that he was as anxious as any man on that floor, to leave as little as possible to the discretion of the Legislature. Whenever we could foresee what the necessities were which the people would require, we should provide for, and leave them nothing more to the Legislature than we could help. With that view, then, and on the suggestion of the gentleman from Bucks, (Mr. M'DOWELL,) he would modify his amendment by adding the following, to come in at the end of the section: "*Provided*, That there shall be but one Justice of the Peace or Alderman, in each district of one hundred taxable inhabitants, unless authorized and approved by a majority of the taxable inhabitants."

The CHAIR said, that the modification could not now be received, because it was not in order to offer it.

Mr. MEREDITH, of Philadelphia, in reply to the remarks of the gentleman from Crawford, (Mr. SHELLITO,) this morning, said it was never his intention that the parties to a suit before a Magistrate, should be relieved from paying costs. Mr. M. then modified his amendment, so as to provide that they shall have no fees or perquisites of office to "their own use".

Mr. MEREDITH asked for the yeas and nays; and

The question being taken on the adoption of the amendment, it was decided—yeas, 24 : nays, 80—as follows :

YEAS—Messrs. AGNEW, Ayres, Baldwin, Barndollar, Biddle, Carey, Chandler, of Chester, Cline, Cochran, Doran, Earle, Fleming, M'Dowell, Meredith, Merrill, Porter, of Northampton, Russell, Saeger, Serrill, Sterigere, Stevens, Thomas, Weidman, Sergeant, *President*—24.

NAYS—Messrs. Banks, Barclay, Bedford, Bell, Bonham, Brown, of Northampton, Brown, of Philadelphia, Chambers, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Crain, Crum, Cummin, Curll, Darlington, Darrah, Deany, Dickerson, Dillinger, Donnell, Farrelly, Forward, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, High, Hopkinson, Houppt, Hyde, Jenks, Keim,

Kennedy, Kerr, Konigsmacher, Krebs, Maclay, Mann, Martin, M'Call, M'Sherry, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Pennypacker, Pollock, Purviance, Reigart, Read, Ritter, Rogers, Sellers, Schoetz, Shellito, Sil, Smith, Smyth, Snavely, Stickel, Swetland, Taggart, Todd, Young—80.

Mr. PURVIANCE moved to amend the amendment, so as to provide that there should be one Alderman in each ward.

Mr. READ objected that the amendment was not in order.

The CHAIR decided that the motion could not now be received.

Mr. EARLE said, the friends of radical reform were much obliged to the gentleman from Union, (Mr. MERRILL,) for his suggestions and facts in favor of short terms of office. In Indiana the term of the Justices is five years, and there we find a better Magistracy than in Pennsylvania. The Magistracy of New York and of Ohio, was still better than that of Indiana, and it was limited to a shorter term. In Vermont, where the Justices were elected for one year, the system was perfect; for the gentleman had failed to point out a single defect in it. His only objection to it was, that some persons got a living by these offices. But, he supposed, he did not think it inimical for a Lawyer to do justice.

Mr. MERRILL said, the Lawyers and the Justices were combined together. The Justices filled up the blanks.

Mr. EARLE said, this was no more than the law allowed. No man was compelled to go to a Lawyer, unless he chose. He could go to the Magistrate if he preferred it, and transact his law business. The Vermont Convention had this subject under consideration, and they refused to change their system of electing the Justices yearly—the people being well satisfied with it. It was not true that short terms were unpopular in Pennsylvania. The people were satisfied with the old Constitution of 1776, in this respect, and wished for no change. This was not one of the reasons given in the resolution for calling the Convention of 1790. The reasons given for that Convention were as follows: "That the burdens and expenses of the present form of Government are with difficulty borne, and various instances occur wherein this form is contradictory to the Constitution of the United States, which every member of the Legislature, and all Executive and Judicial officers must be bound by oath or affirmation to support." They were obliged to offer these reasons for calling the Convention, neither of which had any foundation. The people of Washington, Chester, Bristol, and Lancaster, being opposed to the appointment of Justices for seven years, procured the passage of special laws, to enable them to elect Justices annually. Many other townships and boroughs applied to the Assembly, before the Constitution of 1790 was adopted, for leave to elect their Justices, or to have their Burgesses declared Justices of the Peace. The judgment of the people of this State was, at the time the Constitution was changed, in favor of elections and short terms, and the change was effected by an act of usurpation. The objection that the number of elections was burdensome in Ohio, where there were fifteen in a year, would not apply here, because the Justices could be elected at the same time when some other election was held. It was alleged against the Ohio system, that a man was murdered and no Magistrate made any effort to apprehend the murderer: but the Magistrate could not act unless some person made a complaint on oath. The neglect must have been on the part of the community. But the same neglect was manifested here;

and, notwithstanding the great number of our life Magistrates, a man who committed a murder within two miles of Philadelphia, was, by the most culpable neglect, suffered to escape.

Mr. FORWARD was, he said, opposed to the reduction of the term from five to three years, and he had heard no good argument in favor of its reduction to five years. We had heard something from the gentleman from Indiana, about the state of things in Ohio, and the operation of short terms there. He had heard from a person who had opportunities of knowing the facts, that there was great difficulty there in collecting debts in a county where the plaintiff is not a resident. This was a necessary result of the system of electing Justices and for short terms. Non-residents could not get justice done them against residents, because the Magistrate looks to the residents for his re-election. The person who was his informant was a Pennsylvanian, and belonged to the democratic party, and he expressed himself in the strongest terms against the system of short terms. Was it possible that any one would shut his eyes to the fact that men will act in reference to their own interest. Men who hold offices and power will always be mindful of the means of retaining them. They will endeavour to secure their re-election. Again, would not the people be influenced by the clamor of a disappointed man against a Magistrate? How would an honest man be able to meet a clamor of that kind? By the weight of his character, a man who has held an office, for some time, could defeat a false clamor by his weight of character, because he has become known to the community in his official capacity. But a man who has held the office but for a short time, could be put down by it. He believed, the longer the term was made, the better would the officer discharge his duties. He would prefer a term of six or seven years, which would enable a man to get a character, and be known and understood among the people. The appeals to the people by disappointed suitors would be made, whether the terms were long or short. How were the people to decide? Were they to take the evidence of a disappointed man, or were they to look to the general conduct and character of the Magistrate? If to the latter, then they must have an opportunity of knowing what his character as a Justice is, by his conduct through a long term of service. Another objection he had to a short term. He did not believe that the office, for the term of three years, would be desirable to any one, in any part of this State. He was for giving the officer some value and respectability, in order to induce respectable men to take it. The citizens of Ohio, as had been stated in letters from some of them, wished to have the term lengthened, because they found that the office at present was of so little account, that responsible and respectable men could not be induced to take it. It was no slight effort for a man of character to encounter the labors and turmoil of an election before the people, and few would do it without some important object. The people of this State were dissatisfied with the mode of electing Justices under the Constitution of 1776, but that was not a proof that it was an improper mode. The people were too apt to be dissatisfied, and to seek for change. Those who looked back twenty or thirty years ago, would see that the courts of Common Pleas then fell under the popular odium. What was the reason that the jurisdiction of the Magistrates was extended to one hundred dollars? It was the expenses and the delays of the courts of Common Pleas. These were then

the general subject of complaint, and the inferior Magistrates were popular. But the mind of the country had again changed. All the good which was anticipated had not arisen from the measure, and some evils which were unlooked for had sprung from it. They desired to bring justice to the doors of the people, and to render it less expensive. Now, the people were dissatisfied with the result of the measure. But this was no proof that the system was a bad one. No system could be adopted which would not create some dissatisfaction. The power of appointment, as exercised by the Governor, was attended with great inconveniences, and he should vote for giving it to the people; but it was not at all certain, that hereafter the elections by the people would not be made the subject of great complaint.

Mr. STEVENS, of Adams, said he should vote in favor of the amendment, and he hoped it would prevail. If these officers are to be elected by the people, the oftener they are elected the better. He was sorry the proposition was not to strike out "three years", and insert "annually". Such a system would tend more to peace and harmony, than any other. He had feared some excitement, when it was proposed to put Justices in office for five years, which, by removing them further from responsibility, would have a tendency to make them careless or corrupt. If elected annually, these Justices would have no time to plot for their re-election; but, if elected for three or five years, they would be too much occupied in intriguing to secure their election, to attend faithfully to the public business. Annual elections would tend to reduce the evils, of which the gentleman from Union, (Mr. MERRILL) complains. Every Magistrate's office would be a little court, and lawyers would attend there. But as there would be no more lawyers than now, the only effect would be, that instead of going to county towns, they would have to travel to a Magistrate's office, and have a court at every five weeks. Lawyers would not object, he presumed, to come into the Magistrate's office, and attend to the business of suitors, before a Magistrate and court, equal to themselves in size and shape, so that they could keep each other in countenance; and if men of higher grade look down and disparage these minor courts, they ought still to be tolerated. It was against his wish to vote for any Judicial officer being elected by the people, but he should now vote for the election of Aldermen, and Justices of the Peace, and for this reason. Out of the four thousand of these, more than two thousand were members of societies, sworn to give judgment in each other's favor; and they belong to a class too likely to give heed to oaths! It was not to be supposed that the higher officers of the Judiciary were influenced by these secret obligations, —they were above it. These societies were filled with Justices of the Peace, therefore, he would say, let them go to the people. They would religiously fulfil the law. This was the reason which induced him, as a matter of principle, to vote for the annual elections of Justices of the Peace; and, also, as a matter of policy. He cared not how often these questions were agitated at the polls. He hoped they would be brought into every annual election, into every township, and every ward. For these reasons, he preferred three years' term, to five years; and annually, in preference to either; and, at any rate, that the elections should be by the people.

Mr. PORTER, of Northampton, congratulated the gentleman from

Adams, on having an opportunity to introduce again his old and favorite topic. It was so long since we had had "Jenny dang the Weaver", that it was almost forgotten. He was going to court, on the stage, seated by the driver, when on passing through ———, he saw a lawyer's sign, about three feet in length; and, asking the driver about it, he told him that the gentleman was a lawyer and a Judge; when it was not one of his own cases to be decided, he sat on the bench, and when it was one of his own, he went down from the bench and argued it. The other day, (said Mr. P.) when I went home, I conversed with a gentleman from Ohio on the subject, and he told me this system worked badly. Constables were run against Justices, and supplanted them; and there was not a Justice of the Peace in Cincinnati, who could write a declaration. He was sorry he could not accommodate his friend from Adams, but one year would not be long enough to enable the Constables to learn the business.

Mr. BELL, of Chester, would vote against the amendment of the gentleman from Susquehanna, because he was opposed to the election of Justices by the people; and if they are to be so elected, he would go for the longest term. He would move to commit the appointment of Justices of the Peace to the Governor; and, if that failed, he would endeavor to procure a term of seven years, to be ineligible for the next seven.

The question was then taken on the amendment offered by Mr. READ, to reduce the term to three years, and decided in the negative, as follows:

**YEAS**—Messrs. Bedford, Brown, of Northampton, Brown, of Philadelphia, Cummin, Curll, Darrah, Dillinger, Doran, Earle, Farrelly, Foulkrod, Gamble, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, High, Houston, Hyde, Keim, Krebs, Martin, Miller, Nevin, Overfield, Read, Riter, Ritter, Rogers, Shellito, Smith, Stevens, Stickle—35.

**NAYS**—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barnollar, Bayne, Bell, Biddle, Bouham, Carey, Chambers, Chandler, of Chester, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Cochran, Crain, Crum, Darlington, Denny, Dickerson, Donnell, Fleming, Forward, Fry, Fuller, Gearhart, Harris, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kennedy, Kerr, Konigmacher, Maclay, Mann, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Myers, Pennypacker, Pollock, Porter, of Northampton, Purviance, Reigart, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Sill, Smyth, Snively, Steigere, Swetland, Taggart, Thomas, Todd, Weidman, Young, Sergeant, *President*—70.

Mr. FLEMING, of Lycoming, moved, as an amendment, to strike out all after the words "Section V", and insert the report of the committee on the fifth article, as follows:

"The Justices of the Peace shall be chosen by the qualified voters in such convenient districts in each county, at such time and in such manner, as by law may be provided, so that there shall be one Justice of the Peace in every such district, containing not less than fifty taxable inhabitants; and that there may be chosen, as aforesaid, an additional Justice in every such district, for every one hundred and fifty taxable inhabitants in said district, exceeding one hundred; and such Justices shall hold their offices for the term of five years from the time of their choice as aforesaid, except those first chosen under this amendment, who shall be classed as by law may be provided, and in such manner, that one equal fifth part of the said Justices in the several counties shall go out of office annually there-

after. The said Justices shall be commissioned by the Governor, and may be removed by the Governor on conviction of misbehavior in any office, or of any infamous crime, or on the address of the Senate. And the said Justices shall give security to the Commonwealth, for the faithful discharge of the duties of their office, in such form and manner as the Legislature may direct”.

The committee then rose, reported progress, and obtained leave to sit again, and,

The Convention adjourned.

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### THURSDAY, JULY 6, 1837.

#### SIXTH ARTICLE.

The Convention again resolved itself into a committee of the whole, on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

The question being on the motion of Mr. FLEMING, to amend the report of the fifth section, by substituting for it the following:

“The Justices of the Peace shall be chosen by the qualified voters in such convenient districts in each county, at such time, and in such manner, as by law may be provided, so that there shall be one Justice of the Peace in every such district, containing not less than fifty taxable inhabitants, and that there may be chosen as aforesaid an additional Justice in every such district, for every one hundred and fifty taxable inhabitants in said district, exceeding one hundred; and such Justices shall hold their offices for the term of five years from the time of their choice as aforesaid, except those first chosen under this amendment, who shall be classed as by law may be provided, and in such manner, that one equal fifth part of the said Justices in the several counties shall go out of office annually thereafter. The said Justices shall be commissioned by the Governor, and may be removed by the Governor on conviction of misbehavior in any office, or of any infamous crime, or on the address of the Senate.— And the said Justices shall give security to the Commonwealth, for the faithful discharge of the duties of their office, in such form and manner as the Legislature may direct”.

Mr. STERIGERE thought the amendment did not test the principle; and as he desired to vote upon it, he would move to amend the amendment by striking out all after the first word, “the”, and inserting as follows:

“Governor shall, *by and with the advice and consent of the Senate*, appoint Justices of the Peace in such convenient districts in each county, as are or shall be established by law, *not to exceed one in each township, borough, or district, unless a greater number be allowed by law*; and all Aldermen, and Notaries Public, shall be commissioned *for five years*, but shall be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of *both branches* of the Legislature.— *The last appointed Justice of the Peace, commissioned before the first day of April, one thousand eight hundred and thirty-seven, in each*

*township and borough in the State, shall hold his office three years from the first day of April next, and no longer; and all other Justices of the Peace, Aldermen, and Notaries Public, shall hold their offices two years from the first day of April next, and no longer; and no Justice of the Peace shall be appointed in any township, borough, or ward, as aforesaid, unless the number therein shall be less than is allowed herein, or by law; or they shall be reduced below such number by death, resignation, removal, or otherwise.*

Mr. FLEMING modified his amendment in the sixth line, by striking out the words "one hundred and fifty", and inserting the words "two hundred".

Mr. STERIGERE said he had risen to offer this amendment before, and had requested the gentleman from Chester to adopt this principle. If he had done so, and thus taken the sense of the committee on the principle, he (Mr. S.) would not now have offered the amendment. It appeared to be the intention not to send these appointments to the Governor. The majority seemed to be in favor of the election of Justices of the Peace by the people. If the committee would not adopt his proposition, then he would go for that of the gentleman from Lycoming. He wished it to be settled now, that these appointments were not to be vested in the Governor, or in the Governor, by and with the advice and consent of the Senate. He had examined the returns of the taxable inhabitants. The list of boroughs and townships were about two thousand, and there are not more Justices of the Peace, unless the population in every township or borough was so large as to require more, and the Legislature had authorized more. One was generally sufficient. The principle of the five year term seemed to have been established by a solemn decision. He regarded this branch of the Judiciary as respectable and important, and the amendment, going to turn out so many, ought to create alarm. Therefore his amendment proposed that they gradually go out. He would be satisfied with the decision of the committee, if it should be against him. He asked for a decision of the question, so as to have the vote taken on so much as ends with the word "Legislature", and requested that the question be taken by yeas and nays, which were ordered.

Mr. FLEMING wished to make a word of explanation on his modification. He found, in reference to the returns of taxables, that the number of townships, wards, and boroughs, was one thousand and nine, and not two thousand, as the gentleman from Montgomery had assumed. Every district containing not less than fifty taxable inhabitants, as the provision runs, would have one Justice. There are but twenty-seven districts with not less than fifty taxable inhabitants, but less than one hundred and fifty; so that deducting these twenty-seven from the one thousand and nine, it would leave nine hundred and eighty-two Justices. The amendment went to provide that there should be an additional Justice in every such district, polling one hundred and fifty taxables in said district, exceeding one hundred. According to that, the residue of the taxables, taken together, would give one thousand three hundred and ninety-one Justices, making a sum total of two thousand three hundred and seventy-three, a number, which, he thought too great, and therefore he had modified his amendment. He had stricken out one hundred and fifty, and inserted two hundred, which would take off about four hundred Justices, leaving about two

thousand. Perhaps it would be better to say, three hundred taxables, which would reduce the whole number of Justices to about sixteen hundred. There would be some difficulty, however, attending the appointment. If a Justice of the Peace should apply for a township, and the township should be a district, there are provisions in the laws, which require two Justices of the Peace in some districts; where there is but one, he must act at some convenient and given place, and not run about the county, and play Justice where he pleases. There must be some established place, where he is to discharge the duties of the office. That might prevent a difficulty. If called from another district, he might not be well able to comply with the law. He must reside in the district. To all these objections he hoped to hear some explanation, and he would be happy to fall in with any suggestions which might be offered.

The question was then taken, on the first division of the amendment of Mr. STERIGERE, and it was decided in the negative, as follows:

YEAS—Messrs. Baldwin, Bell, Biddle, Carey, Chauncey, Hopkinson, Ingersoll, Jenks, M'Sherry, Meredith, Reigart, Russell, Saeger, Scott, Serril, Sterigere, Sergeant, *President*—17.

NAYS—Messrs. Agnew, Ayres, Banks, Barclay, Barnollar, Barnitz, Bayne, Bedford, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Chandler, of Chester, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Crain, Crum, Cummin, Curll, Darlington, Darrah, Denny, Dickerson, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Fry, Fuller, Gamble, Geisbart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Allegheny, Hiester, High, Hout, Hyde, Keim, Kennedy, Kerr, Krebs, Maclay, Martin, M'Call, M'Dowell, Merrill, Merkel, Miller, Montgomery, Myers, Nevin, Overfield, Pennypacker, Pollock, Porter, of Northampton, Purviance, Read, Riter, Ritter, Rogers, Sellers, Scheetz, Shellito, Sill, Smith, Smyth, Snively, Stevens, Stuckel, Sweiland, Taggart, Thomas, Todd, Weidman, Young—88.

The question was then taken on the second division of the amendment, which was also decided in the negative.

Mr. DARLINGTON moved to amend the amendment, by striking out the section, and inserting the following: "Such convenient number of Justices of the Peace shall be elected in each district, &c., as is or shall be established by law; that they shall hold their offices for five years, if they shall so long behave themselves well; but shall be removed for misbehavior in office, or on conviction of any infamous crime, or on address of both Houses of the Legislature".

Mr. DARLINGTON explained his reasons for offering this amendment. From the very decisive vote taken on the question submitted on the other day, and again this morning, he took it as determined, that no appointment of Justices should be hereafter made, either by the Governor alone, or by and with the advice and consent of the Senate, so that other means of appointing Justices of the Peace must be provided. Any vote on this question he should give with reluctance, but he would take what seemed to him to be the least evil, and he had therefore brought forward this proposition, that the Legislature should have the duty of making a provision for the number and arrangement of Justices of the Peace. If he was not mistaken, this proposition would meet with rather more favor than his former amendment. He hoped a majority would be found to adopt it. He did not like the proposition of the gentleman from Lycoming, (Mr. FLEMING,) which limited the number of Justices according to townships, wards and boroughs. He believed the amount of business in a district did not

depend so much on the number of the population, as its character. In Somerset, where there were but two representatives in the Legislature, there was more business brought before the Justices of the Peace, than in Chester which had four representatives. In Allegheny he believed there was more business of this kind than in Lancaster. This character of business could not depend on the amount of population, for various reasons. He did not think any specific number of taxables could be taken as a proper basis; neither fifty, nor one hundred and fifty, nor two hundred, could be sufficient in proportion to the number of Justices required, neither would the limiting of one Justice to each township be satisfactory. A harder duty could not be inflicted on some townships than to require such election—a greater injury could not be inflicted on them. He did not agree in the denunciations which had been thrown out, against Justices of the Peace. He believed they are generally respectable. The appointments, taking them as a body, have given satisfaction; they are as honest and upright as any men in the country. They had been found competent to perform all the duties before, and since the arrangement of the districts in 1802, and he did not know any cause of complaint. It would be simple and easy, for the Legislature to fix two or three Justices of the Peace to a district, and, through the medium of the local authorities, to say how they should be divided, and in process of time they might be changed at the desire, and at the request of the people. If any gentleman would suggest a more suitable proposition, he would be glad to hear it; what he mainly wished was, to avoid the appointing of Justices according to the number of taxables, which was wrong; and the giving of one to each township, which he regarded as equally wrong. His amendment contemplates the election of such a number of Justices of the Peace, as shall be provided by law, for the term of five years. He had no particular preference for five years, but, as there had been a decided vote in favor of that term, he had inserted it. He would prefer seven years, but would not move that term. If any other gentlemen would move that term, he (Mr. D.) would vote for it. The words in the latter part of his amendment, were retained from the old Constitution. There was no reason for change, if no fault was found with the provision. He had not introduced Aldermen, because they were principally creatures of law, not known to the Constitution.

Mr. AGNEW said, that the amendment proposed by the delegate from Chester appeared to meet his views of the subject better than the previous propositions, although there were some of its features he did not like. But there was a great principle contained in all of the propositions upon which he desired to express his opinions, and claimed the indulgence of the committee while he did so. The amendment proposed a change in the mode of appointing Justices of the Peace, by giving their election to the people of their respective districts. The principle contained in this, was the election of *Judicial* officers. This was so much opposed to the principles which he thought should govern the organization of the judicial departments generally, that he felt it incumbent upon him to give those reasons which would induce him, to part from principles, acknowledged to be generally correct.

He could not join with those who attacked the whole body of Justices of the Peace, as men as well as officers, in sweeping charges of venality

and incapacity; nor could he, on the other hand, agree with others who claimed for their respective counties a total exemption of that body of men, from any obnoxious charge. He knew many honest, honorable, and capable Justices of the Peace; and he also knew some, who were neither honest nor capable. But he did not propose treating the question upon such grounds. He had viewed the subject as an organized system, and with regard to its general *practical* results, so far as it had been subjected to the test of experience, which alone could establish the perfection or imperfection of any institution. He could not deny that the theory of the present Constitution was one which recommended itself much, by its plausibility and apparent simplicity; but the reasons which influenced his mind were founded upon its *practical* results. With regard to these practical results he had in view not only the primitive Constitution of this department, but, also, the superstructure which had been erected upon that Constitutional foundation by subsequent legislation, which enlarged their character as conservators of the peace, to that of Judicial officers, in controversies not exceeding the sum of one hundred dollars. The whole formed a system with which, he presumed, it would be inconvenient, and the people would be unwilling, to dispense. The first object of enquiry, he thought, was the evils of the system, if any, and then the remedy. The evils of the system, as they struck him, grew out of two features—first, the manner of appointment; and, second, the tenure of office. In relation to the mode of appointment, the evils were two-fold—those which regarded the appointing power, and those which had respect to the people. What is the great enquiry to be made in every appointment to office? Is the applicant honest? Is he capable? By the present mode, the Governor, who resides at the seat of Government, appoints. According to the theory of the Constitution, the Governor is supposed to be acquainted with the several portions of the State, and with the principal inhabitants of these portions, and thus to be able to make good selections. This theory might do very well as it regards the higher officers of the government; but it cannot be extended in practice to Justices of the Peace. It is impossible that the Governor can act from any personal knowledge. What then, he said, is the consequence? Why, sir, he must be dependent on others for his information. On whom must he depend? Upon his political friends, who are interested in the continuance of his power, and the maintenance of their party. Hence, sir, said he, you have a little band of partizans in every county, who are the lucky ones, who have his ear, and who regulate and control every appointment, not out of regard to the interests of the public, but for the perpetuation of the power of their party. What man can ever expect that the streams of justice will be kept clear by fountains so impure as these? Then, look again, sir, to the influence which this immense patronage exercises over the Governor himself. He is eligible to re-election, and is it to be supposed that he will never exercise that power for sinister ends? No: so long as the love of power exists in the human breast, and so long as ambition fills the mind with schemes of elevation and distinction, so long will it be found that the patronage of the Governor is one of the most corrupting influences.

It exhibits itself in the appointment of political partizans and favorites, as a reward for their zeal and fidelity in his cause. It exhibits itself in the vast increase of the number of officers beyond that requisite for the

public good—thus depreciating the character of the office, and increasing the inducements and means of litigation; because, every new Justice of the Peace, ambitious of the distinction of doing business, is more apt to court than to decline it. What again, sir, said he, is the influence of this patronage upon the people? It begets an attachment to the person or name of the chief Executive, rather than to any settled principles of policy, and welds together the army of office-holders, deriving their commissions from the same source—thus creating combinations of partizans and factions, having in view no interests of the country, but linked together, only for the preservation of their offices and their power. Here also, you may trace the sources of all the violence, excitement, bitterness, and acrimony, attendant upon every Governor's election, distracting the country, creating private feuds, and filling the remotest corners of the Commonwealth with turmoil and tumult. This much for the evils of the system growing out of the source of appointment.

The worst view of the subject (said Mr. A.) is that which relates to the tenure of office. The evil attendant on this is the *practical* impossibility of removing unworthy or unfit men from office. The term of office is during good behavior; but experience has taught us, said he, that this means for life; for, no matter what the unfitness, mental or moral, *practically*, removal is an impossibility. It is true, the Constitution provides several modes of removal. Removal by the Governor on conviction of misbehavior in office, or of some infamous crime, and upon address of both branches of the Legislature, and removal as the consequence of successful impeachments. This seems all well in theory, and appears to provide a plausible and simple mode of getting rid of an unworthy officer. But how, sir, is it in practice? If the incapacity arises from want of mental power or ignorance, the Justice cannot be reached, except by application to the Legislature. Every man knows that the public, in a case of this kind, feel too little interest to undertake the trouble and expense of a remedy so far removed from them, and so uncertain. Instead of acting by removal from office, the community is more apt to go at once to the fountain of power, and to ask the appointment of some other person better calculated for their purposes, thus not removing the evil itself: but if the new appointment should eventuate unfortunately, actually superadding to the evils already existing. If the incapacity be owing to a want of moral integrity, it effects, with scarcely an exception, only that part of the community, which by reason of its poverty or want of influence, is least able to seek a remedy, and thus the evil still remains without correction. The possessors of power are too cunning to tyrannize over those who have the means of resistance, and of bringing them to punishment. When, sir, said he, have you heard of impositions upon the rich and the powerful? Never: they are practised only upon the unresisting poor, the influential. It is worse than useless to talk of the removal from office, a thing which existed only in fancy and not in fact. This, then, is the great evil of the present tenure of office, which entails upon us a body of men without the power of purification, and where every new appointment only increases the evil.

The system having been shown to be injurious in its *practical* results, and, indeed, generally conceded to be so by the members of this body, the next inquiry (said Mr. A.) is the remedy. That remedy he believed

to consist in the election of Justices by the citizens of the several townships wherein they exercise their offices, and the limitation of their tenure to a fixed and certain term of years. The election by the people had all the advantages attendant on a knowledge of the character and qualifications of the applicant for office, and none of the disadvantages accompanying the exercise of the immense and overwhelming patronage and power of the system of appointment by the Governor. It cut up by the roots the condition of vassalage and feudal superiority which existed between the officeholders of the Commonwealth and the chief Executive. The limitation of the tenure of office to a term of years, operated as an inevitable practical mode of removal of incapable and unworthy officers, acting efficiently, though silently, without expense or trouble to the community, and giving the poor and uninfluential the power of correcting their wrongs, and of avenging their injuries at their own homes, and before a tribunal willing to listen to their complaints, and to grant them relief. But while adopting this system as worthy to be proposed as an amendment to the Constitution, he was free to acknowledge that it was not so much on account of its intrinsic merits, as it was a choice of the less obnoxious, between two defective modes. There are, no doubt, great and weighty objections to the election of any judicial officer, which should prevail against that mode when a better could be provided. Whether a better mode could be devised, he would not stop to inquire—perhaps there might. The committee had, however, shown such conclusive evidence of their determination to adopt the mode of election, that he considered the question narrowed down to a choice between appointment by the Governor and election by the people. While, however, he chose the latter, he was unwilling, as had been remarked by the gentleman from Indiana, (Mr. CLARKE,) in shunning the sunken rocks of SCYLLA, to be drawn into the vortex of CHARYBDIS. If the Justice of the Peace must be made to look up to the people, over whom he exercised jurisdiction, for his continuance in office, thus opening the door to bias from the influence of the wealthy, powerful and influential, and thus abridging him of his independence, he could not consent to see his term of office contracted so much as to bring him constantly within the atmosphere of those malign influences. He never could consent to a term of three years: he did not like five, and would much prefer seven years. There was, he said, a due proportion to be preserved, which, while it freed the officer in the greatest practicable degree from the constant recurrence of the influences arising out of his dependence on popular favor for continuance in office, and gave to him the advantages of experience and facility in the execution of the duties of his office, at the same time afforded the means of effecting the removal of those from office who were incapable or unworthy, and secured the public against the evils arising from a rapid change of officers, and a loss of dockets, papers, and of that information which rests in the breast of the Justice alone, necessarily attendant upon those changes. Less than seven years, he did not consider sufficient to guard against these evils. His objection to frequent elections did not arise from any want of confidence in the people to elect those most suitable to serve them, but upon the influences which they exercised over the officer himself, corrupting the fountains of justice, and destroying the very end of a system instituted for the benefit and security of the public. Those gentlemen who supported frequency

of election on the ground of the ability of the people to choose their own officers, did not travel over half the ground. The ability of a people for self-government by no means requires as a consequence that they should, in every particular, exercise that ability. There were instances where it would be improper, not for any defect in their ability, but in the consequences flowing from the exercise of it. This was one of those cases. He hoped, therefore, that the committee would consent to a term of at least seven years.

Mr. DARLINGTON then modified his amendment, so as to leave it blank.

Mr. FULLER considered this subject, he said, a very important one, and one that was intimately connected with the chief object and design of this Convention. One of the evils complained of, under the present Constitution, was the great number of Justices of the Peace, but the proposition of the gentleman from Chester would tend to increase that number. He wished to diminish it, and was, therefore, opposed to the amendment.— If we left it to the respective townships to fix the number, it would be in the power of a few influential men in each township, by combining together, to increase the number to any extent they pleased. If this proposition was negatived, he would offer another which he had prepared, and which, he hoped, would meet with the acceptance of the committee.— He would propose that such a number of Justices of the Peace and Aldermen, as the majority of voters of each district should determine by ballot, should be chosen for the term of five years, at such time as might be provided, after the adoption of this Constitution, and every seven years thereafter. There were many towns, the inhabitants of which wanted no Justices, and the people should be the sole judges of the number they needed, or whether they needed any at all. If they should elect more than they wanted, they could, at the end of every seven years, relieve themselves from the burden, by electing a smaller number. The idea had struck him, while the gentleman from Beaver was speaking, that, in order to get through this and the fifth article, it was necessary that those who addressed the committee, should confine their remarks to the subject immediately before us. But the gentleman from Beaver (Mr. AGNEW) had gone across the line of the question, and had addressed his remarks to his constituents upon the general subject. It was now necessary to restrict the debate, because the weather was warm, and the time for adjournment was, he believed, fixed in the minds of members of this body. Though the subject was an important one, yet the minds of the committee had been for weeks, and, indeed, for months, drawn to it, and every gentleman, he presumed, had made up his mind as to the mode of appointing the Justices, and the term for which they should serve, and if three or four days discussion upon it was not sufficient, a week would not be sufficient. He had little doubt, that before the main question could be called, the previous question must be resorted to.

Mr. AGNEW said, his remarks were strictly applicable to the question. If he was not mistaken, the amendment proposed the election of Justices of the Peace, and that, he believed, brought into view the mode of appointment, and the existing mode of appointment was by the Governor. Did he then say one word that was not strictly applicable to the question?—

But he wanted to know who this SOLOMON was, who, in his wisdom, had undertaken to set himself up as a censor over his conduct.

Mr. FULLER called the gentleman to order. The gentleman's remarks had a personal bearing.

The CHAIR decided, that the gentleman from Beaver was not in order.

Mr. STEVENS wished to know, he said, whether it was in order to appeal from this decision. It was certainly in order, for the gentleman to reply to what had been said by the gentleman from Fayette.

Mr. AGNEW continued. He was wrong, he said, in applying that epithet to the gentleman, and acknowledged that he was totally mistaken, in supposing, for a moment, that it was at all applicable to him; but, he said, he was not mistaken in believing, that the amendment of the gentleman from Chester, (Mr. DARLINGTON) proposed the election of Justices of the Peace for a term of years, and he believed that proposition contemplated a change of the present method of appointment and term of office, as well as the means of removal from office. Had he said one word which was irrelevant to these subjects? Not a word. Who, then, he said, in this committee, had the self importance and confidence of his own great wisdom, to place himself over the members as self created dictator or censor over their minds and their remarks? Who is it that attempts to measure other men's understandings by his own obtuseness or obesity of intellect? For his part, he felt that the change, attempted to be introduced by this amendment, was one of great importance—no less than making a Judicial office elective—and he considered it, not only his privilege, but his right, to express his sentiments in justification of his course, not only here, but that it might reach his constituents, who were the only judges to whom he held himself amenable.

Mr. DUNLOR would, he said, respectfully call the attention of the Committee to the amendment of the gentleman from Chester, remarking it deserved much more attention than the Committee seemed disposed to give it. He was very desirous that it should be attentively considered. The fifth section as reported by the gentleman from Susquehanna was in these words: "Justices of the Peace and Aldermen shall be elected in the several wards, boroughs, and townships, for a term of five years". It was manifest that there was something wanting in the section. There was some defect in it. There was nothing said about a competent number, or convenient districts, in the tenure of office, or the means of removal. True, it was provided, in another section, that, with other civil officers, they might be impeached. But the proposition of the Committee was wanting in other essential particulars. The Constitution says the Governor shall appoint a competent number of Justices of the Peace, in such convenient districts, in each county, as are, or shall be directed by law, &c. Most certainly some provisions of the same kind were necessary to the proposition of the gentleman from Susquehanna. The amendment of the gentleman from Chester was greatly preferable to the report, because it adhered to the provisions and language of the Constitution. All the provisions of the Constitution on this subject, not appertaining to the mode of election, ought to be preserved. All the phraseology of the Constitution ought to be preserved, when it could be consistently with the changes that were made in its provisions, because its language was then well settled, and well understood. Nothing should be left to conjecture. Every

thing should be clearly laid down. The Justices ought to be commissioned, and if they were not, where would be the evidence of their having a right to officiate in the capacity of Justice. If the certificate of the return Judge was to supply the place of a commission, it ought to be so stated. The gentleman from Susquehanna had provided, in reference to the Sheriff and Coroner, that the certificate of their election, by the return Judges, should confer upon them all the powers heretofore conferred on them; by the commissions issued by the Governor. The same, or some other provision should be made for ascertaining whether a Justice of the Peace was qualified to act. He asked whether the report was not too meagre, and whether it did not want some amendment, before we gave it our final sanction. We ought to form the election of the Justices in convenient districts, and form some means of shewing that they have a right to execute their functions. Until he had looked at this subject attentively, he felt disposed to vote down the amendment of the gentleman from Chester: but he found that it contained all the principles of the report, and preserved the Constitutional language. We knew what construction had been put on the language of the Constitution, and how it had been understood for half a century, and, therefore, it would be improper to detract from it unnecessarily. The amendment, while it preserved the distinguishing feature of elections of Justices by the people, provided for the evidence of appointment, and for the election of Justices in convenient districts, and was, therefore, preferable to the report. In regard to the principle of elections, as a substitute for the present mode of appointment, he should express himself at another time.

Mr. FLEMING said, that the gentleman had made an able argument in favor of his proposition, though he had not noticed the proposition. This amendment in fact, had all the merits which the gentleman from Franklin claimed for the amendment of the gentleman from Chester—which he said was defective, inasmuch as it did not limit the number of Justices, but left it with the Legislature to direct the election of as many as they pleased.—It was for the credit and reputation of the body, that their number should be limited in some way. The amendment of the gentleman from Chester did not, in effect, vary the old Constitution, except as to the mode of appointing the Justices. The amendment provides “that such convenient number of Justices of the Peace, shall be elected in each district, &c., as is or shall be established by law; that they shall hold their offices for five years, if they shall so long behave themselves well; but shall be removed for misbehavior in office, or on conviction of any infamous crimes, or on address of both houses of the Legislature”. The present Constitution provides, that “the Governor shall appoint a competent number of Justices of the Peace, in such convenient districts in each county, as are or shall be directed by law: they shall be commissioned during good behavior, but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the Legislature”. The only difference between the two, was the mode of appointment. The evils complained of, under the present system, would not be cured by this change, for it placed no limit on the number of Justices to be elected in each district. He was anxious to incorporate in the Constitution, the principle that there shall be a limitation to the number of officers, and he would fall in with any plan which might be suggested for this pur-

pose. The first clause of his own amendment did not differ from the amendment of the gentleman from Chester, and the report. It provided that the Justices of the Peace should be chosen by the qualified voters in such convenient districts in each county, at such time, and in such manner, as by law may be provided; it then provides that there shall be one Justice of the Peace in every such district, containing not less than fifty taxable inhabitants; next it provides, that there may be chosen an additional Justice in every such district, for every one hundred and fifty taxable inhabitants, in said district, exceeding one hundred. There could therefore, be but one Justice of the Peace in a district which does not contain more than two hundred taxable inhabitants. The experience of the committee would satisfy them, that one Justice could perform all the duties of that office for three hundred individuals. It might be said that this proposition compelled the citizens to make an election of Justices, whether they wanted them or not: but it did not compel them to elect more than one Justice of the Peace, unless they found it necessary for their own convenience.— This amendment provided there “may be chosen” an additional number, but did not make it compulsory on the citizens to choose more than one. The present number far exceeded the number which his proposition would give. Why should not this limitation be incorporated in the Consultation? The proposition did not compel the citizens to elect three or four Justices for every thousand taxables. It left it to their choice to have more than one or not, but it prevented them from electing more than a fixed number. There would be no difficulty in carrying out this plan. This amendment next provided, that the Justices thus appointed, should “hold their offices for the term of five years, from the time of their choice as aforesaid”. The next clause from the word “except” to the word “thereafter”, inclusive, he would, at the suggestion of a gentleman near him, strike out. He now modified the amendment by omitting that clause, because that principle could be better carried out in the schedule hereafter, and might embarrass the proposition. He had also provided, that the “said Justices shall be commissioned by the Governor”. This was undoubtedly the best mode of providing the necessary evidence of the election and qualification of the officers. The amendment further provided, that these Justices “may be removed by the Governor on conviction of misbehavior in any office, or of any infamous crime, or on the address of the Senate; and that the said Justices shall give security to the Commonwealth for the faithful discharge of the duties of their office, in such form and manner, as the Legislature may direct”. The provisions carried out the principles of the amendment offered by the gentleman from Chester, and would limit the number of Justices of the Peace, thereby relieving the people from their present embarrassment on this subject. It provides for the election of the Justices by the people; it fixed the term of service; it limited the number of the Justices; and it provided for the evidence of their authority to execute their office; and for the means of their removal. If the committee were in favor of fixing a limitation to the number of Justices, they would adopt this amendment; unless some better and more certain mode could be found for effecting that object. If any better rule should be offered, hereafter, he would cheerfully go for it. He knew of no rule by which to fix a data, unless it was the number of taxable inhabitants. He knew of no other rule by which the community could be governed, except this, and it was a

known, plain, and simple rule, in relation to which, there could be no difficulty. The amendment would also prevent districts from being cut up for the purpose of increasing the number of Justices of the Peace, and would obviate all the difficulty at present complained of, of the vast number of these officers. As the provision, in his opinion, was well calculated to relieve the community from many of the evils under which it is now laboring in relation to the great number of Magistrates appointed, he hoped it would be adopted.

Mr. PORTER, of Northampton, called for the reading of the proposed amendment, and the amendment thereto; which being done, he proceeded to say, that he was anxious that the delegates would keep in mind the business for which we had assembled. Our business here is to settle the great and fundamental principles of Government, not to legislate and prescribe details: that would be an interminable work. There is a vast difference between the duties of a Convention and the ordinances to be passed by them, and ordinary legislation. The doings of the one were to last for years, and to bind unborn thousands; they were not to be easily or lightly changed. The doings of the other, if found not to answer the purpose intended, could be changed, altered or repealed. Hence, we could only settle principles, and declare them by general provisions; and for this reason, unless something better were brought in view, he should prefer the amendment to the amendment, to the amendment itself, although he thought something more appropriate than either might be had. Independent of the objection stated, which, in his judgment, was insuperable, the amendment proposed by the delegate from Lycoming, (Mr. FLEMING,) was objectionable in its details: it proposed to give an additional Justice or Alderman for each fifty taxable inhabitants. In the city of Philadelphia there were fifteen Aldermen—one for each ward. The smallest ward had four hundred and ninety-two, the largest, one thousand, three hundred and three taxables. The taxables of the whole city exceed fourteen thousand, and this would give seventy odd Alderman to the city—upwards of four to each ward—when not more than half the existing Aldermen did business enough to induce them to keep offices open. Again, Pittsburg and its environs, had nearly five thousand taxables, and I ask the gentleman from Allegheny, if they need twenty-five Aldermen or Justices? [Mr. FORWARD here shook his head.] Lancaster city has one thousand, six hundred and forty-seven taxables; Reading, one thousand, two hundred and seventeen, and Easton, one thousand, one hundred and twenty-three. The people of those places had no idea of such a host of Justices of the Peace being saddled on them. The townships of the Commonwealth varied from fifty to six hundred or eight hundred taxables: these may be scattered over a considerable district of country; and in the townships where the population is sparse, they will need, for the convenience of the inhabitants, more Justices in proportion to the population, than where it is dense.—The ratio in most of the townships would be too low—in none too high; it would more than double the Justices and Aldermen in the populous districts. But we cannot legislate in these details; we should only lay down general rules, to be carried out by legislation.

I have (said Mr. P.) been struck with the course of argument pursued in this Convention, and the utter want of confidence evinced by many delegates in every body, and in every department of Government. When we had

the subject of impeachment up, many gentlemen were afraid to trust the Senate as triers, lest they should not be honest and faithful. Next the Legislative department came in review, and many gentlemen expressed their great apprehensions of the corruption of that body, and were unwilling to trust them with power. Then came on the article relative to the Executive, and fearing to trust him, you stripped him of every appointment, except that of his own Secretary: and, in regard to the Judicial officers, directed that they should only be appointed with the concurrence of the very Senate which was so much feared and dreaded. When we determined to give the election of county officers to the people, a number of gentlemen feared to trust them, and were for restraining them in reposing their confidence, for fear they might be cheated or corrupted. For the last few days, we have had the poor Justices of the Peace in hand, and if the charges and denunciations of some gentlemen are to be credited, a greater set of rogues and villains are not unhung. In a few days we shall have the Judges in tow, and if I mistake not the signs of the times, they are fated to almost an equal amount of denunciation.

I ask the members of this body to pause—to ponder over these things. Is not this course of denunciation calculated to undermine our republican institutions, by destroying the confidence of the people in the integrity of all public servants? Is it not the very course which the enemies of free Governments would desire to see? It is calculated to lead to that anarchy and confusion, the horrors of which man is so anxious to avoid, that, rather than endure it, he too often is content to rest in the greatest security, even, of despotism. I believe man to be frail and liable to corruption; but I do not believe that he is so lost to virtue—to a sense of honor, and to a regard for fame, that none can be trusted. I could not endure existence in such a state of society. And let me ask, who are we that are to set up our judgment thus unsparingly on our fellow-men? Are we possessed of superior purity and intelligence, to the rest of the world? Can we arrogate to ourselves more worth—more moral excellence, than will pertain to the persons who shall be selected by the people, (who selected us) to represent them in the State Legislature? I apprehend not. I am, therefore, favorable to leaving all these details to the action of the Legislature. I do not fear that they will abuse this power. It is true, representatives have sometimes gone contrary to the wishes of their constituents. They do not, however, generally do so; and when they do, the people have the corrective in their own hands, and can exercise it, by dismissing them from their trusts.

Mr. READ said, he saw no other objections to the amendment of the gentleman from Chester, (Mr. DARLINGTON,) than that it was a round-about mode of getting at what was in the report of the committee. He could discover no difference, in substance, between it, and the report of the committee. The amendment goes somewhat more into detail, and preserves one or two expressions which were in the old Constitution, when there was not the least use in them, as the occasion for them had passed away. What was the use of the words "in each convenient district", when it is said, that every borough, ward, or township, shall be a convenient district. Then there was no necessity for it, and the insertion of it, would be going out of the way, and was mere surplusage, for the purpose of preserving that peculiar expression. The only difference between the amend-

ment, and the report, was the expression in the amendment, "if they so long behave themselves well", but this case was met in the tenth section of the report of the committee, by the general provision, limiting every officer to such term as he shall behave himself well, including Justices of the Peace. Then there was no necessity for introducing it; neither was it necessary to say that the Legislature should carry out in detail the principles here introduced, because it was a matter of course that the Legislature would have to carry it out; neither was it necessary to say, that in the absence of a commission, the certificate of the return judges was to stand as an evidence of election, because that was a matter of course. It was a matter of course that this certificate would stand in the place of the commission, and it was entirely unnecessary to introduce it here. It is true that we did insert, in relation to Sheriffs, and some other county officers, that the Governor should commission them, but he could see no benefit to be derived from it. Where could be the necessity, after these officers were elected by the people, and the certificate of the return judges filed, in requiring them to come to Harrisburg to get a commission, which the Governor had no power to refuse, and which was a mere ceremony, and nothing but a ceremony. He should be glad if some mode could be introduced for limiting the number of these officers, without referring it to the Legislature; but he had heard of none which would operate well in every part of the State, and he did not believe any general rule could be adopted, which would answer in every section of the Commonwealth, and under every circumstance of the diversity of the population of the State. He had not been able to discover any general rule to insert in the Constitution, which would suit all parts of the State: therefore, all that we could do, was to establish the elective principle, and as a matter of course, the Legislature would have to carry out the details. From the best consideration which he had given the subject, he did not believe that we could put it in any better shape, than the report of the committee, as it stands, which left the carrying out of all the details to the Legislature. If, however, any gentleman can suggest a mode by which we can limit the number, and it will operate well, he would vote for it; but unless some better mode is introduced than any we have seen yet, it seemed to him that we had better adhere to the report of the committee. He was only anxious to establish the elective principle, and he did not care how gentlemen carried it out, provided they carried it out in a manner satisfactory to the people.

Mr. BIDDLE said, it is generally admitted, that the Justice of the Peace system has proved unsatisfactory, burdensome, and oppressive. Complaints have reached us from all quarters, and a remedy is loudly demanded. The evil complained of, however, does not proceed from the existing Constitution; that Constitution only provides for the appointment of a competent number of Justices of the Peace—it confers on them no civil jurisdiction. It is the superstructure which has been erected on it, by Legislative enactments, which has caused the mischief. As Justices of the Peace, independent of the powers conferred by laws passed since the adoption of the Constitution, they are conservators of the Peace, and not Judges between man and man in questions of individual wrong, or of property. The evils of the system are inherent in the system, as applied to civil jurisdiction, and among them, these are some of the most mischief-

vous. There are many Justices in every county, all having concurrent jurisdiction, and a plaintiff may select whichever Magistrate he pleases, while the defendant cannot object, but must submit to his jurisdiction. Surely that cannot be called equal justice which enables the one party to select his tribunal, and to render the other amenable to a trial before a single Judge, selected, perhaps, because his opinion was known beforehand, or on account of individual regard, bias, or political favor. But this is not the whole mischief. Not only does the plaintiff select the Magistrate; but it is his interest, as he is dependant on his fees for support, to encourage plaintiffs to resort to him by giving judgments in their favor, thereby to increase his business, and promote litigation. A Judge should never feel an interest in his own decision: justice should be not only pure, but unsuspected. Again—the costs in suits for small sums, are necessarily oppressive, particularly in those cases in which, from the smallness of the amount in controversy, there is no appeal, not unfrequently amounting to several hundred per cent. Another evil is the insecurity of the dockets of Justices, containing matter involving the rights and interests of numerous suitors, which, on their death, or removal, are frequently lost or destroyed; the law, providing that they shall be handed over to another Justice, being, to a considerable extent, inadequate as a remedy. The civil jurisdiction of Justices is also a violation of the spirit, if it be not of the letter, of the Constitution, which should be scrupulously respected, and which provides that the trial by jury shall be as heretofore, and the right thereof remain inviolate. In the Constitution of 1776—which, with some gentlemen, is a great favorite—in the eleventh section of the first chapter, it is provided, “that in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred”. The gentleman from Northampton, (Mr. PORTER) to whom I always listen with pleasure and respect, has said that the Justices of the Peace are a part of the Judiciary. I do not so consider them, they being, excepting in cases where their decision is final, little more than commissioners of bail, to fix the amount of security to be taken, in the nature of special bail, before the removal of the cause into the court of Common Pleas.

Mr. PORTER here rose, and read from the first section of the fifth article of the Constitution, which includes Justices of the Peace, in the enumeration of those in whom the Judicial power shall be vested.

Mr. BIDDLE continued: I am happy to receive correction at the hands of my friend from Northampton; but I still contend that, as Constitutional officers, their functions are not of a Judicial character. My belief, then, is, sir, that it is the civil jurisdiction of Magistrates which is a grievance, and that if they be limited to their proper sphere of duty, the mode of appointment by the Governor will cease to occasion clamor. I am, then, sir, opposed, not to any thing in the Constitution of 1790, but to this Legislative excrement; and the remedy I would apply is this—in the proper place, let the conferring civil jurisdiction on Justices be prohibited, and let it be provided that all controversies between man and man shall, if suitable for litigation at all, be determined in a court of Record: justice should never be administered in an obscure or unknown place, by a weak, an ignorant, or a wicked Judge. I am not for having one rule for cases of large amount, and another for those of small amount—one system for the

rich, another for the poor. I am for extending protection, and administering equal justice to all men. Courts should be open to all, and their decrees awarded "without sale, denial, or delay". Is this the case under the Justice system? I speak not of my own knowledge, but on the testimony given on this floor, by gentlemen from various quarters of the State, who speak of the people as groaning under an intolerable burden. If the system, however, cannot be abandoned, let there be in each district a single Justice, having exclusive jurisdiction to a certain sum, so that the one party shall not, at the expense of the rights or interests of the other, select the Judge whom he may consider best calculated to subserve his ends—let there be one tribunal, and only one, so that defendants may have a fair trial. Let our Justices be conservators of the peace, with power to take acknowledgements of papers in writing, deeds, and other like powers, and we shall no longer hear of abuses in the appointing power. I am not disposed to disturb the provision of the present Constitution. I would never elect, by the people, one whose duty requires that he should be influenced by neither popular applause nor censure, but act uprightly, and with independence. So far as regards claims not sufficient in amount for the consideration of a court, perhaps the best course would be to take away all legal redress; and then the honest, industrious, and meritorious poor would find credit, and the unfortunate not be exposed to be harassed by oppression. Suits for trifling sums have become monstrous abuses, and require a corrective. I cannot vote for the amendment, because it contains a provision for the election of Justices of the Peace.

Mr. STERIGERE said that this matter of restricting the number of Magistrates had been agitated in the Legislature more than once, and upon all these occasions, it was determined that they had no power to limit them, so that the Governor was left to make appointments at his discretion. He considered that the amendment was liable to objections, inasmuch as many of the districts were composed of two, three or four townships in which several Justices must be appointed. He knew that this was the case in the county of Montgomery; and it would be far preferable, in his view, if the districts were made smaller with a single Justice. He was, therefore, opposed to the amendment, and hoped it might not be adopted.

Mr. INGERSOLL hoped he would be excused for saying a few words on this amendment, which were entirely unpremeditated, so far as respects the subject before the committee, and which might, perhaps, be somewhat out of order; but he thought he would stand excused by the Convention, in following the example of some of the gentlemen who had preceded him, and addressing himself rather to the subject, at large, than to the matter immediately pending before the committee. This was, undoubtedly, a very interesting subject to the members of this Convention, and one in which the people felt a deep and an abiding interest. It is a subject which had led as much as any other to the convocation of this Convention; and the determination of it would be as decisive, in determining the fate of the amendments which we may propose altogether, as any other subject, which will be brought forward here. As it was a question so important, he wished to have the views of gentlemen, on all sides of the House, in order to come to a correct conclusion; because,

when he was a member of the Legislature, he found a great difficulty prevailing in relation to the regulation of matters of this kind. What would be popular in one part of the State, would be unpopular in another; and different feelings prevailed in the different parts of the State. When gentlemen from the city of Philadelphia were of opinion they were doing a very good thing in the passage of some particular measure, gentlemen from Allegheny or Tioga county, might be of opinion that we were doing what was entirely improper. This being the case, then it was proper that we should have the views of gentlemen from all parts of the State. He would say in relation to what had fallen from the gentleman from Philadelphia, (Mr. BIDDLE) that, in this respect, the Constitution, as it was framed, was much nearer perfection, (to say the least of it) than the system which has been raised upon it, whether by usurpation, as Governor M'KEAN always maintained, or whether correctly, as the Supreme Court of the Commonwealth decided, he did not pretend to say. They decided that it was not a usurpation; and whether it was so or not, it was not for him to decide. In his humble opinion, Magistrates, as conservators of the peace, was an admirable institution. But they have also been made Judges in civil controversies; and from the long practice under this system, and the attachment of the people to it, he presumed it was irrevocable, and that it would not be possible to take it away from them. They are not only Justices of the Peace, but Judges also; and he regretted that this fundamental principle in our Judiciary should have been, as he deemed it unfortunately and irregularly, taken from the judicial article of the Constitution, and made the subject of consideration here in connection with another matter which had confused all our minds, and which had obliged him this morning to give a vote which might lead to some surprise, because he believed that Justices of the Peace were the foundation, the very corner stone of the whole judicial system, and he had no idea of that sort of argument which went to condemn Justices of the Peace as the greatest vagabonds in the community, while the Judges of the superior courts are never mentioned, without it was accompanied by encomiums on their characters and conduct, while they are no more deserving of it than many of the Justices of the Peace which he could name. Undoubtedly, the number of three thousand, or upwards, would contain many good men and upright officers, and some perhaps who were dishonest and not qualified, but he regretted to see these odious comparisons drawn between different classes of officers. He had known in his own neighborhood, in the city and county of Philadelphia, Justices of the Peace and Aldermen, who would decide cases with as much independence, as much wisdom, and he was sorry to say with far more expedition than the Supreme Court of the Commonwealth. This was one striking fact connected with the jurisdiction of these officers, which had been overlooked by gentlemen who had preceded him on this question. They have at this moment a jurisdiction which is finally decisive of the greatest interest to the whole community at this particular crisis. When it was taken into consideration that these officers, the Justices of the Peace and Aldermen had the final jurisdiction, from which there was no appeal, over all controversies not exceeding five dollars and thirty-three cents; and when it was taken into consideration that all bank notes of the denomination of five dollars, were now suable before these officers, and that there was no appeal

or review, he thought, it must be admitted that their power or jurisdiction was not surpassed by that of the Supreme Court of the State, or even the Supreme Court of the United States. This immense power which was conferred upon them by the law of the land, was now in daily exercise in the city and county of Philadelphia, and might be exercised over the whole State. Then, if gentlemen turned their attention to this singular fact, they must at once see the immense power which the Magistrates hold in their hand. He conceived then, that we were passing upon this very important subject out of its legitimate place. It not only belongs to the Judiciary, but it is, as he had said before, the very corner stone of the Judiciary. He hoped then, that the committee would rise, so that the article upon the Judiciary might be taken up, and then this subject could be acted upon in its proper place. As it was, it seemed to him, that we had got the cart before the horse. If gentlemen would reflect, they would find that the question in relation to these Magistrates was one of more importance to the community at large, and that it was more closely connected with the feelings and the affections of the people, than any other question which would come up before us. It was a question too, which was to determine the people in relation to the action of this Convention, on the various other subjects which we may consider and adopt; therefore, gentlemen should weigh it well, and consider it maturely before they determine in relation to it. In the early part of the session of the Convention, he had introduced to the consideration of the Convention a plan for a Judiciary in full; and, with respect to Justices of the Peace, with greater deference to the judgment of others, he had proposed to limit their jurisdiction in civil cases, to fifty dollars. He would give them especial jurisdiction, over all cases where the sum in controversy was not over fifty dollars, but he would require them to summon a jury and try the cause by a jury. He would grant the parties in these cases, a jury, and all other rights which litigants for larger sums have. In short, he would give them the determination of all those cases in the community which generally were determined in a court of record. With regard to the records of these officers, and those of courts, he believed that many Justices' dockets were vastly better kept than the records of our courts. He would give every individual in the community the power of having his cause tried in the same way. There were a few individuals who had controversies turning a thousand dollars; but there were a vastly greater number who had controversies turning only a hundred dollars. Why should these latter classes of persons have one kind of justice, when the former class had another kind of justice. He could see no reason why there should be a distinction.

He took the system as it had been offered, and he presumed that it was to be continued. He had no opinion on the subject. He came here to get the best he could—to modify—to compromise—to conform to what might be the prevailing sentiment of the body. He had voted in a very small majority this morning. He could not concur in the observations of the gentleman from Northampton. We must act on principle; there was no other way of proceeding successfully. He was decidedly in favor of putting the inferior Magistrates upon the same footing as the superior, and for that reason, he had voted as he had done. We were told yesterday by the gentleman from Union, (Mr. MERRILL) to whom he (Mr. L.) had

listened with much attention, for he knew that gentleman spake the honest, independent sentiments of his heart—that many flagrant improprieties were committed by the Justices of the Peace. He (Mr. INGERSOLL) knew of many things discreditably to them, but he also knew of others which did them honor. Were gentlemen to be so lost to their duty—suffer him to say it—that we were to be so lawyer-bribed—he spoke not in reference to the lawyers in this Convention—that we were to speak in this tone and temper of the inferior Magistrates, while we spoke in eulogy and praise of the Magistrates of the higher courts. Why, was it not matter of history

Mr. MERRILL (interrupted) said, that he believed he had not spoken disrespectfully of any Justice of the Peace. He had been proceeding to show the operation of another mode of appointment, and the tenure of office.

Mr. INGERSOLL resumed by saying, that he had been about to say, that whatever might be said of the Justices of the Peace, and he knew there were bad men among them as there were among other professions—that it was a matter of history—that it was a matter of fact, and could any one hesitate to speak on the subject as he ought to do?—and, he meant not now to speak disparagingly of the Supreme Court, when he referred back to its decision—was it not a fact, well known, that a Magistrate of the city of Philadelphia, who had formerly been prominent as a politician, and the editor of one of the most influential newspapers in the Commonwealth—when the question came before the Supreme Court, as to whether that individual who had been nominated—

Here the CHAIR reminded the gentleman that he was wandering from the subject under immediate consideration.

Mr. INGERSOLL begged respectfully to dissent from the opinion of the Chair. He conceived, that he was not in the least out of order. Surely it was within the direct scope of his argument, to show that the infirmities imputed to the inferior Magistrates, belonged also to the higher, as well as the lower offices. When interrupted, he was about to refer to Judges now on the bench, who were, in the case to which he had alluded, divided two and two, according to their politics—it being a political question—it could not be decided until the Governor had appointed another Judge, on the death of one of the Judges. Then, and then only, was the question decided, or could it be. He did not mention this fact in disparagement of the learned Judges, but merely to show that the higher Judicial officers are subject to political bias as well as the inferior. Look to the several courts in Philadelphia, were there, he would ask, no politics there? Was there more independence among them, than among the inferior Magistracies?—Was there not a system of expense kept up, which ought not to exist?—And were not men in the habit of pushing forward their sons, and brothers, and favorites in the profession? and to whom great fees were given, and who were a sort of excrescence on the Judiciary. And, he (Mr. I.) should despise himself, if he could hesitate to say so. He knew no difference, therefore, between the higher and lower Magistrates. He was not now dealing with men, but with the system; and he agreed entirely with the sentiments expressed by the gentleman from the city, (Mr. MEREDITH) on this point. The fault was in the system, and we must deal accordingly

—whether it be better to appoint, or to elect—whether to appoint for a term of years, or during good behavior—whether to elect again according to good behavior, or not—were all great questions, to be carefully canvassed, and upon which, he confessed, that his mind was perplexed: but, upon one point, he had no hesitation to declare his opinion—that we ought not to make fish of one, and flesh of the other. He contended, that we ought not to act in such a manner, as to sweep away, at once, all the inferior Magistrates, whilst we truckled to the superior, and gave them a prolonged existence. He would say, that we should not, by a rash blow, destroy one or the other. He was disposed to put them all on the same footing. Let them all remain, or all go at once, or gradually. But let it be done systematically. He had given a vote this morning, which he did not altogether like; but he had given it in consequence of his conviction that the system of jurisprudence should be a perfect whole. This was a subject of the highest magnitude—one upon which no debate was to be spared, and every thing connected with it should be done with great deliberation. He confessed, that little versed as he was, in Parliamentary practice, he really did not know how to act so as to attain his object. He could wish that some gentleman would propose a resolution which would effect the purpose which he had in view. He trusted that the Convention would go into the consideration of the article on the Judiciary.

Mr. DUNLAP, of Franklin, said that there were some things in the amendment which he did not like, and some that he thought ought not to be in it. With regard to the proposition of the gentleman from Lycoming, (Mr. FLEMING) it appeared to him (Mr. D.) to be full of exceptions. The objections which existed to it, had been, in his opinion, fully exhibited by the gentleman from Northampton, (Mr. PORTER).

Mr. READ, of Susquehanna, wished to state, that the amendment provided that the Legislature should divide the State into convenient districts, consisting of three or four townships, so that in some districts a circuit of several miles would exist with a single Justice. He would ask gentlemen to look to the inconvenience of electing Magistrates in districts composed of so many townships, where individuals would have to travel fifteen or twenty miles, to attend the election.

Mr. FORWARD, of Allegheny, said that he took an exception to the language of the amendment directing the Legislature to divide the State into "such convenient districts as shall or may be designated by law". It appeared to him, that they should be elected by the townships, the boroughs, or the wards. These petty matters ought not to be left to the Legislature. If we could not settle them at once, they ought to be left to the people themselves, the county Commissioners, or the courts. He had not made up his mind; but, as at present advised, he believed that the number of Justices in each township, borough, or ward, had better be left to the people of each borough, township, or ward. The number of taxables was not always an indication of the amount of business done in the place, as it depended upon circumstances connected with the avocation of the inhabitants. It was better, therefore, to permit the people to regulate the number themselves. He should consequently vote against the amendment.

Mr. DARLINGTON said that he believed, on a very slight examination of the amendment, it would be found to meet the views of every delegate, except

those who wished the number of Magistrates to be appointed, to depend upon the number of taxable inhabitants. He could not see the force of the objections of the gentleman from Allegheny, in regard to the number of Justices to which the inhabitants of townships, boroughs, &c., would be entitled. If it was left to the people of a county to fix the number, they might be operated upon in times of high political excitement, to make an unequal distribution. Some districts, too, would have more Magistrates, and some less, according as the spirit of litigation predominated. He maintained that it should be left to the Legislature, through the medium of the County Commissioners, or the courts, to fix the number, or there would necessarily and unavoidably be great inequality in the distribution. He thought that the gentleman from Allegheny, on a more mature consideration of the matter, would bring his mind to that conclusion. A division into townships, boroughs and wards, would, in his (Mr. DARLINGTON'S) opinion, be any thing but a fair criterion by which to be guided in fixing the number. In the county of Somerset, if he had been correctly informed, there was a greater amount of law business done than in the wealthy and populous county of Chester, which contained four times as many inhabitants as the former. He hoped, therefore, that no gentleman would contend for the adoption of that mode of proceeding. In the county of McKean, there were two townships; in one of which, there were but twelve taxable inhabitants, and in the other sixteen. Would any one say that a Justice was wanted in these townships? In the township of Cocalico, in Lancaster county, there were nearly one thousand taxable inhabitants. How unequal, therefore, would it be to give the town of Sergeant, in McKean county, the same number of Justices as would be given to the large township of Cocalico, in Lancaster county. He repeated, then, that the Legislature must be left to fix the number. He could conceive that there would be no difficulty in that respect. The gentleman from Montgomery has said, that the Legislature, heretofore, has considered the Governor entitled to decide what should be a competent number of Justices of the Peace for each district, and that it was not, constitutionally, in the power of the Legislature to limit them. Such may have been the understanding of the Legislature, but he (Mr. D.) had been under the impression that the number might have been limited by law, and that the Legislature might say what was a "competent number", within the meaning of the present Constitution. Be that as it may, however, the amendment which he (Mr. D.) had submitted, gave to the Legislature the power to establish the districts in each county, and to direct the number of Justices that should be elected in each district. The gentleman from Fayette, (Mr. FULLER,) and the gentleman from Beaver, (Mr. AGNEW,) contended that every township should form a district. Now, should the proposed amendment be adopted, what would the Legislature do? They would certainly say, that each township in those counties, (Fayette and Beaver) should form a separate district, if such was the wish of their citizens; but they would also be at liberty to say, that two or more adjoining townships in Chester, or any other county, should form a district, should such be the desire of *their* citizens; and thus all portions of the Commonwealth could be made satisfied with such an arrangement. Mr. D. concluded, by expressing a hope, that the amendment which he had offered, would be agreed to.

Mr. M'DOWELL trusted, that the amendment of the gentleman from Chester would not be adopted. Presuming that the election of Justices of the Peace would take place at the same time as the county elections, he felt confident in saying that it would be more acceptable to the people, that each township, borough, or ward, should be an election district, and that the Legislature should not have the power to say that a whole county should be one district, as it would have, if the amendment of the gentleman from Chester should prevail. He wished to prevent the Legislature from ever putting townships together, and blending them into one district. He was in favor of constituting the townships little Commonwealths, for the transaction of their local business. There was no difficulty in reference to large and small townships. It might be left to the Legislature to fix the number for each township, and to say to the small ones, which did not want a Justice, that they need not elect one. The division into townships, would not be an obligation on a small township, to elect a Justice when they did not want one. But while it was given to the Legislature to fix the number, he did hope that the Constitution would declare that the several townships, and wards of cities, and boroughs, should constitute districts, for the elections of Justices of the Peace.

Mr. AYRES, of Butler, said that a difficulty was suggested to his mind, which made it unpleasant to him to vote one way or the other. He wished to know, whether a township Justice of the Peace, elected only by the people of a township, was to have jurisdiction, as Justices now have, all over the county? If it was the intention, the principle was wrong. He believed, that no Justice should have jurisdiction beyond his constituents. If the townships were to elect Justices of the Peace where jurisdiction was to extend over the whole county, he was against it, because he had no idea of going to a township authority, to elect a Justice of the Peace, with such extended jurisdiction.

The question was then taken on the amendment, and it was rejected—yeas 9; nays, 96.

YEAS—Messrs. Bell, Chandler, of Chester, Darlington, Gearhart, M'Call, Russell, Serrill, Sill, Thomas—9.

NAYS—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Barnitz, Bayne, Bedford, Biddle, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Carey, Chambers, Chauncey, Clarke of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cleavinger, Cline, Cochran, Craun, Crum, Cuminin, Curl, Darrah, Denny, Dickerson, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Fry, Fuller, Gamble, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helfenstein, Henderson, of Dauphin, Hiester, High, Hopkinson, Houpt, Hyde, Ingersoll, Jenks, Keim, Kennedy, Konigsmacher, Krebs, Maclay, M'Dowell, M'Sherry, Meredith, Merrill, Meikel, Miller, Montgomery, Myers, Nevin, Overfield, Pennypacker, Pollock Porter, of Northampton, Purviance, Reigart, Read, Ritter, Rogers, Saeger, Scott, Sellers, Scheetz, Shellito, Smith, Smyth, Snively, Sterigere, Stevens, Stickel, Swetland, Taggart, Todd, Weidman, Young, Sergeant, *President*—96.

The amendment was then modified, by striking therefrom the words following, viz: "Except those first chosen under this amendment, who shall be classed as by law may be provided, and in such manner that one equal fifth part of the said Justices in the several counties, shall go out of office annually thereafter".

Mr. FULLER, of Fayette, moved to amend the amendment, by striking out all after the word "section", and inserting the following: "Such number of justices of the Peace and Aldermen, shall be elected in the

several wards, boroughs, and townships, for a term of five years, as a majority of the voters of the districts may determine by ballot, after this Constitution shall be adopted, and every five years thereafter, in such manner as shall be directed by law”.

Mr. BELL, of Chester, moved that the committee rise, report progress, and ask leave to sit again.

Mr. EARLE, of Philadelphia, rose, he said, to speak against the motion; and he would give notice, that he would oppose it, every day it should be made before the time fixed upon to adjourn.

Mr. DARLINGTON, of Chester, asked what was the hour?

Mr. EARLE proceeded: He would thank the gentleman not to interrupt him. He had had his turn. Gentlemen professed to be very anxious to get home to their families, after having disposed of the question of the Judiciary. He was in hopes that the Convention would get at the report on the Judiciary, and finish it before we adjourned. Now, these motions to adjourn, before the regular time, had the effect of preventing us from finishing our business. He had observed, that the gentleman from Chester, (Mr. DARLINGTON) was very apt to make motions of this sort. He was sorry that the gentleman from Adams, and the gentleman from Franklin, and others, who had talked against lavishing away the public money, had not called for the yeas and nays, on motion to adjourn before the hour had arrived. For his own part, he wanted to see who they were, who wished to expend the money of the people.

Mr. BELL of Chester, said, it wanted three minutes of one o'clock. A great deal had been said about the people's money, and the gentleman (Mr. EARLE), seemed to be courting the people more than others, who had contributed his full share towards swelling the expenses of this Convention. Mr. B. was proceeding to state some facts of a private character—when he was interrupted by

Mr. BROWN, of Philadelphia, who called him to order.

After a word or two from Mr. BELL, Mr. M'DOWELL, and Mr. EARLE,

The question was taken on the rising of the committee, and decided in the affirmative.

The Convention then adjourned.

#### THURSDAY AFTERNOON, 4 O'CLOCK.

##### SIXTH ARTICLE.

The Convention again resolved itself into committee of the whole on the sixth article of the Constitution, Mr. CHAMBERS, of Franklin, in the Chair.

The question pending, being on the amendment of Mr. FULLER, to the amendment of Mr. FLEMING, as follows, viz:

“Such number of Justices of the Peace and Aldermen elected in the several wards, boroughs, and townships, for a term of five years, as a majority of the voters of the district may determine by ballot, after this Constitution shall be adopted, and every five years thereafter, in such manner as shall be directed by law”.

Mr. FULLER said, he had been induced to offer this amendment, believing it might possibly meet with the approbation of the committee.

He offered it with great deference, and thought that it might induce some gentleman to suggest a proposition more acceptable in its character. It might be necessary for him to state, in a few words, some advantages which he thought this amendment possessed over others. The great objection which had been urged against the report of the committee was, that it did not provide for a fixed and suitable number of Justices. That was the cause of complaint in some districts. Many had more than were necessary, and had to sustain a larger number than were absolutely necessary for the benefit and welfare of the county in which they acted.— This was a question of very great importance, and the various propositions which had been made, all appeared to him to be objectionable. To govern the number of Justices of the Peace, by the number of taxables, might act oppressively on some parts of the State, by giving them more Justices of the Peace than would be sufficient for them, while to others it would not apportion enough. There are many districts where the population is agricultural, which do not require so many Justices of the Peace, as where the population of the districts is engaged in manufacturing and commercial pursuits and improvements. In that statement every gentleman would bear him out. Could there be any reasonable objection, then, to leave this to be regulated by the people of the districts, in their several boroughs, wards, and townships? Could there be any objection to leaving it to the people, in their several boroughs, wards, and townships, to say how many Justices of the Peace they desire. Would it not be productive of a more full and correct expression of public opinion? The number would thus be fixed in the district, and it would require a majority of the votes to say how many. This appeared to him to be the best mode we could arrive at to identify the number of Justices proper for each district. As to leaving it to the Legislature to determine the number, that is leaving it as it is in the present Constitution, which directs that a competent number be appointed for an indefinite term—a provision which has led to the abuses which have been complained of. The number is often greater than a majority of the people of the district would wish. Another advantage of his amendment was this, that if a majority of the voters of a district should decide that two Justices were not necessary, in those districts where there have been two, one of them could be dropped at the succeeding election, while if they decided that one was not enough, they could determine to increase the number. The number could be fixed more understandingly by the people, than by the Legislature. Every gentleman, who had had experience in the Legislature, was aware of the manner in which additional Justices of the Peace were assigned, when it was left in the hands of that body. The influential men, in any one district, could so arrange the matter as to have an additional number appointed, by bringing their influence to bear in the district, and upon the members of the Legislature. It afforded an opportunity to gentlemen to influence the appointment of a certain number of Justices, against the sense of the majority of the people. For these reasons he had proposed his amendment.

Mr. EARLE suggested the propriety of so modifying the amendment, as to leave the term of years to be fixed by the people.

Mr. FULLER modified his amendment according to this suggestion.

Mr. MERRILL asked for the yeas and nays on the question, and they were ordered.

Mr. FORWARD said he was inclined, for the present, to support the amendment, although he thought the phraseology might be amended. He was favorable to the principle.

The question was then taken on the amendment, and decided—yeas 54, nays 48—as follows:

YEAS—Messrs. Bonham, Brown, of Philadelphia, Butler, Cleavinger, Curl, Darrah, Denny, Dickerson, Dillinger, Donnell, Doran, Earle, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Helfenstein, High, Houpt, Hyde, Ingersoll, Keim, Kerr, Krebs, Martin, M'Cahen, M'Call, M'Dowell, Merrill, Miller, Montgomery, Myers, Nevin, Overfield, Pollock, Porter, of Northampton, Purviance, Read, Ritter, Ritter, Rogers, Saeger, Sellers, Scheetz, Sill, Smyth, Snively, Stickel, Swetland, Taggart, Young—54.

NAYS—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Bedford, Bell, Biddle, Brown, of Northampton, Cary, Chambers, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Clinch, Cochran, Craig, Crain, Crum, Cummin, Darlington, Dunlop, Farrelly, Fleming, Harris, Hastings, Hayhurst, Henderson, of Dauphin, Hiester, Hopkinson, Jenks, Kennedy, Konigsmacher, Marlay, M'Sherry, Meredith, Merkel, Pennypacker, Reizart, Russell, Scott, Serrill, Shellito, Sterigere, Stevens, Thomas, Sergeant, *President*—48.

Mr. DUNLOP had a few words to say to his constituents in Cumberland, Franklin, and Adams, on this subject. He understood, when he came here, that a change would be made in the system of Justices of the Peace; but, he felt then, as he felt now, that a mere change of the mode of creation, taking it from the hands of the Executive, and giving it into the hands of the people, would not produce the effect which was desired.—He did not believe now, that it would effect the object which was contemplated. The evil lay deeper—in the jurisdiction and the mode of emolument by fees. He did not believe the Justices of the Peace were obnoxious to the sweeping charges which had been made against them. The majority of them, he believed, to be men of character and integrity. They would do credit to any country. They were made of the same stuff as those who complained of them. He did not believe that they were the cause of the evils they were charged with. The question is—will we agree that they shall be commissioned by the Governor, or elected by the people? He came here prepared to limit them as to number, leaving the right with the Governor to commission them. But after conversation with his colleagues, and some deliberation on the subject, he had determined to agree to their election by the people. His colleagues were of the same opinion. On this ground, he would now state, they had determined to vote for a change in the Justices of the Peace, as regards the duration of their term, and their election. If he had to select between the two modes, appointment and election, he would agree to adopt election.—It would decrease the patronage of the Governor if the Justices were elected, and when he saw that there were three thousand six hundred and thirty-six Justices of the Peace in Pennsylvania, and it was determined that the term of office should be limited to five years, it became manifest, that throwing the appointment of all these Justices in the hands of the Governor, would be doubling and trebling the patronage he now has, after taking away from him the appointment of all other officers. It would give to him the appointment of the whole number every five years, or seven hundred for every year, dividing the whole number by five. So

far, therefore, from reducing the patronage of the Executive, by throwing these appointments into his hands, it would be but increasing that patronage, and giving him a firmer hold, and political grasp of the Commonwealth. This did not strike his mind before. It would have a tendency to lessen party asperity, if we take from the dominant party the power of selecting these justices. On this account, he was disposed to sustain these officers, and on the ground that they were efficient, and that the people of the townships would be the best judges of their qualifications, he would vote in favor of their election by the people.

The present evils which had been the subject of complaint arose not so much from the mode of their elections as the manner of their conformation. Some future Legislature would, he hoped, be induced to look into this subject. Justices were always open to complaints of partiality because they derived their pay from the parties. They were placed in such a situation that they could not give satisfaction. They were considered as the agents of the plaintiffs. Sometimes a man went to a Justice and put his books into his hands for collection. It was a very common thing to go to a Justice and ask him if an action could be sustained. He did not believe that the Justices, as a body, were such bad men as they were represented to be. The complaints against them came chiefly from those "who felt the halter draw"; and these complaints would continue unless some other mode of paying them should be adopted. They had now a strong inducement to give judgment in favor of the plaintiffs, and would be supposed to be actuated by that inducement whether they were so or not. We should not see the present system altered until the members of the House of Representatives were elected for two years, because it was nearly impossible for them to arrange all the districts connected with a new system, in relation to these officers in one session. Until that change was made, we could expect no amendment of the system from the Legislature. He should for these reasons go for the election of the Justices by the people.

Mr. M'SHERRY said—Mr. Chairman; The question now before the committee, is the section that provides for the election of Justices of the Peace in the several townships of this Commonwealth by the people, instead of, as at present, being appointed by the Governor, and to reduce their term of service to five years. On this question, I should not have trespassed on the time of the committee, but for a remark made by the gentleman from Franklin, (Mr. DUNLOP,) who has just taken his seat. In the course of his remarks, he stated that he had, when he first came here, been opposed to the election of Justices of the Peace; but since, on consultation with the members of his senatorial district, he had changed his mind on the subject, and that now, he and all the members of the senatorial district, were in favor of their election, and that he would vote for the section under consideration. As I am one of the delegates from that senatorial district, I must protest against the gentleman's vouching for my vote on the section, as I have been, and still continue, opposed to a change of that part of the Constitution. Before I left home, and on my way to this place, and at our county town during the time of the court, I had conversations with a number of my constituents on the subject of the Convention. They were generally in favor of the present Constitution,

and opposed to a change. But if any change was at all necessary, they thought that the patronage of the Governor should be reduced, by giving to the people of the different counties the election of their county officers; and also, to reduce the term of residence of an elector to entitle him to vote, from two years to one year. They were opposed to a change of the tenure of office of the Judges of the several courts, as well as of a change in relation to Justices of the Peace. The gentleman now says he ought to have made the exception as to my vote. How the other delegates of the senatorial district mean to vote on this subject, I cannot say. I shall not take the liberty to answer for them: they are very competent to answer for themselves. I shall consume no more time of the committee to give my reasons at large on the subject, and I shall content myself at present by giving my vote in opposition to the section.

Mr. READ moved to amend the report by inserting after the word "township" in the third line, the words "at the time of electing other ward, borough, and township officers." His object was to fix the time of electing the Justices of the Peace.

The CHAIR said the amendment was not in order.

Mr. READ appealed from the decision of the CHAIR.

After some conversation on the question of order, in which Messrs. CLARKE, of Indiana, STERIGERE, READ, PORTER, of Northampton, and MEREDITH, took part.

The CHAIR said, the amendment might be offered as an amendment to the report.

Mr. READ then withdrew his appeal.

The CHAIR stated the question to be on the amendment of the gentleman from Lycoming, as amended.

Mr. REIGART said—Mr. Chairman: It seems to be the general sentiment here, that the Justices of the Peace and Aldermen, are to be elected; none here, to my knowledge, has raised his voice in favor of the present Constitution on this subject. The general cry is, strip the Executive of all patronage whatever. So fashionable has this become, that we find the gentleman from Franklin (Mr. DENLOP) joining in the general cry, who tells us that the present race of Justices are generally said to be the mere agents of the plaintiffs who employ them. How this may be in the district which that gentleman represents, I know not; but I assure that gentleman it is not so in the county of Lancaster. There, Magistrates usually hear both sides of the question; their witnesses are confronted with each other, and judgment is publicly given. That gentleman has said that but few judgments are ever given by Justices against a plaintiff; that they generally prejudge the cause, and are prepared to give judgment accordingly. In this particular, the practice before Justices (so far as I am informed) differs most materially in our respective counties. In the county of Lancaster, (to the honor of the Justices be it said,) I have very rarely heard any such allegation. But, sir, for the sake of the argument, let us suppose the gentleman from Franklin be correct in what he gives us as the prevailing sentiment on this subject—will the election of the Justices of the Peace cure the evil? Will it not rather make it more intolerable?—Will not the election of Justices of the Peace in small districts render them the most dependent officers in our Government? Will not they be much more likely to give judgments in favor of their own constituents

against right, when the defendant does not reside in their district, and is not one of their constituents? I put it to the gentleman from Franklin to say, whether these district elections are not calculated to contaminate and poison the very fountains of justice? And does he not, by voting for their election, place them in the way of temptation? If we are to have these officers elected by the people, let each county elect by general ticket; the danger would certainly be less of getting bad, weak, or inefficient officers, than if we elect by districts; for if an independent and upright Justice offended an active politician in his neighborhood, he might still be re-elected by the county, but never in the district: an active, zealous politician would break him down. By the district method of electing Justices, the great probability is that we should get mere political aspirants for our Justices of the Peace, oftentimes without qualification of almost any kind. I am aware, sir, that men and things sometimes run into extremes: just so with the present Constitution: in our rage to abridge executive influence and patronage, we are about to place a part of the Judicial branch of the Government in the hands of the politicians: I say politicians only, not of the people, because the great mass of the people rarely, if ever, can be got to attend a township election: they view it as an unimportant matter, and will not attend, so that in the end the few in each district or township will regulate this matter. I have, however, other objections, of a more general nature, against the election of Judicial officers; they will readily occur to every man, and I will not, therefore, repeat them here. I am aware, sir, or at least have strong grounds to believe, that the Convention will adopt the principle of electing the Justices of the Peace; nor have I risen with the slightest hope of convincing any here of the impropriety of this course; my object was merely to place before my constituents some of the reasons which induce me to give my vote against the proposition.

Mr. BELL then moved to amend the amendment by adding to the end thereof the following: "but no person shall be twice chosen a Justice of the Peace or Alderman, in any term of ten years."

Mr. BELL, said there might appear to be some little appearance of inconsistency between this and the amendment he had moved on a former occasion, and he must beg the indulgence of the Committee for a short time, while he endeavored to explain to them, as briefly as he could, the reasons which had influenced him in bringing forward this amendment. It was incumbent upon him to give those reasons, and although he could not now expect to command the attention of gentlemen, still he asked of them sufficient attention to enable him to make such explanations as would exonerate him from the charge of inconsistency here. He had opposed restrictions upon the people, when the proposition was before us, for the election of county officers. He had opposed it because he felt it to be his duty to resist all restrictions upon the people in relation to the election of a class of officers who were merely ministerial officers. Up to this day, he was opposed to the election of Justices of the Peace, and he was opposed to their election, because he did not concur in the principle of mixing up any branch of the Judiciary with our popular elections, and he was very sorry that the Chairman of the Committee on the Judiciary, (Judge HOPKINSON), who had always advocated the independence of the Judiciary, in recommending the election of Justices of the Peace in his report, should

have sacrificed a principle which lay at the very root of the Judiciary, the independence of the Magistracy. If any branch of the Judiciary should be independent it was the Magistracy. That was a branch of the Judiciary which has an immense and an incalculable influence upon the happiness and prosperity of the community. The influence of that branch upon the public at large, was far greater than that of any other branch of the Judiciary. Much has been and much may be said in favor of the superior Magistracy of Pennsylvania; but every argument urged in their favor applied, with redoubled force, upon what is called the squirearchy of the State by a gentleman on this floor. He had opposed the election of these officers, but he had now lost all hope of leaving their appointment to the Governor, or any body else but the people; and because of this, he had introduced his amendment for the purpose of making them as independent as possible—not independent of the people, but independent of themselves, and independent of the bad passions of human nature. He would remove, as far as possible, temptation out of their way, that they should have no opportunity of shaping their judgments so as to obtain a re-election. How would it be if they were elected for five years, and then made eligible at the end of that time? Would they not be electioneering for a re-election during the last two years? Was it not human nature, that they would desire a re-election? Would it not be considered, in some degree, a disgrace to be turned out by the people, after being once elected? He would ask the question, then, whether it was not of the utmost importance that they should be made independent of these influences. We have been told by a gentleman, who had it from his own observation, that the complaint in Ohio, where Magistrates are elected every three years, was that they were truckling to men of wealth and influence for the purpose of securing a re-election. They will look to their party organization, to the leaders of that party, and to the influence of individuals, in the little society which surrounds them, for aid at their election, and how was it to be supposed that they could do justice between these persons, and others from whom they had nothing to expect. He had heard a great deal of the uprightness and honesty which was to be expected from Justices of the Peace, which were to be chosen by the people. He was willing to admit that many of them might come up to all that had been said in relation to them by gentlemen, but if any of them were not honest before they were elected, the office would not clothe them with honesty, nor would it raise them above the fallibility of poor human nature. It was human nature to look to self. Then how are we to preserve them from temptation? How are we to preserve this inferior temple of justice pure and sacred? It was only to be done by making them ineligible after their first election. What objection could there be to this plan? Some Gentlemen had said they should be retained in office for the purpose of securing capable men. Why, there was to be found in every township plenty of men capable to fill this office, so that that would be no objection at all. It seemed now to be settled that their election was to be given to the people, and it was too late to urge objections on that ground; but he wished to place them in such a situation, that they might not be able to exercise an improper jurisdiction over the fortunes and the happiness of the people of the Commonwealth. He wished to place them in such situation, as to remove them from all temptation, so that they might not make use of the

influence which their offices gave them for the purpose of securing their re-election. He had voted against a similar provision to this, in regard to certain ministerial officers. He had voted against restraining the people in the election of their Prothonotaries and county officers; and he had done so, simply, because these officers possessed no patronage and influence, which could, in any way, be used to the injury of the community at large. Then, the only question was, whether there was any difference between these mere ministerial officers, and Justices of the Peace. He conceived there was a marked difference—a difference which must be seen at the first glance, by every person who examined the subject. The mere county officers could exercise no influence, whatever, over the people of a county; while it must be admitted, on all hands, that the influence and power, which a Magistrate had it in his power to exercise over the poor of a township, was very great. Before his election comes on, he may so shape his judgments and decrees, as to secure his re-election.— This, Magistrates, undoubtedly, might do, and they, undoubtedly, would do it, if we gave them the opportunity. Was it not, then, of the utmost importance, that we should remove from them every thing which would have a tendency to tempt them from the path of duty, so as not to permit them to consult their desire of promotion and feelings of ambition, in the administration of justice. He had thought it to be his duty to bring forward this proposition for the reasons he had given; and all he asked for it was, a calm, candid and dispassionate consideration: and if it was not agreed to, he would submit cheerfully; but, in conclusion, he would ask of gentlemen, whether, if they left these officers eligible for a second term, they would not give them the opportunity of violating law and justice, and every thing else, for the purpose of securing their election; and whether it was not our imperious duty to place them in such situation, as to leave them to exercise their official duties, with honor to themselves, and with benefit to the whole people of their district, as well the poor and the weak, as the rich and powerful.

Mr. HOPKINSON rose to reply to a remark which had fallen from the gentleman from Chester, that he (Mr. H.) had compromised the independence of the Judiciary, by the report for the election of Justices of the Peace. This was not the first time that this opinion had been expressed here, and he had submitted to it, because he knew the time would come when he would be able to explain fully his views on this subject. The gentleman had regreted that in the report of the fifth article of the Constitution, he (Mr. H.) had consented to sacrifice the independence of the Judiciary. It was the last thing he knew of on earth, which he would consent to sacrifice. He was not so lost to his duty, to himself, and to his country, as to make any such sacrifice. When the subject comes fairly up, and when the fifth article of the Constitution shall be under consideration, he thought he would be able to satisfy the gentleman from Chester, and every other gentleman in the Convention, that he had not and would not sacrifice one jot or tittle of the independence of the Judiciary. It was not the proper place now to enter into a discussion of this kind, and all he asked of gentlemen was to suspend their opinion until he had the opportunity of acquitting himself of this charge. He should vote against giving the election of Judges to the people, and against every similar proposition.

Mr. CLARKE, of Indiana, should vote against the proposition of the gentleman from Chester, and he hoped it would not prevail. The gentleman and himself, by some means or other, had exchanged sides, as he had voted against the rotation principle the other day, and called it a restriction of the people, and now he comes forward with a similar restriction. If the gentleman would so shape his amendment, as to make it the two-term principle, he (Mr. C.) would go with him; because he thought if they got a good Magistrate, they ought to give the people the opportunity of re-electing him at the end of five years. There appeared to him to be an inconsistency in introducing this amendment. It was admitted there were evils in relation to this matter, and we must balance the evils as we cannot get rid of them all. What was the evil complained of by the gentleman? It was that the Magistrate would so shape his course as to procure his re-election. He admitted that they were liable to this temptation; but on the other hand, there are evils to be looked to. It must be recollected that the Magistrates keep a docket. He did not know that it could properly be called a record, but it was a kind of record, and many suits which were entered thereon, would be in a state of progress—some would be just commenced—some would be further on, and some would be near their close; well, what was to become of these suits? Was the docket to be transferred to the new officer, and he to proceed with them as they stood there; or would the persons bringing these suits, have to go to a new Magistrate, and begin in a manner *de novo*? Were new judgments to be taken out, or were the old judgments to be renewed by *scire facias*, or something of this kind? If so, it would increase the cost, and make it extremely burthensome upon the poor man. He took it, that by attempting to avoid one evil, the gentleman had got into a greater one. Besides, if the Magistrate was a good man, his experience would be worth something, which we would have the benefit of, and if he was not a good man, he could be removed by the people at the end of his first term. If the gentleman would modify his motion, so as to allow these officers to be elected for two terms, he did not know but that he would go for it; but as it stood at present, he must vote against it, and he hoped it might not be adopted.

The amendment of Mr. BELL was then disagreed to.

Mr. HASTINGS moved to amend the amendment, by adding the following: "provided that no more than three shall be elected in any ward, borough, or township".

Mr. STEVENS, of Adams, remarked, that he could see no use in binding the people hand and foot. There appeared to him to be a great disposition here to enslave the people of the Commonwealth. He could not vote for any proposition which went to shackle them. We had already determined that the elections should be held by the people in each borough, ward, and township. That was, if he understood it, the proposal of the amendment of the gentleman from Fayette. And, after having left it to them, we now say that they shall have no voice in it. After having given them the privilege of electing as many as they please, we now turn round and say that they are to elect but three. If they are not fit for self-government, he would be glad if gentlemen would say so, and not slip it in sideways.

The question was taken on the amendment to the amendment, and it was negatived.

The question then recurred on agreeing to the amendment as amended.

Mr. DARRAH asked for the yeas and nays.

Mr. FARRELLY, of Crawford, was opposed to the amendment, and preferred the report of the committee to it, because the effect of it was to increase the number of Justices unnecessarily. He would much rather that the number should be left to the decision of the Legislature.

Mr. AGNEW, of Beaver, would vote against the amendment. In his opinion, all the arguments which had been urged in support of it had entirely failed to prove, that it would at all restrict the number of Justices. Aspirants and influential men would combine together, and the consequence would be to increase the number of Justices indefinitely. He was opposed to the term of five years, as being too short, and having a tendency to abridge the independence of the Justices—besides, it opened the door to great evils and inconveniences.

The question was taken on the amendment as amended, and it was decided—yeas, 54; nays, 53—as follows:

**YEAS**—Messrs. Banks, Bedford, Brown, of Northampton, Brown, of Philadelphia, Butler, Clavinger, Crain, Cummin, Curl, Darrah, Denny, Dickerson, Dillinger, Doran, Forward, Fry, Fuller, Gamble, Gilmore, Grenell, Hayhurst, Helfenstein, High, Hyde, Ingersoll, Keim, Kennedy, Kerr, Krebs, Martin, M'Caben, M'Call, M'Dowell, Merrill, Miller, Montgomery, Myers, Nevin, Overfield, Pollock, Porter, of Northampton, Purviance, Ritter, Rogers, Saeger, Sellers, Schneetz, Shellito, Sill, Smyth, Stickel, Swetland, Taggart—54.

**NAYS**—Messrs. Agnew, Ayres, Baldwin, Barclay, Barndollar, Barnitz, Bayne, Bell, Biddle, Bonham, Carey, Chambers, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Cope, Crum, Darlington, Donnell, Dunlop, Earle, Farrelly, Fleming, Gearhart, Harris, Hastings, Henderson, of Dauphin, Hopkinson, Hout, Jenks, Konigsmacher, Maclay, M'Sherry, Meredith, Meikel, Pennypacker, Porter, of Lancaster, Reigart, Read, Russell, Scott, Serrill, Snively, Sterigere, Stevens, Thomas, Todd, Weidman, Young, Sergeant, *President*—53.

On motion of Mr. BALDWIN, the committee rose and reported progress.

The Convention then adjourned.

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### FRIDAY, JULY 7. 1837.

Mr. GRENELL, of Wayne, moved that the Convention reconsider the vote, by which the resolution offered a few days ago, by the gentleman from Munroe, (Mr. OVERFIELD) fixing the adjournment of the Convention for the 14th of July, to meet again on the 16th of October, had been rejected.

Mr. STEVENS, of Adams, hoped the Convention would not reconsider the resolution, which was in an imperfect state. He did not believe that twenty could be found to vote for meeting here in October, and he would not be willing to take up the resolution, with its rigid tyrant—the previous question—attached to it, cutting off all amendments. Let a new resolution be offered, which could be fairly considered, without a gag between our teeth.

**Mr. READ**, of Susquehanna, asked if it was the opinion of the President, that the reconsideration would not bring up the previous question.— He would not vote for the resolution, unless with an amendment. He would agree to go away, so as to meet here again on the 1st of September. Then there would be a reasonable prospect of avoiding a collision with the Legislature. If we were to meet again in October, it would bring us in collision with the House of Representatives.

**Mr. EARLE**, of Philadelphia, would vote for a proper resolution, but not for reconsideration with the gag law, so as to cut off all amendment. He asked for the yeas and nays, which were ordered.

The question was then taken on the motion to reconsider, and decided— yeas 47, nays 56—as follows :

**YEAS**—Messrs. Barclay, Biddle, Brown, of Northampton, Carey, Chambers, Chauncey, Craig, Cummin, Curl, Darlington, Denny, Dillinger, Farrelly, Forward, Fry, Fuller, Grenell, Hastings, Henderson, of Allegheny, Houpt, Hyde, Jenks, Kennedy, Krebs, Maclay, Mann, Martin, M'Cahen, M'Call, Merrill, Miller, Myers, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Riter, Russell, Saegar, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Swetland, Sergeant, *President*—47.

**NAYS**—Messrs. Agnew, Ayres, Baldwin, Banks, Barndollar, Barnitz, Bayne, Bedford, Bell, Bonham, Brown, of Philadelphia, Butler, Chandler, of Philadelphia, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Crain, Crum, Cunningham, Darrah, Dickerson, Doran, Dunlop, Earle, Fleming, Gamble, Gearhart, Gilmore, Harris, Hayhurst, Helffenstein, Hiestler, High, Hopkinson, Keim, Kerr, Konigmacher, M'Sherry, Meredith, Merkel, Montgomery, Nevin, Purviance, Read, Ritter, Shellito, Smyth, Sterigere, Stevens, Stickel, Taggart, Thomas, Todd, Weidman—56.

**Mr. PORTER**, of Northampton, moved to take up the following resolution, offered by **Mr. REIGART**, of Lancaster.

*Resolved*, That this Convention do adjourn on the 1st day of July next, and meet again on the 16th of October, in the city of Lancaster".

The question being on the second reading of the resolution, the yeas and nays were ordered on the motion of **Mr. KEIM**, of Berks, and the question being taken, it was decided—yeas 67, nays 42—as follows :

**YEAS**—Messrs. Baldwin, Barclay, Barnitz, Bedford, Bell, Biddle, Brown, of Northampton, Brown, of Philadelphia, Carey, Chambers, Chandler, of Philadelphia, Chauncey, Cleavinger, Cope, Craig, Crum, Cummin, Cunningham, Curl, Darlington, Denny, Dillinger, Donagan, Farrelly, Forward, Fry, Fuller, Gilmore, Grenell, Harris, Hastings, Henderson, of Allegheny, Hopkinson, Houpt, Hyde, Jenks, Konigmacher, Krebs, Maclay, Mann, Martin, M'Cahen, M'Call, Merrill, Miller, Myers, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Read, Riter, Rogers, Russell, Saegar, Scott, Sellers, Serrill, Scheetz, Sill, Snively, Swetland, Todd, Weidman—67.

**NAYS**—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bonham, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Crain, Darrah, Dickerson, Doran, Dunlop, Earle, Fleming, Gamble, Gearhart, Hayhurst, Helffenstein, Hiestler, High, Keim, Kerr, M'Sherry, Meredith, Merkel, Montgomery, Nevin, Purviance, Ritter, Shellito, Smyth, Sterigere, Stevens, Stickel, Taggart, Thomas, Sergeant, *President*—42.

The resolution was then read a second time.

**Mr. REIGART** modified the resolution, so as to read "Friday, July 14", instead of "1st of July".

**Mr. READ**, of Susquehanna, moved to amend the resolution, by striking out all after the word "Resolved", and inserting as follows: "That this Convention will adjourn on Friday, the 14th of July instant, and meet again, at this place, on the 1st day of September next".

Mr. BELL, of Chester, moved to amend the amendment, by striking out "14th", and inserting "twenty-second".

Mr. READ accepted the amendment as a modification. If this amendment was agreed to, he would vote for the resolution, but he would not vote for any which postpones the meeting beyond the 1st or 4th of September. The reason which had been operating in favor of adjournment, was to avoid the hot months of July and August. The resolution, as amended, therefore, would effect the object of those who deemed this situation unhealthy, during these months. He thought, however, that there was not a more healthy place in all Pennsylvania. If we are to meet about the 1st of September, we might possibly get through, without the inconvenience or labor of being here at the same time with the Legislature. Three months might be sufficient to perfect our labors. He wished to avoid a change of location, and a vacation of six weeks would be sufficient. After this continuance of uninterrupted labor, a recess was requisite to enable members to recruit themselves, and to consider matters as they ought to do. He thought there was no reasonable objection to the amendment, as the weather begins to be cooler in September.

Mr. DARLINGTON, of Chester, moved to amend, by striking out "22d", and inserting "15th".

Mr. PORTER, of Northampton, suggested to the gentleman from Chester, (Mr. DARLINGTON) to modify his amendment, so as to make the day of meeting the "sixteenth of October", and to strike out the words "at this place", and the amendment was so modified by the mover.

Mr. STEVENS, of Adams, said, he hoped the amendment to the amendment would not be adopted. If we come back on the 16th of October, we shall only come back to adjourn again, with a new charge of mileage home, and mileage back again, doubling what it would be, if we did not adjourn until our labors were finished. No one could suppose that we were half through the first reading; and, when we come back refreshed, our store houses piled up with new ideas, we should not get through in three months, and then the Legislature would meet here. Striking out "this place" would be tantamount to adjournment to meet in this Hall, because the law fixes this as the place, unless otherwise ordered. If we were to come back on the 16th of October, let it be known we mean to come here, and sit a little time, and do another little patch of business, and then adjourn some where else, at a new charge to the State. He asked for the yeas and nays on the amendment to the amendment.

Mr. M'CAHEN, of Philadelphia: Every gentleman comes here to act according to his best judgment. Too much had been said about expenses. Conventions of this character were seldom called together, and the people would not look at the expense. He thought it would subserve the interests of the Commonwealth, that we should adjourn. The public mind was disordered, and was not able to turn that attention to the subject which its importance demanded. Much had been said, which was calculated to injure the character of this Convention, and to make it unpopular. It was proper and becoming, in every gentleman, to discard all efforts at political effect, and go on calmly and deliberately with the public business. In reference to his personal feelings, he was indifferent whether the Convention adjourned or not. Some newspaper had made it the subject of a grave charge, that the Convention had consumed eight days in committee of

the whole, on the article concerning the right of suffrage, while it must be notorious, that the New York Convention were engaged in the consideration of this important subject for six weeks, and were then compelled to recommit it. We should not dispose of these important matters too lightly, and, however unpleasant it might be to some to sit and listen to debates, it was a duty which every gentleman owed to his constituents, to deliver his sentiments. The humblest individual here might throw out something of advantage.— On reflection, much cause for change might be discovered, and the views of gentlemen would become more matured. Considerations of mere expense ought to be discarded. The expense of mileage was certainly something to be thought of, but the real question was the business before us. He was satisfied, that his constituents would sanction him in pursuing that course, which would conduce the most effectually to the proper discharge of the duties for which they were sent here.

Mr. MERRILL, of Union, stated that to him it was but a matter of indifference whether we go on or adjourn. Then, he would ask, how was it to be avoided? Gentlemen who were indisposed, could not come here, and their opinions could not be ascertained. He thought that the manner in which the Convention were now proceeding was very unsatisfactory. He was as anxious as any gentleman present to finish the business, and get home, but he did not see how it was possible to be done. He felt great repugnance to going home to return again to finish his labors. He thought with the gentleman from Adams, (Mr. STEVENS) that if we should meet again, we should not dispose of our business by the time the Legislature met, and would probably have to adjourn. The health of members too, he conceived, would be in greater jeopardy if we returned here in September, than it would be if we continued here till that time. Under all the circumstances, then, which he had stated, he would vote for an adjournment, though, he confessed that he would rather the Convention should adjourn, at once, till next spring.

Mr. KERR, of Washington, said he was anxious as any gentleman could be to return home: but, inasmuch as he came here to perform a great and important public duty, he felt himself bound to discharge it—to sacrifice his private interest for the public good. He was sure that if the members, generally, entertained this feeling, another day would not be lost in debating a question of adjournment. Two very important questions, upon which the people expected this Convention to act, had not yet been decided—the one related to the patronage of the Governor, and the other to the Judiciary. He thought, though, perhaps, he might be wrong, that it was the design of some gentlemen to shun, if possible, the Judiciary question. If the adjournment should prevail, it was probably hoped that something would turn up to prevent any alteration of the Constitution on that subject. Notwithstanding, that it must be admitted this Convention was attended with considerable expense, yet the expense was not greater than was incurred by the sitting of the Legislature, it being composed of a greater number of members than this body. It must, however, be admitted that the expense was great: but, he believed that if the Convention should adjourn to meet again, its session would be prolonged for at least two months. That was his candid opinion. His sincere belief was, that if the question was once put to rest, and a determination come to, not to adjourn until the Convention should have got

through its business, or at least, disposed of every article of the Constitution in committee of the whole, this body might adjourn at no very remote day. He protested against the question of adjournment being continually brought up, as it had been. The consequence of it was to force the Convention into an adjournment. When the subject was up the other day, the gentleman from Franklin took occasion to say that the Convention were incurring the monstrous expense of one thousand one hundred dollars per day, and that, in consequence, it was becoming unpopular with the people. Now, if that were really the fact, then he (Mr. KERR) would say the sooner we brought our business to a close the better. The very argument of the gentleman from Franklin only went to show the necessity of bringing our business to a conclusion as speedily as possible.

Mr. MARTIN, of Philadelphia, said that, under existing circumstances, there was no hope of getting through the business satisfactorily. We should be able to get very near, if not quite through, the first reading of all the articles of the Constitution by the time stated in the resolution when we should adjourn. The time of meeting again, he thought a little too early, but to that he should make no objection. He wished the Convention would agree to meet in Philadelphia. He could get a half a dozen suitable places there in one day for the Convention. The members of this body, he said, were worn out and worn down. He saw some here now, who ought, in reference to their health, to be at home.—He hoped we should agree to adjourn to some time in the fall, and that a committee would be appointed to procure a suitable place for our reception in some other place, in order to obviate the objections made to meeting here in autumn.

Mr. CHANCEY, of Philadelphia, supposed the single question before the Convention to be—what was the best manner in which they could perform the duty they had undertaken. If it was their opinion that it could be best done by continuing in session here, they would remain: but, if, on the contrary, they did not, they would probably be in favor of adopting the resolution for a temporary adjournment. He felt confident that the good sense of the body would induce it to adopt that course. The reasons which had been urged upon the Convention why it should adjourn had had some force on his mind. He meant not personal considerations—not the personal convenience of any individual member, but he meant the health of every gentleman. There was another consideration, too, and which was of the deepest importance: we had now been a long time in session, and had had but little opportunity of conferring with our constituents, and consequently knew not what effect our deliberations had made upon them. It was right, then, that we should learn what their sentiments were at present. Members had, until within the last few days, devoted themselves most closely to business, and he thought it must be apparent to every one that the attention of gentlemen to what was going on began to flag, owing to excessive fatigue and the heat of the weather. A distinguished physician, a member of the body, gave it as his opinion that we could not sit here longer without incurring great danger in regard to health. That opinion, too, had been sanctioned by facts, for several gentlemen had been indisposed, and some so much so as to be unable to attend the sittings of the Convention every day. Mr. C. concluded his observations by expressing his opinion that the Convention ought to adjourn till about the middle of October.

**Mr. PORTER**, of Northampton, supposed that every gentleman present was ready to vote on this question. No matter what subject came up for discussion, the expense of the Convention was continually being rung in our ears. Now, he wished to inform every member of the Convention, that the expense which it incurred, was not so much by two hundred dollars a day, as that of the Legislature. He mentioned this fact, to put an end to this eternal cant about expense. The people, when they called this Convention, knew perfectly well that it would be attended with expense.— Well, as we had been sent here to revise the Constitution, it was incumbent upon us to do it thoroughly and effectually, and not with one half of the Representatives present; and they, too, listless and unable to pay that attention to business which they could wish. He thought that we should have a full attendance; and as that could not be obtained now, we had better adjourn over. If the resolution were carried to adjourn, we could then fix, by resolution, where we should meet again—either in Philadelphia, Lancaster, or the healthy borough of Easton. He confessed that, for himself, he would rather sit here, until the Convention had closed its business, than meet again in September next, at this place.

**Mr. CUMMIN**, of Juniata, said he rose with reluctance to give his opinion on the question before the Convention. He had some days since stated what were his sentiments—that there were so many empty seats—such a want of attention, &c., that, until the question of adjournment was settled, nothing would be done. He would now say that it was evident that there would be nothing done, calculated to serve the people, until the time of adjournment should be fixed. And he would say that a more suitable time, than that which had been indicated, could not be thought of.— He freely admitted that he was opposed to adjourning on the fifteenth, or any other Saturday, because he wished to avoid the bustle and confusion, which it would create on the Sabbath. It was quite evident to him that those who were opposed to an adjournment, consisted of gentlemen who could go home in half a day, and that without leave of absence.— Now, he thought that they should, on the contrary, be the very last, opposed to the motion—because they ought to leave it to those who were far from home. He was in favor of adjourning a day before the Sabbath, and till the seventeenth of October, for the reasons that he had heretofore given. He was convinced that, by remaining here a month or two longer, we should gain nothing. We should be more distracted and divided in opinion a month hence, than we were now. But, after consulting the people, and comparing their opinions, we could return prepared to act with more harmony and efficiency.

**Mr. FLEMING**, of Lycoming, remarked, that if he were to consult his own immediate interest, he would certainly vote for an adjournment; but, as substantial and efficient reasons had not been adduced for the adoption of that course, he should feel himself compelled to vote against it. It had been said that many members were absent day after day. That was true, but he regretted it, and begged that gentlemen would bear it in mind that the greater number were engaged in active business at home, which required their presence there frequently. Now, he did not know that more members could be kept here, unless a rule were adopted to effect that object. And if we adjourned to meet again, there probably would not be a greater number of members in attendance than there is at this time. It had been

said that several members had been sick, or indisposed here. He believed that there would have been just as many sick, if they were at their own homes. Out of so large a number as one hundred and thirty-three men, it was to be expected that there would be some, more or less, indisposed. He thought that no danger was to be apprehended from the atmosphere of Harrisburg; and he could see no good reason why we should abandon the duties upon us. If he was to go home to his constituents, he wished to be able to give them some good and substantial reasons why we adjourned, at the very moment, too, when we had just commenced our business, in real earnest. Having now got at the important matters to be considered and discussed, we had continually the question of adjournment pressed upon us. He would now say that, until some better reasons than those which had been adduced, should be given, he would not feel himself justified in voting for an adjournment. He would say nothing in reference to the expenses of the Convention, nor to the mileage of members, because he did not believe that their constituents would call them to account on that score. But he did believe this, that the people who had sent their representatives here, expected them to act on the subjects before them, without unnecessary delay.

Mr. MEREDITH, of Philadelphia, thought that if the day of adjournment was fixed, it should be for a final and not a temporary adjournment. The reasons which had been urged for a temporary adjournment, would apply just as well in October, or September, as now. Listlessness would always prevail, when questions which produced no excitement were under consideration, and as to which members generally had made up their minds; and, if the afternoon sessions were adhered to, even in winter, they would be found to be productive of the same ill effects that they were now, viz: heaviness, languor, and confusion in business, and indisposition, from this voluntary deprivation of exercise and wholesome air. Many would be absent at any season of the year; and the hope of doing any better in the fall, than we were doing now, might be thought altogether vain. If we adjourned at all, he was in favor of adjourning to May next. He declared that he had never known the Legislature, and he had had some experience in it, go with a full determination to get through their business, until they had fixed the time of adjournment. The effect of doing so was to render the mind buoyant and free, and more capable of applying all its powers to effect the objects in view. Four fifths of the real business before the Legislature, was done after the day of adjournment was fixed, or when an understanding existed as to the period when they should adjourn. His belief was, that if we fixed the time of adjournment for five or six weeks hence, we should be able to get through in that time. And, if so, then we should go home to our constituents, with the consciousness of having done our duty, and no man could then charge either the majority or the minority, with having shrunk from the performance of their duties. He would vote against the amendment to the amendment.

Mr. DARLINGTON, of Chester, modified the motion, so as to fix the 18th of July for the adjournment.

Mr. HIESTER, of Lancaster, said he had, on several occasions, expressed his disapprobation of a temporary adjournment, and had determined to vote against it without saying any thing more on the subject; and that he had now risen merely for the purpose of protesting against what he

considered an aspersion of the Convention, by the delegate from Northampton (Mr. PORTER,) and others. They had said that there was a great listlessness, and want of attention to the business before the Convention, manifested by the members. Now, he (Mr. H.) was not willing that such a charge should go out before the public uncontradicted, for it had been a subject of remark by him, on more than one occasion, that there was an uncommon degree of attention evinced to business, on the part of the members. He had spent six winters at Washington, and had seen nothing equal to it in the House of Representatives there. The gentleman from Northampton (Mr. PORTER) had also told us, that there was much said here of the expense of the Convention; that the idea was held out, that the people would disapprove of an adjournment over, on account of its increasing the expense: and that he did not believe that any such considerations had any weight with the people. He (Mr. H.) would remark, that on this point he differed with the gentleman—that he had heard many and frequent complaints against the Legislature for their holiday adjournments, at the expense of the Commonwealth; and that he would venture to predict, that the Convention would not be passed over, without censure, for doing a similar act. The gentleman from Philadelphia, (Mr. MEREDITH,) thought that the afternoon sessions confined members to the House, to the injury of their health, without being of any advantage in progressing the business. From his (Mr. H.'s) observation, he had come to a different conclusion. He thought there had been quite as much business done in the afternoon, as in the morning sessions, in proportion to their length. That gentleman and the gentleman from Adams, (Mr. STEVENS,) complained of the application of the "previous question", or the *gag law*, as they were pleased to term that rule. It had been applied, (said Mr. H.) not exceeding half a dozen times since the Convention was in session, and twice he had called it himself. Whenever it was called for, (excepting once,) it had been sustained by a majority of the House, which was an evidence that that majority was surfeited with debate, and that the House was anxious to take the question. He considered it a salutary rule, and one, without which, neither this, nor any similar body, composed of an equal number of gentlemen, so desirous to take up the time in making long speeches, could get along.

Mr. BIDDLE of Philadelphia, said that down to this time, he had been opposed to an adjournment, but he had now altered his opinion. He would state very briefly, what had influenced his mind, and changed his opinion. He could not agree with his colleague (Mr. MEREDITH) in the sentiments expressed by him, in favor of fixing a time for the final adjournment of this body. He (Mr. B.) was afraid that the effect of it would be to prevent deliberate discussion, and to give precipitancy to our acts, when the utmost care and consideration ought to be exercised on every subject upon which we acted. Let gentlemen turn their attention towards the proceedings of the Legislature, during the last few days of its session, and see what was done there. Was the course of proceeding there such as ought to be imitated here—met, as we were to revise the fundamental laws of the land? He thought not. Let us turn our attention to the House of Representatives at Washington. What, he would ask, were the scenes enacted there, two years ago, on the last day of the session? Why, a great number of bills, of the highest importance to

the country, at that period, were not acted upon, partly for want of time, and partly owing to neglect. It appeared to him, then, that as we were only half way through committee of the whole, it would be improper to fix a time when our deliberations should be finally put an end to. But, was there no reason that could be assigned why we should temporarily adjourn? And, in asking that question, he meant not to reflect on the conduct of any member of this body; for he thought it a body worthy of all commendation. Two months and a half had been spent by its members, in listening with unexampled attention, to the debates which had taken place. But, he would appeal to members around him, and ask them what were the signs exhibited here during the last few days. Had there been no restlessness, no impatience, no inconsiderable degree of inattention paid to what was going on? He believed that there was not one gentleman present, who would not say, that for the last few days, there had not been that calm deliberation, in regard to the business before us, which had been previously given. He, for one, thought that there had not. And, the reason of this was owing entirely to exhaustion, and to the heat of the season, which totally destroyed that calm deliberation, which was necessary to the strict and proper performance of our duty. It was asked—"Do you give it up in despair?" He would say—not at all; we proposed not to give up any thing in despair. Hereafter we could determine, whether we would meet here or elsewhere. It was asked why we should not adjourn to-morrow? Simply because we are in the middle of an article of the Constitution, and did not wish to leave it half finished; but, to let the people know, down to that sixth article, what we propose to do. It was urged that, if we went on now, we could submit our labors to the people in October. But how could we now determine, as to the time and manner of submitting the Constitution to the people? If, as many supposed, it would take us two or three months to finish our labors, we should come to October, before we were ready to submit the result, would it be advisable to submit it just on the eve of the election, without affording the people any opportunity to reflect upon questions, which involved the future destinies of the Commonwealth? The people ought to have a month and more to consider the propositions which we made. It did appear to him, that to enable us, and the public, to give a proper consideration to the subject, we ought to adjourn. He advocated the adjournment from public considerations only; but, he thought, no individual had a right to interpose his own private business, as an obstacle to the business of the Convention.

Mr. STERIGERE would, he said, state the reasons why he should vote against the motion. As far as the argument in favor of it went, there was nothing in it. Some said the place and season were unhealthy; but he believed, that the inhabitants of Harrisburg, at the present time, and at all times, were as healthy as the same population in any other part of the State: and he believed, that as many of the members of the Convention would be indisposed if they were at their own homes, as were or would become indisposed here. The listlessness and inattention of the members was given as another reason for the motion. The answer to this, was proved in the fact, that there had been a debate for several days on the same subject, and one upon which the minds of gentlemen were made up. That was the reason why so many were indifferent to the discussion. He

referred to the strict attention of members to the proceedings this morning, to show that this was the reason, and not that they were wearied out and exhausted. He had never seen the Convention more attentive, than it was now. Again, it was urged, as a reason for a ljournalment, that many members were absent, but they were not absent without leave. We consented to let them go, and had no right to complain of it, or to make it a reason for going away our-selves. Besides, he had no reason to believe that there would be more members in attendance hereafter, even next fall, if we adjourned till that time. We could, if we chose, enforce the attendance of members, and obtain a full House. But those who chose to be absent, were responsible for it to their constituents, and it was not for us, on their account, to delay the proceedings of this body. He was convinced, that if we continued our labors here, we should finish them in half the time, that it would take us, if we went away and returned in the fall. Though he did not often refer to expenses, as a consideration, on such questions, yet he would suggest that the expense of the Convention would be greatly increased by another session. So far as his own interests were concerned, he was as anxious to get home as any one could be, but he thought that we were better prepared to go on now, and complete the business, than we should be, after adjourning for three or four months.

Mr. BONHAM was, he said, anxious that this question should be disposed of in one way or another. He wished to see it put at rest. If gentlemen would be satisfied to remain until we had accomplished our business, he would prefer it, but, if the majority were for adjournment, he would acquiesce in it. He did hope we should settle the question, and then go on with the business. A large portion of the time of the Convention had been consumed on this subject, and very needlessly. He was opposed to fixing a time for an adjournment *sine die*. Our business was unlike that of an ordinary Legislature, and, if it was not completed by a given time, it would create no inconvenience. He hoped this would be the last discussion on the subject.

Mr. SHELLITO had, he said, resisted the adjournment as long as there was any probability of our going on with the business; but, as he now found that a majority were determined to adjourn, he would give his assent to it.

Mr. STEVENS asked whether, if we adopted the amendment, it would be in order to move a substitute for the whole.

The CHAIR replied in the negative.

Mr. STEVENS. Then, it is forced upon us to decide whether we shall adjourn on the 18th to meet again on the 16th of October, at this place: for, under the act of Assembly providing for the calling and assembling of the Convention, we were obliged to meet here, if we should not fix upon some other place. If we met here at that time, we must adjourn again, and thus have three several sessions at a great expense to the Commonwealth. He should vote against any adjournment, unless we were to submit to the people the amendments which we have made, together with another, prescribing the mode for making future amendments, and, at the same time, submit to them the question whether we shall *reassemble* or not? There had been some sudden and astonishing conversions here among the conservatives. Some of them appeared to be doing all in their power to prevent the people from putting a limit to our encroachments on

the Constitution—from saying to us, “so far you shall go, and no further.” He knew there was a guilelessness about his party which fitted them well for the other world, but which did not so well qualify them for contending against the mammon of unrighteousness in this. What better course could we take, than to submit our work, as far as we have gone, to the people, together with the article for future amendment, and then to leave it for them to say by their votes whether we shall reassemble or not? If this course were adopted, there would then be no difficulty in putting an end to our labors in one week, and returning home? He confessed he had no expectation that this course would be adopted; for he saw his friends, with whom he usually acted, leaving their path, and wandering off among the thorns and brambles. If the pending amendment should be adopted, he could not offer his proposition; and if it was rejected, some gentlemen, he supposed, would be kind enough to move the previous question, and cut off all amendments. Gentlemen would, therefore, make a direct vote on this question. He was aware that he should be chided for referring to the expenses of the Convention; but he asked whether expenses, when we saw them unnecessarily accumulated, heap upon heap, ought not to be taken into consideration? Of one thing we are certain—if they were not considered here, they would be among the people. Why were gentlemen so anxious to shun the subject, and prevent the people from knowing what they were, unless they apprehended that the people would disapprove of our extravagance.

Was this to be one of the secrets of this body? Can we deny the facts? Can we say that we are not expending eleven hundred dollars a day?—Can we deny that our mileage will be trebled by two adjournments? Will we then deny that the fact will meet the disapprobation of the people? Or will we urge that the expenses of the Legislature are still greater than ours? This would be a poor excuse for our expenditures; but it was only true of one Legislature, and that was the last. The expenses of the last Legislature did amount, it was true, to eleven hundred and eighty-seven dollars and sixty cents a day; but the Legislature immediately preceding, which had been so much vilified and abused by the Democratic party, expended only eight hundred dollars a day. He did not go back farther than the sessions of 1835-6, because upon that Legislature the vials of Democratic wrath had been poured out unsparingly. But that Legislature, which held two sessions, revised the code of laws, and gave the Commonwealth a revenue of six millions of dollars, sat one hundred and fifty or more days, and cost only one hundred and thirty-three thousand dollars; while the last Legislature which sat only one hundred and twenty days, cost one hundred and forty-two thousand five hundred dollars. The printing of the Legislature of 1835-6, though their laws formed volumes double in size to those of any session before or since, cost only twenty-three thousand dollars—ten thousand for the Senate, and thirteen thousand for the House—while the printing of the last session cost thirty-eight thousand five hundred and eighty dollars, of which the Senate was fourteen thousand one hundred and six dollars, and the House twenty-four thousand four hundred and eighty dollars. All the other items of expense of the last masonic Legislature, were much larger than those of the preceding anti-masonic Legislature. Yet had slander on slander, and abuse after abuse, been heaped upon that anti-masonic Legis-

lature. He had introduced these facts incidentally, and they showed that the expenses of the last Legislature ought not to be taken as a standard of our expenses. Our printing would cost, perhaps, fifty thousand dollars. Would the people endure it? Would they consent that we should hold three sessions at the expense of a quarter of a million? He cared not what honor and praise the gentleman from Chester and others expected to gain by these resolutions of adjournment. The time was when the extravagant expenses of this Convention would have turned any State Administration out of office. Twenty years ago it would have overthrown any party in the State that countenanced it. A debt of three hundred thousand dollars turned William Findlay out of office. But those were days of economy. He relied upon the people; and he put it to the farmers to say whether a debt of two or three hundred thousand dollars was nothing to men who labored hard and earned little. He asked a fair opportunity to submit his proposition; for he was not sure that hereafter he should get a chance: for the previous question, that nice and gentle means of arresting deliberation, might cut him off.

Mr. DARLINGTON said, if there was any honor attached to this proposition, he was willing to take his share of it, and whatever responsibility might attend it, he was also willing to bear. If the gentleman would bring forward his proposition in a distinct and separate form, he would vote for it.

Mr. STEVENS: There will be no chance, if this should be adopted.

Mr. DARLINGTON said, it would be the easiest thing in the world to bring it forward as a separate proposition, after this was agreed to.

Mr. BROWN, of Philadelphia, said that having taken upon ourselves this duty, we ought to perform it. This he had frequently said, and had, therefore, opposed every proposition to adjourn, that had heretofore been offered. But now he had become convinced, that we could not get on.—The best way, he thought, would be to get clear of the question of adjournment, for the next ten days, by adopting the resolution; and, when the time came, if we were in a state to go on, we would do so, and, if not, we had better adjourn. As to the expenses of the Convention, which the gentleman from Adams had so earnestly and with so much sincerity, deprecated and deplored, he would remark, that the gentleman had in a great measure brought the calamity upon himself; for no person had done more than himself to increase the expenses of the Convention. The gentleman had deprecated the previous question in the most earnest manner; but there was a time within his recollection, when, in the Legislature, and upon a very important question, that gentleman did not exhibit so much dread of the previous question. He would vote for the adjournment, if for no other reason, to get clear of this perpetual cry about the expenses of the Convention; and, when we came together again, we should, he hoped, meet clear of much of the expensive machinery which surrounded us, and be prepared to go on with our business, free from all the obstacles which had hitherto retarded it. Though he did not believe that the people begrudged the expense attending the Convention, yet they complained of the dilatoriness of its proceedings. The elections, he said, were soon to take place, and the business had already been warmly commenced. This circumstance he regarded as unfavorable to our deliberations here. If gentlemen had heretofore made speeches to their constituents, should we not

hereafter have speeches addressed to the electors by those who were candidates for the Legislature. This would impede our action, and confuse our deliberations. But, if we adjourned to a time beyond the period of the election, we should go on well.

Mr. EARLE said, whatever was the result of the vote, the whole burden of it would fall upon the reformers. It might be carried by the conservatives, but the penalties would fall upon the reformers. Any thing which tended to render the Convention unpopular, would, to the more extent, baffle the efforts in favor of reform. If the enemies of reform had devised this course, as a system of tactics, he would say that it was admirable. Their means were well adapted to their ends. The other day, the gentleman from Franklin, (Mr. DUNLOP) made a speech which defeated the adjournment. But the speeches from the same, to-day, against the adjournment, would operate in favor of it; for, said he, our friends go by the rule of contraries. The people, not examining the Journal, would lay the blame on us. He understood that it was in order to make any statement of facts, which tend to illustrate the subject under debate. He wished to show that the previous question, which is much complained of here by certain gentlemen, was resorted to with great alacrity, by the same gentlemen, in the Legislature of 1835-6. A new Constitution was then adopted for this State, and it was to last for thirty years. It was called the Rival improvement—Bash-hill.

Mr. REIGART interposed: He called the gentleman to order, for wandering from the question.

Mr. EARLE wished, he said, to illustrate the propriety of calling the previous question. This Constitution to which he referred, was introduced only eight days before its first passage. The committee of the whole had it under consideration only an hour or two. On the 26th, it was ordered to a second reading, and on the 27th, it was passed by the previous question, which was demanded by a member from Adams, (Mr. STEVENS.) Only two and a half days were allowed for the discussion of an enactment, which was to settle the Constitution of this State for thirty years. He hoped this would be considered a good precedent, and that we should hear no more complaints here about the previous question. The gentleman from Adams, (Mr. STEVENS) would, he trusted, forego his amendment. He could move it by way of proviso. The reformers would sustain, he hoped, the amendment of the gentleman from Susquehanna—fixing the 24th as the day of adjournment. That would afford time to act upon the subject of future amendments, and life-terms of office. We could then go home and meet our constituents, without shame or reproach. The proper time for meeting again would be in September. That would be a favorable season. No objection could be made to that time, on account of the season. The inhabitants of the city, who leave their homes for health in the summer, all return, after the first of September; and the interior was more healthful than the city. There could be no good reason advanced against that time. Much as was said about the health of Harrisburg, he could not hear of a single member who was confined to his bed, which might be considered a very remarkable circumstance, and an evidence of the healthfulness of the place. If we adjourned in this season, leaving our work in this unfinished state, it would render the Convention very unpopular, and bring odium

upon the reformers. He read an extract from a letter which he had received from one of his constituents, in which it was remarked, that the Convention had become very unpopular; that the people had given up all hope of their doing any thing; and that the sooner they adjourned the better. He hoped we should be allowed time to get through the two subjects he had referred to—life-terms of the Judiciary, and future amendments—after which, he would not be very hostile to a temporary adjournment.

Mr. PORTER, of Northampton, said, that the friends of adjournment had fearful odds to contend with on the present occasion. The delegate from Adams, an experienced tactician, had given the word to the conservatives—"attention"! "eyes right and dress"—ordering them to stand by their arms, and supposing that he had a right to exact obedience; and, the delegate from Philadelphia county, (Mr. EARLE) had called on the reformers to beware how they voted for this adjournment, or they should answer for it. Here we find the great advocates of the two opposite systems, joining in opposition to this matter. I find this passage in the New Testament, which may be found applicable to the state of things in this House:—"And the same day PILATE and HEROD were made friends together; for, before they were at enmity between themselves". I always fear mischief from the union of such discordant materials. Now, I do hope that the *rank* and *file*—those who compose the bone and sinew of the grand army of the Convention—will not be intimidated on either hand, but vote as they list, daring even to disobey *orders*, although the command may go forth, "that deserters must be shot".

I was much amused at the *apparent sincerity* with which the delegate from Adams told us, that he and his party (I do not know which of them he means) were composed of such guileless materials, that they were unfit for the company and conflicts of this wicked world, and only fit for Heaven, or some such haven of innocence and purity; and, as I am given to the narrative style, it reminded me of an old sinner who, having passed the prime of her life in all manner of wickedness, in old age was accosted by a sober and serious citizen, and asked what she thought she was fit for? "Oh?" said she, after rather exultingly referring to her course of life, its trials, its pleasures, and its troubles, "these are all over, and now I am only fit for the Kingdom of Heaven, and hardly that".

The delegate from Adams tells us, that the people will look to these expenses, and that we shall incur the expense of treble mileage by meeting again in October—alleging, that we *must* meet in this place. The resolution simply proposes adjourning to a given day. We will meet at this place, unless we agree to another; but, we stand wholly uncommitted on that question, in adopting this resolution, and if we determine to meet at any other place than this, there will be no increased expenses of the kind incurred. The delegate has denied the statement made as to what the actual expenses of this Convention are, and has poured out the vials of his wrath on the Legislature of the last session, as extravagant, and all that is bad; whilst that of 1835-6, is held up as a pattern of propriety and economy. Now, how is the fact, as to the comparative expenses of the two sessions? The expenses of the session of 1835-6, was about one hundred and thirty-four thousand dollars; of this, the printing amounted to twenty-four thousand seventy-five dollars and thirty cents, and the con-

tingent expenses to twenty-seven thousand nine-hundred and fifty-nine cents. The principal item in the contingent expenses, is its postage.— The expenses of the session of 1836-7, as furnished by the Treasurer, is one hundred forty-two thousand five hundred and twenty-two dollars.— Of this, the printing amounted to thirty-nine thousand one hundred and forty-five dollars, and the contingent expenses to thirty-nine thousand seven hundred and six dollars. So that deducting the printing and contingent expenses, it leaves the pay and mileage of the members at the session of 1836-7, at the sum of sixty-three thousand five hundred and seventy-one dollars; whilst that of the session of 1835-6, was eighty-two thousand eight hundred and thirty-two dollars. Let it be remembered, that the printing and contingent expenses of the last session were greatly increased by an investigation, which was found necessary, into the conduct of the persons who had charge of your lines of public improvements. That a committee had to pass along those lines, and take the testimony of numerous witnesses, all of whom had to be paid, and that the House ordered all this evidence to be printed and distributed for the information of the people at large, which much increased those items. They were swelled also by the expenses of the committee appointed to inquire into the conduct of the preceding Legislature, in passing the act which had been so much spoken of, and who examined many witnesses, some whom the delegate from Adams perhaps knew.

The preceding House of Representatives, too, had established an inquisitorial tribunal, that dragged aged and respectable citizens before it, violating and trampling upon their rights and liberties, but who, with becoming firmness, stood upon their reserved rights, and refused to recognize the power of this tribunal thus constituted. That House refused to pay the expenses of those men, whose rights had thus been violated. The last House of Representatives, however, ordered them to be paid, and thus a considerable item, which properly belonged to the session of 1835-6, is paid in, and charged to the session of 1836-7.

The delegate from Adams, who was conversant in all these transactions, asks if this subject of expense is to be one of the *secrets* to be kept from the people? I presume not. I wish the light of Heaven to shine upon and make manifest all our actions. But, whilst on this subject, I might ask whether there were not *some secrets* during that memorable session of 1835-6, which have never yet seen the light, and which, in all probability, never will? and which, perhaps, might be fully as important as this subject of the expense of the Convention. I trust, however, that the members of this body are neither to be frightened nor cajoled, but will test every question that arises by its intrinsic merit, and by that alone.

The delegate from Adams, in conclusion, became very much the friend of the poor, all at once, and talked to us about the expense, creating burdens on the *poor laboring men*, who, from day to day, earn their subsistence by the sweat of their brow. Pray, sir, since when has this class been placed under his special protection? I understood him some days since, to speak of them in a very different manner. I think, however, in this matter, he will find himself interfering with the duties and prerogatives of the delegate from the county of Philadelphia, (Mr. EARLE.) In conclusion, let me call on the moderate reformers to disregard, on the one hand, the command of the "drill sergeant" of the conservatives; and, on the

other, the call of the "great reformer", and to act and decide for themselves.

Mr. STEVENS said, that when gentlemen, make assertions here, they ought to be sure of the truth of them. When the gentleman from the county of Philadelphia, (Mr. EARLE) told us that the previous question was called in the House of Representatives, on a bill, which he is pleased to term the new Constitution of Pennsylvania, after it had only been two days under consideration, one day in committee of the whole, and one day in the House, he ought to have examined the journals, and been sure that he was correct. He did not presume that the gentleman intended to impose upon this Convention, any thing which was not the truth, but certainly the gentleman had stated what were not the facts, as they appeared on the journals of the House of Representatives. When a gentleman rose and made a statement of this kind here, it was presumed by every one that he had examined the matter fully, to know that it was correct, and his word was always taken. He did not suppose that it was the gentleman's intention to falsify the record, or impose upon the Convention. The gentleman had said, that the previous question was moved on the bill to incorporate the United States Bank, after it had been but two days before the Legislature. Now the fact was, the bill was reported on the 19th day of January, and was before the House, on motions to commit, and in different forms, and discussed from day to day, from the 19th until the 27th of January, before the previous question was moved, and then it was only moved, after every effort had been made by the minority, by motions to adjourn, and every other device within their power, to prevent the question from being taken, and then it was moved, and very properly moved. Five or six motions had been made to adjourn, and the yeas and nays taken on these motions, merely for the purpose of preventing the question from being taken. Now, the gentleman should have stated this matter correctly, and not have attempted to deceive honorable gentlemen.

Mr. EARLE said, he had stated the matter just as he had found it on the Journal. That is, that on the 25th of January the bill was first taken up in committee of the whole, and on the 27th of January the previous question was moved on second reading, by Mr. STEVENS, and others.

Mr. STEVENS said, if the gentleman had looked further back in the Journal, he would have found that motions had been made to refer it to different committees, and that it had been discussed from day to day, from the 19th of January, up to the 27th, when it was passed.

We are told, that the reason why the expenses of the last Legislature are greater than the former, was, that an attempt was made to investigate the conduct of the Canal Commissioners, and the condition of the internal improvements of the State. He did not know whether it was what gentlemen, on another occasion, called an inquisition, but at any rate, it was a committee of the Legislature of the Commonwealth, which was appointed for this purpose; and this committee, instead of prosecuting its investigation in the Capitol, was during the whole of that winter, traversing the country from Philadelphia to the western and northern extremities of the State, and whether it was for electioneering purposes or not, he would leave for the country to determine. This investigation, too, was printed in large numbers, and distributed all over the country, but whether it was

to enlighten the public mind on the subject, or give the printer a good job, was not for him to say. But we are told that the session before, there was an inquisition established by the Legislature. Well, if a committee of the Legislature, was to be called an inquisition, there was such an inquisition, but that inquisition did not cost the State as much as printing the testimony of the committee of the last session, and sending it all over the State. The Legislature of the session before last, to save expense, declined the printing of the investigation of their committee. But what was that inquisition of which we have heard so much, and why was it instituted? It was a committee raised upon the petitions of a vast number of the freemen of this Commonwealth, to inquire into a conspiracy of ten thousand men, who were bound together by secret oaths and obligations—a conspiracy, too, which lay at the very root of all our free institutions; and when this committee was raised, the investigation instituted, and the parties to this conspiracy brought before it, instead of giving testimony, as they should have done, they hurled defiance in the teeth of the Legislature, the law, and the Constitution, and stood mute. They, instead of submitting to the laws of their country, when they were brought before the Legislature, refused to answer any question put to them, and thus defeated an investigation into a matter which eighty thousand of the freemen of the Commonwealth of Pennsylvania, had declared to be one of the most odious conspiracies which had ever been formed in our free and happy Government. Men who had been high in office, and had administered the laws, instead of obeying the laws submissively as it was their duty to do, violated them, and bid defiance to the clearly expressed will of the Legislature. In reply to the remark of a certain gentleman, that there were probably some things hid in the doings of that Legislature, he had only to say, that he cared not what gentlemen thought about it. All upright and honorable men must look upon these low insinuations and suspicions, with scorn and contempt.

Mr. PORTER said, as the gentleman from Adams had been pleased to speak with some severity, in relation to the conduct of the witnesses, who had been called before the committee of the Legislature before the last, and had spoken in his usual style, in relation to the Masonic society, he would take this occasion to say that he would meet the gentleman in a discussion of the subject of Masonry, and Anti-Masonry, whenever it came up; and he would now say that he stood pledged here to answer all the slanders which had been heaped on the institution of Masonry, whenever a proper occasion presented itself. Let this question come up when it would, he was ready to meet it, and he would be the last person who would back out from a full and fair discussion of the whole subject; but as it would be improper to enter into it at present, he would forbear until the appropriate time arrived for discussing it.

Mr. CHANDLER, of Philadelphia, said that the gentleman from Adams, (Mr. STEVENS) a gentleman with whom he had had a personal intercourse for some time, which had afforded him a great deal of pleasure, had taken occasion to make some remarks in relation to the witnesses who were brought before the Legislature, to be examined in relation to the alleged evils of Masonry, which were entirely uncalled for. The gentleman had said that those witnesses, instead of obeying the laws of their country, and answering us they should have done—hurled defiance at the Repre-

representatives of the people, and stood mute. As one of those men who stood in this Hall, two years ago, a prisoner of the Commonwealth, he would not use the language which the gentleman from Adams had used, in reply to another gentleman—he would not say it was false, but he would say, that neither he, (Mr. C.) nor any other member of that institution, who then stood here a prisoner, either hurled defiance in the face of the gentleman from Adams, or the Representatives of the people. He treated the gentleman, and the Representatives of the people, with all proper respect. He bowed with deference to the Representatives of the people, standing only upon those rights which he held from the ALMIGHTY, and those rights he should defend while he was possessed of the power to defend them. He had bowed with deference to them, as he would now bow to all who held authority over him; but he must always defend his own personal rights, whether they were assailed by individuals, or by the high authority of the Legislative body. He did not now consider that he was called upon to defend an institution to which he was ardently attached, that was assailed; and he should therefore content himself by defending his own personal rights, as a member of that institution, and as a Representative of the city of Philadelphia, upon this floor.

Mr. DENNY thought it unnecessary to adjourn on the 18th of July, to meet again in October or December. He could see no good to result from this, and he apprehended there would be much inconvenience to the members of the body arising from it. It might, perhaps, not be attended with inconvenience to those who reside in this section of the State, but to those who lived in a remote part of the Commonwealth, it certainly would be very inconvenient, as it would be taking them from their homes much longer than by continuing in session until our labors were completed. Besides the difference in expense between adjourning now, to meet again, and continuing in session, would be very considerable. He had heard much said about the health of Harrisburg, but he saw no reason why we should complain of it. Certainly there had been less indisposition among the members of the Convention, than there was generally among the members of the Legislature, during the winter season. He was, therefore, for continuing our work now, so that we might complete it, and submit it to the vote of the people, at the October election, if practicable. If not then, at the earliest period thereafter possible. He could see no reason why we should now adjourn to meet again in the fall of the year. By so doing, the expenses of the Convention would be increased, and the people would become prejudiced against the Convention, which might have a tendency to defeat judicious reform. Gentlemen have gone into calculations to show that the expenses of the Legislature, on certain occasions, were greater than this Convention. Now, it is well known, that the expenditures of the Legislature were made upon very peculiar occasions, and that the ordinary expenditure is much less, and was this to justify us in the eyes of the people in making these extravagant expenditures? Was it to be a sufficient justification to us, that another body had expended a larger sum of money than we have? Were we, because another body had done wrong, to follow its example, and do wrong also? Was this to be the course we were to pursue, and did gentlemen expect to justify themselves before the people, by making such references as these? He hoped the question of an adjournment would be now put at rest, so that we would hear no more

of it, and then he hoped we would go on with our business and get through in time to submit it to a vote of the people at the October elections, if practicable.

Mr. DUNLOP had listened for some time to the arguments of different gentlemen, in relation to the expenses of the Convention, and the efforts which had been made by different gentlemen, to show that the expenses of the Legislature were greater than the expenses of the Convention. Now, as he considered that this question of adjournment ought to be connected with the question of submitting to the people such amendments as we have made, and the further question whether we ought to return here to make other amendments, he considered this question of expense, as one of importance, and one which ought to be spoken of. It was certainly proper that the people should be informed of every thing which occurred here, and also of the manner in which their money was expended, so that they might weigh the amendments we were making, with the cost of them. It was really amusing to see the different positions and grounds which gentlemen took in this Convention. The other day, when he made an estimate of the expenses of the Convention, when the question of adjournment was before the House, he was told by one gentleman, that he was scaring the people, that the people would become alarmed at this array of expenses which was laid before them, yet now, this same gentleman tells us that the people care nothing about the expenses of the Convention, that they are wholly indifferent as to what the expenditure may be, provided they carry the reforms which they have in view, and that they are determined on carrying these measures regardless of all expense. There was one thing, however, connected with this matter, which had struck him as a little singular, and that was, that these leaders in the Convention who had always cried out for reform, should be almost alarmed out of their wits, and scared from giving their votes in favor of an adjournment, by the exhibition of the expenses of the Convention, when the people cared so little about it. Gentlemen had said, that the speech he made the other day, prevented the day of adjournment being fixed at that time, and this seemed most surprising to him, when the same gentleman had told us that the people cared nothing at all about these expenses. He had not been the first person who introduced this subject of expenses here, as it had been introduced long before he had said any thing about it; but he was the first who had gone into a detail of the expenses of the body, and he had done this merely to show the people of the country what money was being expended here, so that they might compare the amendments made, with the expense of making them. If, however, some gentlemen had undertaken to show that the expenses of the Legislature were greater than the expenses of the Convention, it would become necessary for him to recapitulate some of his arguments, to satisfy the committee that what he then said was correct. He believed the expenses of the Convention to be greater, and considerably greater, than the expenses of the ordinary Legislature.—The expenses of the ordinary Legislature were about the same as that of the Convention, with the exception of the Stenographers and the printing. There are the same number of members of the Convention, as of the Legislature, at the same pay, and there are about the same number of officers employed by the Convention, as in the ordinary Legislature, at about the same salaries. In the ordinary Legislature, they print of the English

Journal about twelve hundred copies, and half that number of the German. Now, if gentlemen would turn to page one hundred and fifteen of the minutes of the Convention, they would find that the printer of the English Journal was directed to print twelve hundred and fifty copies of said Journal, together with the minutes of the committee of the whole, and the printer of the German Journal was directed to print the same number.— Now, it will be recollected that in the Legislature, there is no Journal kept of the proceedings in committee of the whole, which is done here, and this together with the extra number of copies, would balance the printing of the Journal of the Senate. Then there was nothing remaining to be balanced but the bills, and he apprehended that the printing of our Journal of debates would cost a vastly greater sum than the bills. Every gentleman who would examine the matter, and knew any thing of the expenses of printing, must know that the expense of printing the debates of the Convention, would far exceed the printing of the bills of the Legislature. He believed that the printing of the debates would quadruple the expense of printing the bills. He thought he had shown that the expenses of printing of the Convention, were greater than that of the Legislature, and there were to be added to this, the salaries of the Stenographers, and the expense of the Daily Chronicle, together with the additional postage, which would bring the expenses of the Convention up to a considerable sum above the expenses of the ordinary Legislature. Those gentlemen who had said that the expenses of the ordinary Legislature were greater than those of the Convention had made the assertion without the proper examination, and he now took upon himself to say, that any gentleman who would examine the facts, would find that our expenses were very considerably greater than the expenses of the ordinary Legislature. He considered it right and proper that this question should be agitated, because he wished to see the question of adjournment coupled with the question of submitting those amendments which we have made to the people, and with the question whether the people desire this Convention to re-assemble to propose further amendments to the Constitution. Then, if the people thought the amendments desired were paramount to the cost which it would put them to, to obtain them they can declare that the Convention shall re-assemble, and proceed with the amendments which they desire, and if they think they will cost more than they are worth, they can so decide, and the Convention will be adjourned *sine die*.

The question was then taken on the amendment; and it was decided in the affirmative—Year 58—Nays 51, as follows:

YEAS—Messrs. Barclay, Barnitz, Bedford, Biddle, Brown of Northampton, Carey, Chambers, Chandler of Chester, Chancellor of Philadelphia, Chauncey, Cleavinger, Craig, Crum, Cummin, Curll, Darlington, Dillinger, Farelly, Forward, Fry, Fuller, Gearhart, Grenell, Harris, Hastings, Hopkinson, Houpt, Hyde, Ingersoll, Jenks, Kennedy, Krebs, McClay, Mann, Martin, McCahan, Merrill, Montgomery, Myers, Overfield, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Reigart, Reter, Russell, Sauer, Scott, Sellers, Serrill, Schaez, Snellett, Sill, Suively, Swotland, Todd, Wideman, Sergeant, President—66.

NAYS—Messrs. Agnew, Ayres, Baldwin, Bank\*, Barndollar, Bayne, Bell, Bonham, Butler, Clarke of Beaver, Clark of Dauphin, Clarke of Indiana, Clae, Cochran, Copt, Crain, Cunningham, Darrah, Deany, Dickerson, Donnell, Doran, Dunlop, Erie, Fleming, Gamble, Gilmore, Hayhurst, Helfenstein, Heister, High, Keim, Kerr, Konigsmacher, McCall, M'Sherry, Morodeth, Merkel, Miller, Nevin, Purviance, Read, Ritter, Rogers, Smyth, Sterigere, Stevens, Stickel, Taggart, Thomas, Young—51.

Mr. HEISTER then called for the yeas and nays on the amendment, as amended, which were ordered.

Mr. EARLE then moved to amend the amendment by adding thereto the following proviso:

“*Provided*, That before such adjournment, the tenure of the Judges of the several courts, and a provision for future amendments, shall be considered in committee of the whole.”

Mr EARLE called for the yeas and nays which were ordered, and were Yeas 41—Nays 69, as follows:

YEAS—Messrs. Agnew, Ayres, Banks, Barnitz, Bayne, Bedford, Bonham, Brown, of Lancaster, Brown, of Philadelphia, Butler, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Crain, Darrah, Denny, Earle, Fleming, Gamble, Hayhurst, Helffenstein, Heister, High, Ingersoll, Keim, Kerr, M’Cahen, Meckel, Miller, Montgomery, Nevin, Purviance, Read, Ritter, Rogers, Shellito, Smyth, Sterigie, Stickel, Taggart—41.

NAYS—Messrs. Baldwin, Barclay, Barndollar, Bell, Biddle, Carey, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Cleavinger, Cope, Craig, Crum, Cummin, Cunningham, Curl, Darlington, Dickerson, Dillinger, Donnell, Dunlap, Farrelly, Forward, Fry, Fuller, Gearhart, G. Moore, Grenell, Harris, Hastings, Hopkinson, Haupt, Hyde, Jenks, Kennedy, Konigsmacher, Krebs, Maclay, Mann, Martin, M’Call, M’Sherry, Meredith, Merrill, Myers, Overfield, Pennypacker, Pollock, Porter of Lancaster, Porter, of Northampton, Reigart, Riter, Russell, Saeger, Scott Sellers, Serrill, Scheetz, Sill, Suively, Stevens, Swetland, Thomas, Todd, Weidman, Young, Sergeant. *President*—69.

So the amendment to the amendment, was decided in the negative.

Mr. STEVENS then moved to amend the amendment, by substituting the following:

*Resolved*, That the following amendments to the Constitution, shall be submitted to the people of this Commonwealth for their confirmation or rejection, at the next general election, in the following manner: The amendments shall be submitted all together. The several inspectors appointed or chosen to conduct the next general election, shall, at the times and places of holding said election, receive written or printed tickets from the electors qualified to vote at said election, labelled on the outside “Amendments,” and containing on the inside, “For the amendments,” or “Against the amendments,” and the votes thus given, shall be counted and returned in the same manner as is now provided for in the case of votes for Representatives—which said votes shall be opened, counted, and declared by the next General Assembly, in joint Convention on the third Wednesday of December next: And if a majority of all the votes thus given, shall be “For the amendments,” then these amendments shall become and be a part of the Constitution of this Commonwealth; otherwise they shall be void. The Secretary of the Commonwealth, shall cause the amendments to be published in at least two newspapers in each county (containing so many) for at least two months before the election.

#### AMENDMENTS.

ARTICLE I. Alter the sections second and tenth, so as to read as follows:

SECTION 2. The Representatives shall be chosen annually, by the citizens of Philadelphia and of each county, respectively, on the third Tuesday of October.

SECT. 10. The General Assembly shall meet on the first Tuesday of January in each year, unless sooner convened by the Governor.

ART. III. OF THE CONSTITUTION. Alter section first, so as to read as follows:

SECT. 1. In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year, or if he had previously been a qualified elector, six months before the election, and within two years next before the election paid a state or county tax, which shall have been assessed at least ten days next before the election, shall enjoy the rights of an elector: *Provided*, That freemen, citizens of the United States, having resided in the State as aforesaid, being between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

ART. VI, OF THE CONSTITUTION. Alter it to read as follows:

SECT. 1. Sheriffs and Coroners shall, at the times and places of election of Representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed Sheriff in any term of six years. Vacancies in either of said offices, shall be filled by a new appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Add a new section, to be called section six, as follows:

SECT. 6. Prothonotaries and Clerks of the several courts, (except the Prothonotaries of the Supreme court, who shall be appointed in the respective districts by the court for the term of three years, if they shall so long behave themselves well, and are not removed by the court,) Recorders of Deeds and Registers of Wills, shall, at the times and places of election of Representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor; to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Add a new section to be called section 7, as follows:

SECT. 7. Justices of the Peace and Aldermen shall be elected by the citizens of the several boroughs, townships and wards, at the times and places of electing Constables, and hold their office for five years, if they so long behave themselves well: the number in each district to be fixed by the Legislature.

Add a new article, to be called article X. as follows:

ARTICLE X. SECT. 1. The public debt of this Commonwealth shall never exceed the sum of thirty millions of dollars.

ARTICLE XI. SECT. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon: And the Secretary of the Commonwealth shall cause the same to be published, as soon as practicable in at least one newspaper in every county, in which a newspaper shall be published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people at such time, at least three months distant, and in such manner as the Legislature shall prescribe: And if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this state who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

*Resolved*, That this Convention will now adjourn to meet again on the first Tuesday of May next, if the people shall so determine under the following provision:

*Provided*, That the question whether this Convention shall assemble, shall be submitted to the people at the next annual election in the following manner, viz: The Inspectors who shall conduct said election, shall receive written or printed tickets from the legal voters, labelled on the outside "Convention"—and on the inside containing the words "Assemble," or "not Assemble," which shall be carefully counted, and returned in the same manner as is now provided for in the case of the election of Sheriff: And the Secretary of the Commonwealth shall open and count the same in twenty-five days after the election, and if the number of votes containing the word "Assemble," shall exceed the number of those containing the words "Not Assemble," then the Governor shall forthwith give notice thereof by publishing the same in every county of the state, and notifying the Convention to assemble. But if the votes containing the word "Assemble," shall not exceed those containing the words "Not Assemble," then the Governor shall, in like manner, give notice thereof, and this Convention shall be dissolved.

**Mr. CUMMIN**, of Juniata, asked if it was in order to offer this amendment. It was a waste of time to be making such propositions, and he hoped this would be thrown under the table.

**Mr. INGERSOLL** moved that the Convention adjourn, which was negatived.

**Mr. STERIGERE** moved to postpone indefinitely the resolution and amendment, and asked the yeas and nays, which were ordered.

**Mr. BELL**, of Chester, asked if the effect of this motion would be to postpone the whole.

**Mr. STEVENS**, of Adams, hoped the postponement would not take place. He desired to have a direct vote on his proposition. It would not occupy much time. It puts it in the power of the people to make future amendments, whether we come back or not.

The question was then taken and decided—yeas 31, nays 77—as follows :

**YEAS.**—Messrs. Ayres, Banks, Bayne, Bonham, Brown, of Northampton, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Crain, Darrah, Donnell, Doran, Earle, Fleming, Hayhurst, Helffenstein, Hiester, High, Keim, Kerr, Miller, Montgomery, Nevin, Purviance, Ritter, Smyth, Sterigere, Stickel—31.

**NAYS.**—Messrs. Agnew, Baldwin, Barclay, Barndollar, Bedford, Bell, Biddle, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Cleavinger, Cope, Craig, Crum, Cummin, Curll, Darlington, Denny, Dickerson, Dillinger, Dunlop, Farrelly, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hopkinson, Houpt, Hyde, Ingersoll, Jenks, Kennedy, Konigmacher, Krebs, Maclay, Mann, Martin, M'Cahen, M'Call, M'Sherry, Meredith, Merrill, Merkel, Myers, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Read, Riter, Rogers, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Shellito, Sill, Snively, Stevens, Swetland, Taggart, Thomas, Todd, Weidman, Young, Sergeant, *President*—77.

On motion of **Mr. REIGART**, of Lancaster, the resolution was modified, so as to admit the words "city of Lancaster".

**Mr. MARTIN**, of Philadelphia, moved the previous question.

**Mr. STEVENS**, of Adams, moved that the Convention do now adjourn.

And the question being taken on the motion, it was decided in the negative.

**Mr. STEVENS** asked for the yeas and nays on the previous question, and being taken, it was decided—yeas 56, nays 49—as follows :

**YEAS.**—Messrs. Banks, Barclay, Bonham, Brown, of Northampton, Carey, Clarke, of Indiana, Cleavinger, Craig, Crain, Crum, Cummin, Curll, Donnell, Farrelly, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, High, Houpt, Hyde, Jenks, Kennedy, Krebs, Maclay, Mann, Martin, M'Cahen, Miller, Myers, Nevin, Overfield, Pennypacker, Pollock, Porter, of Northampton, Reigart, Read, Riter, Rogers, Russell, Saeger, Sellers, Serrill, Scheetz, Shellito, Smyth, Snively, Stickel, Swetland, Taggart, Thomas—56.

**NAYS.**—Messrs. Agnew, Ayres, Baldwin, Barndollar, Bayne, Bedford, Bell, Biddle, Bultr, Chambers, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Cline, Cochran, Cope, Darlington, Darrah, Denny, Dickerson, Dillinger, Doran, Dunlop, Earle, Fleming, Harris, Helffenstein, Hiester, Hopkinson, Ingersoll, Keim, Kerr, M'Call, M'Sherry, Merrill, Merkel, Montgomery, Porter, of Lancaster, Purviance, Ritter, Scott, Sill, Sterigere, Stevens, Todd, Weidman Young, Sergeant, *President*—49.

**Mr. INGERSOLL**, of Philadelphia, moved that the Convention do now adjourn. Lost.

The question then recurred on agreeing to the resolution as modified. **Mr. SMYTH** asked for the yeas and nays, which being taken, the resolution was agreed to—yeas 59, nays 47—as follows :

**YEAS.**—Messrs. Baldwin, Barclay, Bedford, Bell, Biddle, Brown, of Northampton, Carey, Chambers, Chandler, of Philadelphia, Chauncey, Cleavinger, Cope, Craig, Crum, Cummin, Curil, Darlington, Dillinger, Farrelly, Forward, Fry, Fuller, Gearhart, Grenell, Harris, Hastings, Hopkinson, Houtt, Hyde, Ingersoll, Jenks, Kennedy, Krebs, MacLay, Mann, Martin, McCahen, Merrill, Myers, Oyerfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Riter, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Shellito, Sill, Snively, Swetland, Todd, Weidman, Sergeant, *President*—59.

**NAYS.**—Messrs. Agnew, Ayres, Banks, Barndollar, Bayne, Bonham, Butler, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Crain, Darrah, Denny, Dickerson, Donnell, Doran, Dunlop, Earle, Fleming, Gamble, Gilmore, Hayhurst, Helffenstein, Hiester, High, Keim, Kerr, McCall, M'Sherry, Meredith, Merkel, Miller, Montgomery, Nevin, Purviance, Read, Ritter, Rogers, Smyth, Sterigere, Stevens, Stickel, Taggart, Thomas, Young—47.

The Convention then adjourned till 4 o'clock in the afternoon.

#### FRIDAY AFTERNOON, 4 O'CLOCK.

**Mr. BELL**, of Chester, asked leave to offer a resolution.

**Mr. READ**, of Susquehanna, moved to proceed to the order of the day, but the motion was negatived.

The question was then put on granting leave, and decided in the affirmative—yeas, 53.

**Mr. BELL** then submitted the following resolution :

*Resolved*, That when the Convention adjourn on the 14th of July, it will adjourn to meet in the city of Philadelphia, on the 17th of October next.

**Mr. STEVENS** moved to amend the resolution, by striking out all after the word "resolved", and inserting the amendment he offered this morning, just before the previous question was demanded.

**Mr. REIGART** moved to amend the amendment, by striking out all after the words "resolved, that", and inserting as follows : "A committee be appointed to inquire and report, before the 14th instant, to what place the Convention will adjourn on the 17th of October next."

**Mr. BELL** said, if the Convention were to meet at any other place than this, we should fix upon it, and not leave it to a committee. His proposition was to meet in Philadelphia, that of the gentleman who had just moved for a committee, was to meet in Lancaster. If the gentleman asked for Lancaster, he could move to strike out Philadelphia; and if the Convention should agree to do so, it would be the proper course, and he would not object to it. Every gentleman could now decide as to the relative places, but let us ourselves decide, and not leave it to a committee. The appointment of a committee would not set us forward, it would lead to nothing: it would result in nothing.

**Mr. MARTIN**, of Philadelphia, suggested that the amendment should be so amended, as to empower the committee to provide a suitable place in Philadelphia. He was prepared to show that there was not a shadow of doubt of the practicability of being provided for there. The Convention had agreed to meet on the 16th of October. All that was now to be

done, was to provide a suitable building for the Convention to meet in. If it was in order, he would move his amendment; if not, he would only suggest it to the gentleman from Lancaster.

Mr. REIGART said, that the committee would have to inquire as to the expense. He supposed the Convention could be accommodated at Philadelphia, or at Lancaster, free of expense. He desired to save going to Philadelphia. No harm could be done in appointing a committee, to report by the 14th, unless the Convention had already determined to meet at Philadelphia. Unless prepared to pay fifty dollars a day, the Convention might as well adjourn. He wished to have it ascertained, if they must go to Philadelphia. The committee might report by Tuesday or Wednesday, and then the Convention could come to a decision.

Mr. DENNY, of Allegheny, was sorry, the gentleman from Lancaster had offered the amendment just where it is. The amendment of the gentleman from Adams had been, this morning, cut off by the amendment of the gentleman from Lancaster. He wished to have a direct vote on the amendment of the gentleman from Adams, which he considered as of great importance. There seemed to be a fear of letting this proposition go to the people. Shall we let the session pass without submitting something that we have done, and asking if we shall continue this great work of innovation, or reform, as gentlemen might choose to designate it. In many respects, he considered it innovation, not reform. Should it be thrown out that we could not submit them to the people, that it was of no importance to the people? The people did not regard it as an object where the Convention would meet, if there was to be no additional expense. The people might prefer the House of the people here, but as this may be occupied, let those who have carried the adjournment, take the responsibility. He looked at the proposition of the gentleman from Adams, as of vastly more importance, than that of the gentleman from Lancaster. The question before the Convention was, simply, if we will submit the amendment to the people in October. If there was no election to take place at that time, there would be no occasion to make the proposition; but as there would be an election, he was desirous not to let the occasion pass. He wished his friend from Lancaster would withdraw his proposition, and move for a committee, after the vote should have been taken on the amendment of the gentleman from Adams.

Mr. BELL, of Chester, agreed that the place of meeting was of no importance to the people. That was our own business, and we, therefore, ought to settle it now. The complaint of the gentleman was a singular one, that the amendment of the gentleman from Lancaster had cut off the amendment of the gentleman from Adams. If the gentleman from Allegheny would cast back his memory only a few hours, he would find that the gentleman from Adams had already offered his amendment, and it was cut off by the previous question; and now the same amendment was again interposed. To get rid of the gentleman's amendment, this morning, the previous question was resorted to; the effect of which was to cut off the expectations of those who had desired to adjourn on the 18th, and to compel them to take the 14th—a day which did not meet with the approbation of the majority. And, this afternoon, when we attempt to fix the place of meeting, the same proposition springs on us, and the next thing will be, to have the previous question again.

If the gentleman from Adams, and the gentleman from Allegheny, wish to have that proposition adopted, let them wait until morning, and then ask the House to consider the resolution and pass upon it. If the gentleman from Adams had been unfortunate about his resolution, the fault was his own, as he had not thought proper to take the usual course, but had introduced it surreptitiously. If the gentleman would bring up his resolution to-morrow, he (Mr. BELL) would vote to consider it; and if any one would call the previous question this afternoon, he would vote in support of it, in order to rebuke this practice. He hoped to get at the decision of this question, without a resort to the tricks which are sometimes used in legislation. Although his proposition, and that of the gentleman from Lancaster, were of similar import, between them there was a hedge which completely separated them. He hoped a course would be taken, which would allow the question to be taken directly on the proposition.

Mr. CLARKE, of Indiana, would say to the gentleman from Chester, and every other gentleman who did not want this long rignmarole inserted, and which was, in his opinion, entirely foreign to it, that there was a way to get rid of it. If gentlemen wished to decide the question simply upon its merits, they had only to vote for the proposition of the gentleman from Lancaster. By doing so, they would get rid of the amendment of the amendment. A choice would then be left us between the two. We could vote for one or the other, or both. The question then for us to decide, was between the miscalled amendment of the gentleman from Adams, and the amendment of the gentleman from Lancaster. For his own part, he should vote for the latter amendment, in order to get rid of the foreign question for the present, though he would not say that he should do so ultimately. It was already spread upon the Journal, and would be again, if not at once disposed of otherwise. If introduced at all, it should have been done at the time the resolution was brought forward. He hoped, therefore, that gentlemen would vote for the proposition of the gentleman from Lancaster, so as to get a vote upon the subject matter.

Mr. DENNY, of Allegheny, said that he had been somewhat surprised at the argument of the gentleman from Chester. Why, he asked, had not that gentleman pursued the course he would dictate to others? Why had he not waited until to-morrow morning to introduce this resolution? If the gentleman would be governed by the same rule which he would apply to others, then he ought to extend that courtesy to others which he himself expected. Many gentlemen had been willing to depart from the strict and regular method of bringing forward such business before the Convention for the purpose of accommodating that gentleman. Why, then, should not the gentleman reciprocate the same accommodation to others. He, (Mr. DENNY), wished that the gentleman from Chester would always be ready to grant that to others, which he sometimes desired and obtained from others. He trusted that the amendment would be brought before us at the proper time. The gentleman from Indiana, (Mr. CLARKE), had taken occasion to express his opinion in favor of many things contained in the amendment of the gentleman from Adams. He (Mr. D.) would call upon the gentleman, and the whole of the Democracy, to say exactly what they do want. He had voted for the proposition of the gentleman from Adams, which the gentleman stigmatized and called a rignmarole, and

which had received some attention. He asked if the gentleman had formerly been imposing upon the country in having voted for a proposition which he now condemned? When we were ready to put the proposition before the country, obstructions were thrown in the way. We, however, would do it when an opportunity should present itself. Mr. D. concluded by expressing his hope that the Committee would reject the proposition of the gentleman from Lancaster, and take a vote upon that of the gentleman from Adams, because he wished the people to know at once whether the amendments are to be brought before them at the approaching election, or postponed for another year.

Mr. HOPKINSON, of Philadelphia, hoped that his vote might be understood. He fully concurred in what had fallen from the gentleman from Allegheny, (Mr. DENNY), and was willing to vote upon every proposition, when introduced in a proper way; but this had not been. When, then, the amendment of the gentleman from Adams should have been brought forward at the proper time he (Mr. H.) would vote on it; but he certainly would not do so under existing circumstances.

Mr. FORWARD said, that he had been a little surprised at the course of his colleague on the present occasion. The act of Assembly which called this Convention together, declared that when that body should have agreed upon the amendments to be laid before the people, that the Constitution, as amended, should be engrossed and signed by the officers and members of the Convention, and then submitted to the people for their approval. All the amendments are to be offered to the people at the same time, and if the Convention were to adopt the proposition of the gentleman from Adams, there would be an end of its labors. We could not submit a part only of the amendments proposed to be made, to the people in October next. That was out of the question, and we should reverse and undo the whole plan in relation to the call of the Convention. He would, therefore, vote against the amendment of the gentleman from Adams, and also, for the present, against that of the gentleman from Lancaster. He would go back to the resolution of the gentleman from Chester.

Mr. BELL, of Chester, accepted the amendment of the gentleman from Lancaster, (Mr. REIGART), as a modification.

Mr. FULLER, of Fayette, said he thought that some information should be obtained in regard to the accommodation which could be given to the Convention, in the city of Philadelphia. If it was found inconvenient to remain here, the Committee should report as to the accommodation to be had in Philadelphia.

Mr. BROWN, of Philadelphia, expressed his belief that this Convention, after having been in session nearly three months, would not suffer itself to be driven into a decision upon matters of the highest importance, and to give up all the grounds which had been contended for. He declared that he knew not what the amended Constitution was. The gentleman from Northampton, (Mr. PORTER,) had intimated that he could furnish us with a better Constitution, than that which we were now about making. With regard to the proposition brought forward by the gentleman from Adams, (Mr. STEVENS,) he could never agree to give his assent to it. He wanted no such labor-saving machinery; and he felt satisfied that the adjournment of the Convention to a particular day, would not have the slightest tendency to make gentlemen lose sight of the amendments which they proposed

to offer. He protested against any and every attempt to throw obstacles in the way of the regular and legitimate course of proceeding. He trusted that no member would suffer himself to be "frightened from his propriety", by any scheme or device which might be introduced here. Let gentlemen remember the importance of the occasion upon which they were met—that they came here for the purpose of proposing amendments to the Constitution of Pennsylvania, and that what they do must be well done, if it took them years, instead of months only. We were here, and we must do our duty, no matter what time was required for its performance. He entertained so much confidence in the people, as not to suppose that they would not give the Convention that credit to which they might be justly entitled, for having used all the despatch they could, consistently with the importance of the business, and the care which it required to accomplish it. He repeated that he deprecated the adoption of any course of proceeding, the tendency of which was either to undo that which had been done, or to lose sight of great and important questions. This labor-saving machinery was not what was wanted, and he trusted that it would receive such a vote as would put it to rest forever. He had never been in the county of Adams, and therefore he knew not what kind of men they were: however, they were welcome to this machinery, if they chose to accept it; but he felt sure that the people generally would not submit to have this kind of machinery, nor the machinery makers.

Mr. STEVENS, of Adams, made some further remarks.

Mr. BROWN said a few words in reply, when

Mr. STEVENS withdrew his motion.

The resolution, as modified, was then adopted—ayes, 59; noes, not counted; and the committee was ordered to consist of five members.

Mr. BAYNE then asked and obtained leave of absence for Mr. BONHAM, of York county, for a few days.

Mr. STERIGERE then moved that the Convention proceed to a second reading of the resolution, submitted by him, confining the time for the consideration of resolutions to one hour each morning; and the question being taken, the motion was decided in the negative.

Mr. MEREDITH then moved an adjournment. Lost.

#### SIXTH ARTICLE.

The Convention then resolved itself into a committee of the whole, Mr. CHAMBERS, in the Chair, on the sixth article of the Constitution.

The question pending, was on the report of the committee, as amended, in relation to the election of Justices of the Peace.

Mr. CLARKE, of Indiana, said, as this was a direct vote upon the question of electing Justices of the Peace for five years, he had risen for the purpose of calling the yeas and nays, so that he might have the opportunity of recording his name on the question. The yeas and nays were then ordered.

Mr. EARLE was opposed to the amendment submitted by the gentleman from Fayette, (Mr. FULLER) and hoped it would not be adopted; because it would prevent a direct vote being taken on the question of electing Justices of the Peace for five years, which had been alluded to by the gentleman from Indiana. He thought it was desirable that there should be some limitation of the number of Justices of the Peace fixed in the Constitution; as there would be some who would think there was danger

in leaving the matter to the Legislature to regulate. If there were many here who were opposed to leaving the regulation of the number of Justices of the Peace to the Legislature, it must be expected that there would be many among the people opposed to it; therefore he thought we should put some limitation upon the number, in order to avoid this difficulty.— He would move, therefore, with a view of testing the sense of the committee, on the subject to amend the amendment, by adding the following proviso: “*Provided, That not more than four Justices of the Peace, or Aldermen, be elected in any one township, ward, or borough*”.

Mr. DARLINGTON said, that for once, he had found the gentleman from Philadelphia (Mr. EARLE) on the same side with himself, and he hoped the gentleman would remain on the same side with him, because if he could keep him there, he thought he could keep him right. He believed the amendment of the gentleman from Fayette (Mr. FULLER) would prove unsatisfactory to a majority of the people, and he hoped it would be voted down by the members of this body, so that we might get one more suitable. He felt satisfied, himself, that the giving to each township the right of determining, by election, the number of Magistrates desirable, would prove an inconvenient and unsatisfactory mode to the people.— How were the people of a township going to determine whether they would have one or twenty Justices of the Peace by election? One would vote for one number, and another for another number, and scarcely a dozen would desire the same number. He felt satisfied that this mode of determining the number of Justices in a township, would never answer any practical purpose, and he therefore hoped that the amendment might be voted down, so that we might be enabled to get something better.

Mr. FULLER expressed a hope, that the committee would now determine this question. He was not afraid to trust the people to say, how many Justices there should be in their respective townships, boroughs and cities. He had offered an amendment, which embraced, what appeared to him the proper principles in regard to the number of the Justices; that is, to let the people determine how many they wanted; but the committee had not seen fit to accept it. He hoped the question would now be settled, whether we should promise to the people, the number of their officers or not.

Mr. BANKS said, there was a principle in the amendment offered by the gentleman from Fayette, yesterday, which, he was anxious to see incorporated in the Constitution, but it was too imperfect in its form, to be adopted as an amendment. But, he believed that it might be perfected. The present proposition he was disposed to vote for. It proposed to restrict any township, ward, or borough, from electing more than four Justices. The convenience of no town, ward, or borough, would ever require a greater number than that, and, if the people did not want so many, they could have their choice, to elect either one, or two, or three. The restriction would only prevent them from going beyond four, leaving them free, to choose a less number. He could see no objection to this, and it was perfectly consistent with the form of our government, in other respects. The Constitution authorized the election of Constables, but their number had, very properly, been limited. The gentleman from Susquehanna, he said, intended to offer a proviso to this section, which he thought would be advantageous, and he would ask him to amend it.

Mr. READ said, he intended to propose an amendment, providing that the Justices should be elected, at the time of the election of Constables, and the Aldermen at the time of the Assessors.

Mr. BANKS considered this, he said, another feature which ought to be introduced into this plan, in order to render it acceptable to the people. The amendment of the gentleman from Fayette, was objectionable, because it did not fix a time for the election.

Mr. DENNY said, he voted, yesterday, for the amendment offered by the gentleman from Fayette, (Mr. FULLER) though he considered it imperfect. He should now vote against this proposition, in the hope, that something better would be obtained. The plan of the gentleman from Fayette, come nearer to his views, than any other which had yet been offered, and he, therefore, voted for it. He was in favor of electing the Justices, in the several townships and wards, but the difficulty was, in carrying the plan into effect. With regard to the amendment now offered by the gentleman from Philadelphia county, (Mr. EARLE) he would remark, that there were some twelve or fifteen Aldermen in Pittsburg, and that four to each ward, were quite sufficient, even for the largest wards. Four Justices would be sufficient for most of the townships; but they required rather more Justices than ordinarily attended to business, in the counties where they were frequently wanted, for the purpose, merely, of taking acknowledgments, and depositions.

Mr. STERIGERE said he had heard no expression of opinion among his constituents in favor of the *election* of Justices of the Peace. If such a wish existed among them, he was ignorant of it. He did not think they desired such an amendment. He believed if the number of Justices was limited within proper bounds, and a check put upon the Governor's appointment of them, as the negative of the Senate, and their term of office limited to *five* years, the people of his county would be perfectly satisfied; and, under this conviction, he had proposed the amendment which he had offered, embracing these provisions. The Convention having decided by a large majority, that Justices should be elective, was strong evidence of public opinion in favor of that mode of appointment, and he should hereafter sustain it with such guards as might be deemed salutary. He had voted against the amendment offered by the delegate from Fayette, (Mr. FULLER,) because it placed no limit to the number of Justices, and required two contests for these officers in every township and borough: one to fix on the number, and another to elect them, which he thought objectionable. Under this amendment he thought the smallest townships would generally have the greatest number of Justices, because the candidates would have few voters to influence, and could easily effect their purposes by combining together. If it had been negatived, he had intended to offer an amendment which he read as follows, for information.

“The citizens qualified to vote for members of the Legislature, shall, at such times and in such manner as may be provided by law, elect one Justice of the Peace in each township, borough, and ward, containing not less than fifty, nor more than two hundred taxable inhabitants—and two Justices in each township, borough, and ward, containing more than two hundred taxable inhabitants, unless a greater number be allowed by law. They shall be commissioned by the Governor and hold their offices for

five years, if they so long behave themselves well ; but shall be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of the Senate."

In Montgomery county, said (Mr. S.) there are about fifty acting Justices. The amendment offered by the delegate from the county, (Mr. EARLE,) authorized the increase of that number to one hundred and thirty-two in Montgomery, increasing their number there about three fold. And he supposed it would have a like effect in other counties, making above four thousand in the State. Under the amendment to it, which he had moved, and which was now pending, the number in Montgomery would be about forty-five, and could not exceed sixty-four, unless authorised by a special act of Assembly, and would make the number in the State between one thousand five hundred and two thousand. With this amendment to it, he would vote for the amendment of the delegate from Fayette; but without such limitation, he should vote against it, and hoped it would be negatived, in order that the amendment he had read as information to the Convention, or some other satisfactory provision on this subject, might be adopted.

Mr. BELL said, the difficulty arose from the mistake made by the committee, in endeavoring to establish a ratio of Justices to the population.— Any plan upon this basis would fail to give satisfaction, because, it must be founded upon the population of some particular district, and, of course, would not be adapted to the wants of other districts which were differently situated. The most satisfactory disposition that could be made of the subject, would be to leave it to the Legislature. What might be a very suitable number of Justices for a particular place or district, at one time, might be insufficient at another time. For these reasons, he would leave it to the Legislature to regulate the number according to the different wants of the respective districts at different times, in the course of a year. This duty seemed to him to come within the particular province of the Legislature. We ought, he said, to avoid the practice to which we were too much inclined, of descending to minutiae, and performing a duty which belonged more properly to ordinary legislation. He intended to offer an amendment, providing that there should be one Justice in each county, township, &c., unless otherwise directed by law. We should by this, leave it to the Legislature, upon the representation of the people, to give them a greater number, if they desired it, or none at all, if they wanted none. We should first establish a general rule, and then allow all the exceptions to it to the Legislature.

Mr. SILL said, the rule proposed would be attended with considerable inconvenience. Two Justices were sufficient for most of the towns and boroughs, and again there were others, where four would not be sufficient. Sometimes it would happen that a Magistrate is wanted, when he was not at home, and sometimes it is very necessary for two Justices to unite in an official act. The best system, therefore, would be to leave the number open to the Legislature. This would be much better than to adopt a ratio bound on the number of inhabitants, which would form a very uncertain criterion. In some townships there was not a single Justice of the Peace ; and in another county, Erie, where there were six or seven hundred taxables, there were six or seven Justices of the Peace in commission, and discharging the duties of the office, and he never heard any complaint of

there being too many. The number must necessarily depend on the business of the people; and we could not adopt a common standard for the whole. If we adopted the plan of electing the Justices by the people, we ought to leave their number to be regulated by the Legislature. That was the least exceptionable mode that could be adopted.

Mr. BROWN, of Philadelphia, suggested that there ought not to be more than one Justice for each ward.

Mr. MERRILL, of Union, said a word or two in favor of leaving the people to decide on the proper number of Justices to be elected for their own township, ward or borough. He did not think four would be sufficient.

The amendment offered by Mr. STERIGERE was then negatived.

Mr. EARLE, of Philadelphia, thought that four would not be sufficient in some parts of the State, therefore it was that he had left some of the boroughs out in some instances. If the gentleman from Erie would say how many.

Mr. SILL said, that he thought six would be sufficient.

Mr. EARLE, then observed that he would thus modify his amendment, which he hoped would prevail. It had been objected to that four were too many. But, when it was recollected that some townships extended over many miles, he felt sure that four would not be considered too many for a large town. In the State of New York, four Justices of the Peace were elected in the large towns. And, as that number, had not been found inconveniently large there, it would not be in this State.

The question was then taken on the amendment of Mr. EARLE, and it was negatived.

Mr. READ, of Susquehanna brought to view a proposition which, he said he thought combined the views of a majority of the committee, and which he should offer if this amendment should be negatived. He would move an amendment, providing that Justices of the Peace and Aldermen, shall be elected in the several wards, townships, and boroughs, for the term of five years; that one shall be elected for each district, unless otherwise ordered by law; and that the Justices shall be elected at the election of Constables, and the Aldermen at the election of Assessors.

The question being then taken on the amendment to the report of the committee as amended, it was negatived.

The question next recurred on agreeing to the report of the committee as amended.

Mr. CLARKE, of Indiana, asked for the yeas and nays. And the question being taken was decided in the affirmative—Yeas 57, Nays 51.

YEAS—Messrs. Banks, Barndollar, Bedford, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Indiana, Cleavinger, Crain, Cummin, Cull, Darrah, Dickey, Dickerson, Dillinger, Doran, Earle, Farrelly, Fry, Fuller, Gamble, Grennell, Hastings, Hayhurst, Helffenstein, High, Hoapt, Hyde, Ingersoll, Keim, Kennedy, Kerr, Krebs, Martin, McCahen, Merrill, Miller, Montgomery, Myers, Overfield, Porter, of Northampton, Purviance, Read, Ritter, Ritter, Rogers, Saeger, Sellers, Scheetz, Shellito, Sill, Smyth, Stichel, Sweetland, Taggart, Young.—57.

NAYS—Messrs. Agnew, Ayres, Baldwin, Bannitz, Bayne, Bell, Biddle, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Cline, Cochran, Cope, Crum, Cunningham, Darlington, Denny, Donnell, Dunlop, Fleming, Gearhart, Harris, Hiester, Hopkinson, Jenks, Konigmacher, Long, Maclay, McCall, M'Sherry, Meredith, Merkel, Nevin, Pennypacker, Pollock, Por-

ter, of Lancaster, Reigart, Russell, Scott, Serrill, Snively, Sterigere, Stevens, Thomas, Todd, Weidman, Sergeant, *President*.—51.

On motion of Mr. MEREDITH, the committee rose.  
The Convention then adjourned.

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SATURDAY, JULY 8, 1837.

Mr. INGERSOLL, of Philadelphia, presented a memorial, by delegation, of twenty thousand citizens, of the city and county of Philadelphia, relative to the suspension of specie payments of the banks, and the issue of notes under five dollars, by city and county authorities, and other corporations, which was referred to the special committee on currency, corporations, public high-ways, and eminent domain. Laid on the table.

Mr. BELL, from the select committee appointed yesterday, to inquire and report what eligible place could be procured for the meeting of the Convention, on the 17th of October next, asked leave for the committee to visit the cities of Philadelphia and Lancaster, to make the necessary inquiries on the subject.

Mr. HOPKINSON, of Philadelphia, inquired, if a delegation from the committee would not be sufficient to obtain all the required information, or if the business could not be transacted by correspondence.

Mr. BELL replied, that he was only acting in obedience to instructions. It was thought that time would be saved, by visiting the cities. Correspondence would be productive of delay. The committee thought, they might not be able to discharge the duty assigned to them, so as to make their report in time, without a personal examination.

Mr. READ, of Susquehanna, opposed the granting of leave. He would not consent to send a travelling committee through the country. He was sure that there was a majority of twenty in this body, against removing from this place. If we moved to another place, printers would have to be re-appointed, and new officers to be chosen.

Mr. MARTIN, of Philadelphia, believed the Convention could be well accommodated, either in the Northern Liberties, or the city of Philadelphia, but the committee must examine, to determine where would be the best accommodations. The printers could go on here, wherever the Convention might determine to sit.

Mr. KERR, of Washington, agreed with the gentleman from Susquehanna. He would not send a travelling committee abroad. This would be another item of expense. The Convention was about to become unpopular enough, without going to Philadelphia. He would move to amend, by inserting "at this place."

The PRESIDENT said, this was a motion for leave, and it was not in order to make the amendment.

Mr. INGERSOLL asked, if the Convention were to wait here, until the committee returned; because, in that case, they might have to sit all the summer. The committee in that case, had better sit here, with power to

send for persons and papers. He had written something about travelling committees, and could not vote for this motion.

Mr. CHANDLER, of Philadelphia, did not know how the committee could perform the duties assigned to it, without visiting the cities, or making the requisite inquiries. He hoped the gentleman from the county of Philadelphia, (Mr. INGERSOLL) would always hold himself bound by what he had written, and he hoped also, that no persons and papers would be sent for.

Mr. CLARK, of Dauphin, regarded the motion as premature. The Convention might get through before December, and if it was found they could not, they might, after three or four weeks, remove to Philadelphia. The authorities of this place, were disposed to make every effort to accommodate the Convention, and it would be cheaper to remain here, than to go to Philadelphia.

Mr. REIGART, of Lancaster, said this was no personal accommodation to the members of the committee. They had to fulfil the duties devolved upon them. The committee could get to Philadelphia to-morrow afternoon, return here on Tuesday evening, and make a report on Wednesday morning. A letter could be despatched and answered time enough for the committee to report. The resolution was just as proper for this place, as for any other, and would report a plan of it, if they found they could have this Hall, or good accommodations here.

Mr. HIESTER, of Lancaster, when he voted for the committee, had no idea that they should travel all over the State. The business could just as well be done by letters. It had not been yet settled, that the Convention would leave this place. It would be useless for the committee to go to Lancaster, having no power to make a contract.

Mr. BELL, then withdrew his motion for leave.

Mr. KERR of Washington, submitted the following resolution :

*Resolved*, That the meeting of this Convention, on the 17th of October next, be at this place."

Mr. STEVENS stated, that the place was already fixed by law, unless by motion, the Convention assigned some other place. The disadvantage of an equal division would be, that the resolution would be lost. He supposed, that no one would have thought of coming here, in the middle of October, when the place is sickly. We shall want desks, as these we use belong to the Senate. Some place must be fitted up, as the Legislature would crowd us out, in about a month after our meeting.

Mr. KERR was aware of these facts, but his object was to settle the question. He modified his resolution, by adding, "and that the committee be discharged from the further consideration of the subject."

Mr. MEREDITH suggested, whether it would appear in the face of the world, like the act of a deliberative body, to say to-day, that we would discharge a committee, appointed only yesterday, without waiting for the report of that committee.

Mr. KERR would not withdraw his motion, but was willing to postpone it.

Mr. MEREDITH moved, to postpone the further consideration of the motion, until Thursday.

Mr. STERIGEE asked, if the committee might not be induced to sus-

pend their action, while a question was pending, whether they should be discharged or not.

Mr. KERR withdrew that part of the resolution.

Mr. FORWARD expressed a hope, that the question would be settled now. If it could be so arranged, as that the Legislature would be willing to give the Convention this Hall, he thought it would be better to remain here.

Mr. HIESTER would be willing to meet here: he would prefer it, indeed, if the Convention could get through before the meeting of the Legislature. No one, however, expected that, and he would not agree to sit here, while the Legislature sat here. The two bodies would interfere with each other, and a suspicion of undue influence would pervade the State. Therefore, he would not consent to sit here, while the Legislature was in session. Would it be able to sit here for a few weeks, and then to remove? In that case, we should have to fix for board, and make arrangements with printers. He thought it would not be proper to meet here, and that some other place should be designated. He was in favor of postponing the subject for the present. There could be no doubt that Lancaster or Philadelphia, would furnish good accommodations. But the item of expense was a consideration. The Convention might be able to get a house in Philadelphia, and he would ask the gentleman who said there was no doubt about it, if the Convention would have to pay twenty dollars a day for it. The committee could have all necessary particulars by letter.

Mr. MEREDITH stated, that no one could undertake to say any thing about the expenses in Philadelphia, and he would be sorry that any one should run away with the idea that it would add to our expenses.

Mr. READ had never heard until this morning, that the representative and the constituent, ought not to have intercourse with each other. It would be better to settle this matter at once. He believed, a majority of the committee were prepared to sit here.

Mr. HOPKINSON thought there was no place where the Convention could so conveniently sit as here, where every thing was at hand—books, public offices, information of every kind, and all such facilities as could be found no where else. But it was objected to meeting here in October, on the ground that the place is sickly, at that season. He did not know, that there was any season here, which could be emphatically termed sickly; but it was subject to the usual autumnal fevers, until the frost comes. It had been said, the Legislature would give us this Hall. He could not tell. No one could tell, what would be done by a Legislature, which was not yet elected. He scarcely knew, however, of a more inconvenient season for persons to leave home, and he would prefer to rescind that part of the resolution, passed yesterday, which fixed the time of meeting, and making it to read that the Convention would meet again in May.

Mr. BELL hoped, the subject would not be postponed, but that the Convention would now determine whether they would meet here or not, in order that the committee might be discharged, if they should so determine. Gentlemen seemed to have entirely forgotten what took place yesterday. The resolution to appoint a committee, passed yesterday, with considerable unanimity, and seemed to express the sense of the Convention, that we should remove to some other place. He did not wish the

committee to be hung up by the eye-lids; but hoped the Convention would now settle the question.

Mr. MEREDITH was sorry the gentleman from Chester objected to the postponement. He was of opinion, that the question should not be taken to-day. There was no telling what accommodation could be had any where, until we obtained information from different places on the subject. The gentleman from Chester, (Mr. BELL) appeared to think, that the action of the committee would be delayed by the postponement of the resolution. Now, he apprehended, that the gentleman labored under a wrong impression in relation to this matter. The postponement of the resolution will not interfere with the duties of the Committee. It will leave them free to act, and it will not only be their right, but it will be their duty to proceed and make all the necessary inquiries on the subject. They can then go on and perform their duty with all the speed in their power. He thought, if gentlemen would take this view of the matter, they would see that it would be much better to postpone the discussion of this subject, until we had all the lights which could be obtained through the committee, and by every other means.

Mr. BELL did not suppose that the postponement of the resolution would postpone the business before the committee; but there will be no possible propriety in the committee collecting the information, if the Convention is to meet here again.

Mr. KERR said, his object in offering the resolution was, to ascertain from the members of the Convention, whether there was a majority in favor of meeting at this place, and if so, it was not only unnecessary, but improper, that the committee should be going on, and making inquiries in relation to meeting at Philadelphia or Lancaster. If the majority of the Convention were favorable to this place, there would be no use in agitating the question of going to any other place; and if the majority were against meeting in this place, then the committee could go on and perform their duty with all speed possible.

Mr. HIESTER said, that the gentleman from Washington, (Mr. KERR) had said that if the majority of the members of the Convention were in favor of his resolution, then it would be unnecessary for the committee to proceed in the performance of their duties. Now, he apprehended, that the vote on the gentleman's resolution would be in a great measure governed by the report of the committee. For himself, he was not prepared to vote on the gentleman's resolution, until he heard from the committee.— He should, perhaps, vote in favor of Harrisburg, after having certain information from the committee, but at present, he should be under the necessity of voting against it. He had all along objected to our being in session here at the same time with the Legislature. The gentleman from Susquehanna, (Mr. READ) had endeavored to get over this objection by saying, that we would experience no disadvantage from that, as the members of the Legislature would be our constituents, and that the two bodies would be each other's constituents mutually. This might all sound well enough, but it must be recollected, that they are the representatives of the people, sent here for a distinct and separate object from that which we are sent here for, and he thought, it must be obvious to every one, that we will come in contact with each other, and that an influence will be exerted by one body over the other. This the people did not desire. They desired us to per-

form our duties alone, and without any influence being exerted over us by any other body of men. In addition to this, we will perhaps, not be able to get accommodations here. In four or five weeks after we return, we will be turned out of this Hall by the Legislature, and he did not know that we could get another suitable Hall in this place. Taking all these things into consideration, he thought there was great propriety in postponing this resolution until we have more light upon the subject.

Mr. CLARKE, of Indiana, hoped the postponement would not take place, but that we might have a direct vote upon the question. We have already consumed more than an hour in debating the question, and if it is postponed until Thursday, we will in all probability consume a whole day with it. He could see no reason why a direct vote should not now be taken, and let members say at once whether they would meet again here or not; and if the majority say they will not meet here, then the committee can go on with its inquiries in relation to meeting at some other place. As to the apprehended evils to arise from the Legislature and the Convention being here at one time, he would say, sufficient for the day is the evil thereof. There will be six or seven weeks between the day fixed for the meeting of the Convention, and the meeting of the Legislature; and it might be that when we come together again, have an understanding of the reform the people required, and discontinue the Daily Chronicle, that we will be able to get through with our business in that time, or at least that we may get so far advanced as to conclude our labors in a short time thereafter. Another reason why the vote should be taken to day, was, that a number of the members of the Convention would be absent by Thursday, and it was proper that this question should be taken when there was as full a house as possible.

Mr. JENKS, hoped that the motion to postpone until Thursday would be agreed to. It was not within the scope of human probability that if we meet here again on the 17th of October, that we will be enabled to finish our labors before the meeting of the Legislature. Well, in the event of our inability to conclude our business by that time, he had no hesitancy in saying that we would be unable to obtain a building in Harrisburg that would accommodate this body. He had served for several years as a member of the Legislature when they sat in the Court House, and there were but one hundred members in that body, and yet there was not a single spare seat in the building. Then how was one hundred and thirty-three gentlemen to be accommodated there. If we are to act upon the presumption that the members of the Legislature are to yield their Hall to us, we are asking more of them than we can reasonably expect, or are entitled to ask. Besides, if the two bodies were to be in session here at the same time, we might find a difficulty in obtaining private accommodations, as the hotels appeared to be pretty well filled now. He hoped, therefore, that the motion to postpone would prevail, so that we might have the opportunity of getting all the information from the committee which we can on this subject.

Mr. FULLER, had voted for the resolution appointing the committee on yesterday, but he was now in favor of settling the question at once whether we should meet here again or not. If an arrangement could be made here, as he had no doubt it could be, for the accommodation of the Convention, he should be in favor of meeting in this place. He had no doubt the cor-

porate authorities of Harrisburg would fit up the Court House, either for this body or for the Legislature, if they offered us this Hall, as he believed they would do, the Convention being the most numerous body of the two.

The motion to postpone to Thursday, was then decided in the negative, ayes 38, noes 46.

Mr. SCOTT then moved to postpone the consideration of the resolution until Wednesday next.

Mr. SCOTT thought that the Convention ought to reflect before adopting this resolution. He did not conceive that there existed any imperative duty in the body to re-assemble at Harrisburg. The Legislature had provided for the contingency of a removal of the Convention, when it passed the law for our assembling, by saying that we should meet at Harrisburg, but should have power to adjourn to some other place if it became necessary.

He had objections to meeting here if we could get two rooms exactly like this, because he did not consider that it would be proper for the Convention to be here in session at the same time with the Legislature. Gentlemen might talk as they pleased about the one body having no influence over the other, but there was nothing more certain, than that if the Legislature and the Convention were both in session here at the same time, the action of the two bodies would distract each other's proceedings. They may have up political discussions in that body, which will influence the members of the Convention and prevent that calm, deliberate and unbiassed action of the Convention, which ought to take place. We have been sent here to deliberate calmly and dispassionately upon vital questions, and questions which affect the interests and the welfare of the people and of the whole Commonwealth. We should come to our conclusions without being biassed by any extraneous considerations; and we ought not, under these circumstances, to put ourselves in a situation to be influenced in the way in which we must be, if we are here when the Legislature is in session. If the Convention must assemble again in this place, he hoped it would not remain here while the Legislature was in session, for if it should so happen that the one body would not exert an influence over the other, there would be a suspicion of this kind in the public mind, which would operate very injuriously upon the measures of this body? Now as to the convenience of the matter. He imagined, although our Hall was very spacious and our accommodations in every respect ample, yet there were Halls as large and accommodations, as good in other places as can be had in the town of Harrisburg. All we want then in asking this postponement is, that we may have time to make the inquiry and see whether we cannot be as well provided for in other places, which will not subject us to the suspicions which must rest upon us by remaining in this place. He hoped, therefore, that the motion to postpone until Wednesday, might prevail, so that members might have two or three days to make up their minds on this subject.

Mr. SMYTH, of Centre, called for the yeas and nays, which were ordered.

Mr. STERIGERE said, as there appeared to be an evidence that there was something like a majority, in favor of this motion, he begged leave to say a word on the subject. Harrisburg was unquestionably the best

place we could get to meet in, in the Commonwealth. It must not be forgotten, that we shall be here several weeks before the Legislature meets, which will nearly finish our labors. Here we have the State library, at hand, and all sources which we are so frequently in the habit of referring to. At least, we ought to occupy this Hall, for the six or seven weeks before the Legislature meets, and if we are not able to get through with our labors by that time, we can then go to Lancaster for two or three weeks, if it is deemed improper to remain here, when the Legislature is in session, and if not, we can get accommodations here, in the Court House. The present motion to postpone, will only have the effect to spend more time, without any practical benefit arising from it. He hoped that we might now decide the question, whether we would come back here or not, without further delay.

The question was then taken on the motion to postpone until Wednesday, and decided in the affirmative; Yeas 53—Nays 52—as follows:

**YEAS**—Messrs. Agnew, Baldwin, Barclay, Barnitz, Bell, Biddle, Brown, of Philadelphia, Butler, Carey, Chandler, of Philadelphia, Chauncey, Cochran, Cope, Crum, Cunningham, Curll, Darlington, Dickey, Dillinger, Dunlop, Earle, Fry, Gilmore, Grennell, Hastings, Heister, Hopkinson, Houpt, Jenks, Kennedy, Konigsmacher, Long, Martin, M'Cahen, M'Sherry, Meredith, Merrill, Overfield, Pennypacker, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Ritter, Saeger, Scott, Serrill, Sil, Stevens, Stickle, Taggart, Thomas, Todd, Sergeant, *President*—53.

**NAYS**—Messrs. Ayres, Banks, Barndollar, Bayne, Bedford, Chambers, Clarke, of Beaver, Clark, of Dauphin, Clarke of Indiana, Cline, Crain, Cummin, Darrah, Denny, Dickerson, Donnell, Doran, Farrelly, Fleming, Forward, Fuller, Gamble, Harris, Hayhurst, Helffenstein, High, Hyde, Ingersoll, Keim, Kerr, Krebs, Maclay, M'Call, Merkel, Miller, Montgomery, Myers, Nevin, Pollock, Read, Ritter, Rogers, Russell, Sellers, Scheetz, Shellito, Smyth, Snively, Sterigere, Swetland, Weidman—52.

So the subject was postponed till Wednesday.

Mr. MERRILL would beg leave to bring to the notice of the body, a subject in which he felt very considerable interest. That is, whether, by possibility, some mode might not be devised, by which, the re-assembling of this Convention might be obviated. His object in rising, was to submit a proposition to raise a committee, to take into consideration the subject, and report whether, if we have not done all already, which ought to be done, we may act definitively, on such subjects as may require action, and avoid the expense and inconvenience of another session of this Convention.

Mr. M. then submitted the following resolution:

*Resolved*, That a special committee be appointed to inquire and report, whether some means may be adopted to prevent the necessity of the re-assembling of this body.

Mr. MERRILL moved a second reading, and consideration of the resolution.

Mr. HEISTER, called for the yeas and nays, which were ordered.

Mr. FORWARD should vote for the second reading of this resolution, in order that we might promptly vote it down, as he believed it was not calculated to effect any good results.

The CHAIR said, the question was not debatable.

The question was then taken, on the motion to proceed to the second reading of the resolution, and decided in the negative—Yeas 37—Nays 70—as follows:

**YEAS**—Messrs. Baldwin, Barnitz, Bayne, Biddle, Chambers, Chandler, of Philadel-

phia, Chauncey, Clarke, of Beaver, Cochran, Cope, Denny, Dillinger, Dunlop, Earle, Forward, Harris, Hopkinson, Kerr, Konigsmacher, Long, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pollock, Porter, of Lancaster, Purviance, Reigart, Saeger, Scott, Sill, Stevens, Todd, Young, Sergeant, *President*—37.

NARS—Messrs. Agnew, Ayres, Banks, Barclay, Bardollar, Bedford, Bell, Brown, of Philadelphia, Butler, Carey, Clark, of Dauphin, Clarke, of Indiana, Cline, Crain, Crum, Cummin, Cunningham, Curll, Darlington, Darrah, Dickey, Dickerson, Donnell, Doran, Farrelly, Fleming, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Heister, High, Houpt, Hyde, Ingersoll, Jenks, Keim, Kennedy, Krebs, Maclay, Martin, M'Cahen, Miller, Myers, Nevin, Overfield, Pennypacker, Porter, of Northampton, Read, Riter, Ritter, Rogers, Russell, Sellers, Serrill, Scheetz, Shellito, Smith, Smyth, Snively, Sterigere, Stuckel, Swetland, Taggart, Thomas, Weidman—70.

Mr. DENNY, on leave, presented a petition from sundry free citizens of color, of the town of Pittsburg, remonstrating against the adoption of any provision depriving free colored citizens of the right of suffrage.

Mr. DENNY moved, that the petition be referred to the committee on the third article, and printed.

Mr. INGERSOLL, of Philadelphia, said, that every member of the Convention must see that the subject, at this late hour unexpectedly thrown upon us by the memorial which had just been read, involved questions of the utmost importance not only to the character of our deliberations, but to that of the State, and to the Union itself, of which it forms an important part. He confessed that he rose very seriously impressed with the importance of the subject to move that it be referred to a special committee.—And, in making this motion, he would avail himself of the opportunity of saying a few words in reference to the subject. The committee to which this subject would be appropriately referred was now *functus officio*. He referred to the third article, which related to the elective franchise, which was passed upon—disposed of by the Convention. While he had no objection to that committee, and entertained no preference for one committee more than another, he made the motion he had done. He regarded the subject as one of great magnitude and importance, and calculated to create much excitement among those who were most deeply interested. He was free and bold to say that his motion was made with a view to the character of the memorialists. He did not wish to be understood as giving any opinion on the subject further than this—that the act of 1780, to which the petitioners referred, he considered as one of the noblest monuments of Pennsylvania eminence; and that as far as all the principles and philosophy of that act are concerned, it had his most hearty respect—his most hearty reverence for it. He would go further: he would say that there was no man living, who felt more seriously or anxiously than the humble individual now addressing this body—the religious importance—the charitable importance—the christian importance, as well as the moral and political importance of treating this peculiarly humble class of our fellow men, if not our fellow citizens, with the utmost possible kindness, forbearance, and attention. But, after having said this, he must add without, he repeated, expressing any opinion on the subject—because his object was now to prevent any precipitate expression of opinion, either individual, or general, by this body—that no man who heard him could help acknowledging that this question had, of late years, assumed a fearful importance, which required that every step we took with regard to it, should be taken with the utmost circumspection—and nothing should be

done to commit this body, to involve this State, or to disturb the Union. We were now within a week of the period fixed for the adjournment: it was impossible, then, to act on the subject sensibly, if at all, during the present session. His object in moving for the appointment of a special committee was with no wish to be appointed on it; but on the contrary, he should deem it a favor not to be selected as a member of it. He desired no action on the subject, but simply to have it referred—the committee could then either report next week, or when the Convention should re-assemble in October. When the memorial had been presented he went to the Clerks' table, and looked at it, for he thought when the paper was read, that it contained language rather harsh against citizens of other States, for treating as property and holding them in bondage, certain people of the same color and blood as the petitioners. Now, if he were correct in his impression, and as there was in another part of the country considerable unpleasantness, if not extreme sensibility in reference to a particular topic, he should regret that any step were taken further than the mere reference of the memorial to a committee. He confessed he was anxious that nothing more should be done at present, on account not only of the character of this State, but from a regard to the feelings of the Union at large. If the reading of the memorial had not been called for, he would have entered his objection to its being printed. He must say, for his own part, that he was by no means sure that there was not something in the outset of the paper in question which might be deemed of a character unworthy to be countenanced or encouraged in this body. However, he had formed no opinion, though he had his doubts, his apprehensions. Being desirous to prevent excitement and disturbance, which, if began now, might last many days, and do no good, but much harm, he had moved to refer the memorial. He was ready, at all times, to communicate his opinions on this subject, either publicly or privately; but, under present circumstances, he thought that he had taken the proper course.—The reason why he had asked for a special committee instead of a standing committee, was to insure justice being done to the subject, for then it would not be smothered nor stifled. And, when a report should have been made from the committee, the matter could be disposed of accordingly. He trusted that the motion which he had made to refer the memorial to a special committee would meet the general approbation of this body.

Mr. FORWARD, of Allegheny, said that there was no necessity for raising a select committee on this subject, as the standing committee on the 9th article had not been discharged. The worthy gentleman on the moved, he believed, was not present when his colleague (Mr. MARTIN) moved an amendment restricting the right of suffrage to white males, as he would have seen the decided vote by which the question was put to rest. He did not wish to see the paper printed.

Mr. INGERSOLL said, that he was not.

Mr. FORWARD resumed. The Convention, on that occasion, exhibited a decided aversion to meddling with the subject in any way, and determined not to make any alteration of the Constitution in relation to it. He saw no occasion, therefore, for a special committee on the subject.

Mr. INGERSOLL would suggest that if the Convention wished to refer the

memorial to a standing committee, he would not insist on his motion for a special committee.

Mr. STERIGERE, of Montgomery, remarked that should the memorial be sent to a special committee, it would have to go on the Journal.

The PRESIDENT (interrupting) observed that it would not.

Mr. STERIGERE continued. It was a mere argumentative paper, and there certainly was nothing in its character which entitled it to receive any special attention. It appeared that although there were no less than two thousand colored people in Pittsburg, only one hundred had signed the memorial.

Mr. BROWN, of Philadelphia, said he should vote against the reference of the petition to a committee, for the reason, that the committee on the subject referred to, in the petition, had already reported favorably to the views of the petitioners. It was, therefore, useless to send it to them.—He was opposed to having it printed, as the subject had been acted upon by the Convention in committee of the whole, and its action had been favorable to the views of the petitioners. The Convention, therefore, did not require the information contained in the memorial. If the motion to refer and print was rejected, he should move to lay it on the table. He would not treat the petition disrespectfully, no matter from where it came; nor would he quarrel with the petitioners, though he must say they had used very exceptionable phrases, and not the most likely to accomplish their object. They say we, who have taken a different view of the subject, from themselves, have made ourselves liable to “just sarcasm”—have acted upon “barbarous prejudices”, &c. Not very courteous language, indeed, for petitioners to use, but he (Mr. B.) did not deem it worthy of regard, nor was he disposed to take exceptions to another sentiment he found in the memorial. These memorialists say that “impartial observers assert, that there is less *idleness* and *drunkenness* among those of *their color* who *live in the city*, (Pittsburg) than among *any other class of its citizens*”. This was strong language, Mr. B. said; but if the gentleman from Allegheny, and particularly the gentleman (Mr. DENNY) who presented it, were satisfied of its truth and propriety, he would not object to its going on the record. He could not, however, suppose that there was so much “idleness and drunkenness” in *all classes* of the people of Pittsburg, as these very *sober* and *industrious* memorializing gentlemen indicate. If it were really so at Pittsburg, he (Mr. B.) did not wish it to be considered as applicable to Philadelphia.

Mr. STEVENS, of Adams, said he saw no propriety in sending the memorial to a committee. It was certainly out of the ordinary course, when a committee had reported on the subject. The uniform practice was, that when a committee had reported on the subject of the memorial, the report should be laid on the table and printed. He saw nothing to be gained by sending the memorial in question to a special committee. He maintained that those who petitioned this body, whether black or white, had a right to be heard, whether on this, or any other subject, relative to the business before the Convention. We had a right, then, to give the prayer of the petitioners a respectful consideration. When a petition was couched in language respectful to the body to which it was presented, they were bound to receive it. Was this memorial, then, to be rejected? He would never give his vote for that. Such a memorial, coming from white men,

would not be considered offensive. There was important information contained in the paper which had been read. The statistics which they furnish were valuable, and deserving our consideration, if they were correct, because intimately connected with the question that was to come before the Convention. Why, he would ask, was this information to be smothered? Because it came from those who are called people of color? Probably many of those who signed the memorial are as white as many of us, although they do not rank according to the technical terms of "white" and "black". Now, he would ask, if this was a sound and legitimate reason for not listening to the prayer of the petitioners? He could have wished that some gentleman had made a motion to lay the memorial on the table, and have it printed. The question was not whether we should grant the prayer of the petition, but whether we would receive it, and treat it with common courtesy, which was due to every human being, whether from the penitentiary, or any where else—whether he was a white man, or a black man. He wished to see whether the Convention were inclined to act with courtesy or not. Had any thing been said in the memorial, in regard to the South, that should prevent us from doing our duty? What, as freemen, was there that should operate on our minds to make us forego the performance of our duty? Were we, he would ask, afraid of the tyrant of the South? For his own part, he felt none of that sensibility—none of that terror, and none of that fear of disturbing the peace or harmony of the Union. He would vote against referring the memorial to a special committee, and in favor of printing the usual number of copies of it.

Mr. MARTIN, of Philadelphia, said that he should make no objection, whatever, to any course the Convention might deem proper to adopt, in regard to the disposal of the documents which were now before it. He must confess that he was rather in favor, than otherwise, of having them printed, in order that each member might be put in possession of the information which they contained. It must be very important information, if it established the fact that the colored population of Pittsburg, was far superior to any other class of society there. It was set forth, too, in those documents, that the citizens of Pennsylvania were much better citizens than those of the Southern States. This, then, must be very important information, and ought to be in the hands of every member of the Convention, so as to enable them to judge of the correctness of it. He would not have said a word on the subject, had it not been for the remarks of the gentleman from Allegheny (Mr. DENNY). That gentleman having stated so positively, that the sooner a vote was taken on the matter, the better, because then it would be entirely settled. Now his (Mr. M's.) belief was that such would not be the effect of it, and so the Convention would discover before they got through. He thought that when the Convention came to act decisively on the subject, they would see the necessity of inserting in the Constitution a clause to prevent these individuals from being deluded and deceived, as they were most certainly, at present. He would conclude by saying that he would vote for printing the documents, and laying them on the table.

Mr. EARLE, of Philadelphia, expressed a strong desire to proceed to the consideration of the sixth article, and hoped the previous question would be resorted to, if this discussion were continued much longer.

Mr. INGERSOLL, of Philadelphia, said that he had this subject deeply at heart, and he begged to say a word or two, in answer to the gentleman from Adams, (Mr. STEVENS). He, (Mr. I.) knew not how to characterize the paper before the Convention. It was called the memorial of the undersigned, free citizens of color, &c., and concluded with an argument in reference to the hardship of their situation, and by giving such information in accompanying documents as they believed was calculated to prove interesting to us, and was such as ought to ameliorate the condition of their race. He felt himself at a loss to say whether this was to be deemed a memorial or not. But, if it was, he would then, in answer to the gentleman from Adams, beg to say a word or two. The twentieth section of the Bill of Rights of the present Constitution—that was, the ninth article, contained a provision which he believed provided, (and it was in almost all the State Constitutions, though differing a little from our own), “that the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of Government for redress of grievances, or other proper purposes, by petition, address, or remonstrance”. Now, technically, or literally rather, that paper before us was neither a petition nor a remonstrance. It might, perhaps, be called an address. It called itself a memorial, and concluded with no prayer, but merely asked that the information given in these papers might be taken into consideration. As a member of this body he was much obliged to the petitioners for it. He would repeat what he had already said, that this was not a petition nor a memorial. It was not an address to those who wield the powers of the Government. We were a body met for the purpose of organizing the powers of the Government. And, though it was true that we were at liberty to submit to the people whatever we chose, either on this subject or any other, yet no man would attempt to say that we were any thing more or less, than a Committee here to report on acts for the sanction or rejection of the people. But, if it was intended to refer to the powers of the Government, then he would submit to the Convention a brief view of this subject, and which he had suggested, not long ago, to a relative of his—a member of another body, and which appeared to have escaped the notice of that intelligent gentleman, as it had done, also, of the gentleman from Adams, and of other gentlemen for whom he entertained a great respect.

What, he (Mr. I.), would ask, was the right of petition? Had a citizen a right to petition those who represented them? He, (Mr. INGERSOLL), denied it: they speak in the language of command, and not of prayer, to their Representatives. The practice, however, was very different in England, and in many of the arbitrary Governments of Europe. Men there hold their citizenship by a different tenure. But, in this country, he denied that any man had a right to petition those who were his servants. It was an error in principle. And, that great man, JOHN QUINCY ADAMS, had fallen into it. It was an English error, and one which that gentleman had obtained from having lived too long abroad, and too little in his own country. American citizens could instruct their Representatives—could memorialize them—could address them; but it was derogatory to their right to have to petition those sent to represent them, either in Congress, or in the State Legislatures. He thought that these declamatory appeals, and which the gentleman from Adams, (Mr. STEVENS), had indulged in,

were more calculated to do harm than good, and he trusted that for the future, they would be reserved for a more appropriate place. The misfortune appeared to him, that we of the North fall into error, and declaim without having argument to support it. He wished to forestal—to prevent declamatory appeals. He cared not whether the papers should be sent to a select, or to a standing Committee. All that he wanted was, that the matter should lie over—that there should be no action on the subject. And, he acknowledged that his reason for it was precisely that which had been assigned by the gentleman from Adams. Whatever might be the feelings of that gentleman on this subject, he, (Mr. I.), felt deeply the importance of it. He had lived in social political intimacy with those who were born in the Southern portion of the Union, and though his sympathies might not be exactly the same as their's, still he had learned too deeply to respect their honesty—their honor—their integrity—their statesmanship, to speak disparagingly of them.

He was not present when there was some action on this subject a few days ago. He hardly knew what was done, and he consequently now spoke without the advantage of that knowledge. All that he desired at this time was, to prevent a discussion, which could do no good to the black, and might do injury to the white population. Mr. I. concluded by saying that the Convention was about to adjourn, and that there was not time to go into the discussion of a subject which all admitted to be of vast magnitude and importance—one, to which the whole world seemed to have its attention turned, and especially to this country, which he conceived to be treated with great injustice by foreign countries. He trusted that the memorial would remain where it now was.

Mr. CHANDLER, of Philadelphia, said—We have committed a grand mistake, sir, in not allowing the memorial to take the course of all similar papers, and the evils consequent upon this error, evident as they are in this protracted debate, have not yet ceased; because I purpose to offer a few remarks upon the same subject.

The gentleman from the county (Mr. INGERSOLL) has attempted to prove, that the right of petition, guaranteed to citizens, did not include the privilege of addressing “this body”, which is not in the language of the Constitution the “governing power”. It appears to me, sir, that citizens of Pennsylvania have at all times a right to address, in a respectful manner, a body of their public servants, assembled to deliberate upon and propose regulations that are to affect their interests—whether that assembly be a Legislature to enact laws for special objects, or a Convention to propose Constitutional alterations, which may, by an omission, or addition of a single sentence, affect the law, the liberty, and social and political privileges of a large class of the community. If the Executive or the Legislative bodies of this Commonwealth may be approached with a petition for redress of grievances or perpetuation of privileges—because “they are governing powers”—surely this Convention, which is to prescribe rules for the governing powers, should be more especially open to address, as an error in its decisions might perpetuate an evil beyond the power of Executive or Legislative correction.

The right of citizens, then, to petition this Convention, is a *perfect* right, as much secured to them by the genius of our institutions and the Constitution of the State, as our right to occupy this Hall in our present capa-

city is warranted by the act of Assembly under which we have convened.

It is asserted by one gentleman that the language of the memorial is not entirely correct—that it sets forth an assertion of a reputable white man, viz: “that the colored population of Pittsburg and its vicinity, are as respectable as any other class of society in that city”. Whether there is not a slight inaccuracy in the expression, I cannot say. It is probable that some qualification concerning situation and rank ought to have been inserted; but he was not accountable for the facts set forth, and which, after all, are only given as the belief of a gentleman who had possessed opportunities of forming an opinion. What object any man could have in flattering the blacks, I cannot imagine.

I pretend not to know whether these petitioners are as good in point of moral character as other citizens of Pittsburg; but this I may venture to say, that if they have acquired any considerable degree of the moral worth of the people of the western emporium of our State, they are worthy of all consideration, and have a claim upon the *respect* as well as the *protection* of this Convention.

The gentleman from Montgomery (Mr. STERIGERE) expresses surprise, that out of two thousand, (the number of the black population in Pittsburg) only one hundred should have signed the petition. That gentleman forgets, perhaps, what number of the two thousand were women and children, and what number were so deficient in character as not to be invited, or so wanting in education as to be unable to sign the memorial.

The question of printing is that alone which is before us, it does not appear to me that we are called on to wander across the lines of our State, and discuss the subject of slavery—the sufferings of the black, or the rights of the white. The slavery of the south is sanctioned by the Constitution of the United States, an instrument which we are not called upon to discuss or amend—the petition before us, is from men claiming to be citizens of this Commonwealth, and their right of memorializing is secured to them by the very Constitution for which we have all expressed so much regard, and upon which we are now deliberating.

Some surprise has been expressed at the appearance of this memorial, as well as censure of its language. It appears to me, sir, that nothing is more natural than both. The colored people of Pittsburg had heard a report that this Convention seriously entertained a proposition to take from them their privileges of citizenship: and, without arrogance of tone—without menace, or mere truckling, they state their numbers, character, wealth, and standing; and ask us—not for new political powers, not for extraordinary privileges—but simply that rights granted to them by the Constitution of 1790, may not be torn away from them—and what do we hear now, sir? Not a discussion of the rights of these tax-payers to citizenship, but a denial of the right to *petition*—a refusal to allow them to *solicit* from us a continuance of what they hold by the Constitution of the State. Yes, sir, these men who are taught—who are encouraged, indeed, by the scriptures, to petition the Almighty “to deliver them from evil”, are told that they may not approach their fellow men with a petition to be spared the infliction of an evil that cuts them off from the rights and privileges of citizenship. I trust, sir, that the petition and papers will be allowed to take the proper parliamentary course; less than that would be a denial

of the rights of petition. A select committee, or any other more than ordinary disposal of them, would seem to intimate, that not the grievance, but the complaint of grievance, was deemed extraordinary to Pennsylvania.

Mr. DENNY said, that when he presented this memorial, he believed he was discharging a plain and simple duty, which he owed to this Convention, and to the freemen who signed it. He would have been recreant to that duty had he withheld it. He believed the individuals had the right, with other freemen of this Commonwealth, to memorialize this Convention, composed of the representatives of freemen, and assembled to propose amendments to the Constitution, involving some of their most valuable rights and privileges.

In the very first section of the ninth article of our Constitution, stands the declaration, that "all men are born equally free and independent". In the twentieth section, is secured the "right of the citizens" "to apply to those invested with the powers of Government for redress of grievances, or other proper purposes, by petition, address or remonstrance". In accordance with these principles, the memorialists have presented their views to the Convention. They apply to this body, and have expressed their sentiments in their own way, under a responsibility resting upon themselves.

Mr. D. said he was not responsible for the statement of facts and opinions set forth in the memorial and accompanying documents, nor did he pretend to give them any sanction, or vouch for their accuracy. The responsibility belongs to those who have made the representations. His duty was to present the documents sent to him, to the Convention. He had supposed that the statistical facts stated by the memorialists were important, and deserving the attention of the members of the Convention, as furnishing some evidence of the wholesome operation of our laws in ameliorating the condition of this portion of our population—in promoting industry among them, and elevating their moral and intellectual character.

Mr. D. said he must dissent entirely from the opinion, as alleged to have been expressed by some impartial observers, that the population alluded to, was superior in their habits and morals to other classes in the community among which they reside. It is very natural that they should entertain a better opinion of themselves than others in the community. But I know our community well, said Mr. D., and one more industrious, orderly, and sober, is not to be found in any part of this Commonwealth, and it would stand in highly favorable contrast with any portion of the Union.

Mr. STERIGERE renewed the motion to commit the memorial to the committee on the third article.

Mr. CHAMBERS remarked that the Convention was in the exercise of powers affecting the rights of the petitioners, and respecting which they had a right to be heard. All who have addressed the Convention on this subject, have conceded that this paper was deserving of consideration, and the only question was the form of consideration, whether it should be referred to a committee, or be laid on the table, and printed for the use of the Convention.

It was immaterial what was the form of the petition, or what it is

equaled, provided it had relation to the measures and action of this Convention, and was not offensive in its language. It imparted information of the moral and intellectual condition of the colored population of our Western City, which he was pleased to hear. But, as the committee on the subject had reported, and the article in relation to the elective franchise was before the Convention, there was no occasion to refer it to a committee, or that the attention of a committee be directed to it. It is sufficient that it be in the possession of the Convention, which it will be, by being laid on the table and printed.

The question presented by it, was, whether the colored people should exercise the right of suffrage; and that subject had been before the Convention, in committee of the whole, and some action had been had upon it. It was not necessary, therefore, to send the information to a committee, but it would be useful for the Convention. The whole subject was, for every purpose, before the Convention already; and the only thing necessary to be done, was, to print the memorial for our information.

Mr. FORWARD, said, until he heard the remarks of the gentleman from Philadelphia, (Mr. MARTIN,) he had felt himself called upon, not to vote for the printing of this memorial. But, finding from his remarks that the subject of the right of colored persons to vote, was again to be forced upon our consideration, he now hoped that the memorial would be printed for information. He did not concur with the gentleman from Philadelphia, (Mr. INGERSOLL) in his views as to the right of petition. A small number of individuals had not a right, as the gentleman's doctrine would imply, to instruct the Legislative body. That would be absurd. Individuals and small associations of individuals must adopt the language and form of petition. If they assumed the tone of command, it would be usurpation; and they had no more the right to command the representatives of the people, than they had to command the people themselves. When the people, as such, spoke to their representatives, then, instead of the language of petition, they used that of instruction. In order that the Convention might not be misled with the statement, that no memorial had been printed by order of the Convention, he referred to the Journal to shew, that a memorial from the society of friends, presented by the gentleman from Northampton (Mr. PORTER), was printed, on his motion. There was one other precedent to which he referred. These he hoped would be satisfactory, and that the memorial would be printed.

Mr. CUMMIN asked what was the question.

The CHAIR replied, that it was upon the motion to lay the memorial on the table and print it.

Mr. CUMMIN, said he had come here for the purpose of revising and framing a Constitution for the known and acknowledged citizens of this State, and not to receive memorials and petitions in the midst of our labors, concerning the colored population. When gentlemen presented petitions from blacks, who assumed to be better than these gentlemen themselves, it was not strange that they should set the blacks above foreigners. Gentlemen wanted to be more merciful towards this class of persons, (the blacks,) than He who made them, had been. He who created the Heavens and the earth, and all mankind, made a distinction between the children of men. He had set his mark on all the descendants of HAM. If permitted, he would refer to the ninth chapter of Genesis, for the facts which sustained

his argument. The decree had gone forth, and the Ethiopian could not change his skin, nor the Leopard his spots. That argument he would put in opposition to all that the learned gentleman could say in support of the natural equality of the black man. Was it intended by the framers of the present Constitution, to put them on an equal footing with the white citizens? If it had been, they would so have declared it. But the blacks had never been considered as equal citizens, under this Constitution. They had not been called upon to do military duty, nor to pay taxes, as citizens. Will then the gentleman try to do what the framers of the Constitution did not do, and what He, who has the hearts of all men in his hands, has never done—to put this race on an equality with the whites? The decree He pronounced, was, that HAM and his descendants should be the servants of servants, to their brethren, and be subject to them. Does not all history prove, that the decree has been executed, and that the descendants of HAM cannot be raised above their condition, as the servants of servants? He knew that this was not a question as to servitude, and he did not intend to discuss it as such; but, he wanted to reply to those learned gentlemen, who think that these blacks are superior to themselves, and to all the white race, as the signers of this petition assumed to be. He never looked upon this race, without pity and compassion. They were God's creatures. It was His will to continue them as they are, and no man had a right to attempt that, which God had placed a barrier against. The doctrines and efforts of gentlemen on this subject, were in direct rebellion against the decrees of PROVIDENCE.

He objected also, to gentlemen bringing this subject here, as a fire-brand to produce an excitement in this body, to embarrass our deliberations, and to defeat the objects for which we assembled. It would have no other effect. The claims of these people, who, in their memorial, set themselves up as superior to the whites in their vicinity, are brought here by gentlemen, for the purpose of distracting our attention from the subjects before us, and defeating the reform which we were assembled to make. This would be the effect of the procedure, if it was tolerated. He was taken altogether by surprize with this movement, or he could prove to this body, from incontrovertible facts, that those men were not competent to enjoy equal rights with us, and that the curse could not be removed from them and their descendants. But, they had an invitation, in common with all nations, to embrace the Gospel, and he hoped they would profit by it. God had made them a base race, and nothing could be put into our Constitution or laws, that would reverse the decrees of PROVIDENCE. No attempt to be more merciful to them than the God of mercy, could succeed.

Mr. FULLER hoped, he said, the petition would be laid on the table, and printed.

Mr. STEVENS said, he was opposed to any course which would smother the petition, and prevent its consideration. Whether his arguments against such a course were to be considered as declamation or not, as the respectable and logical gentleman from the county of Philadelphia had termed them, he would not now consider; but as he liked close reasoning, he would take the gentleman's very polished and logical argument to pieces, and see how consistent it was. The gentleman says, that the citizens speak in the language of command to their representatives, and have no

right to petition, nor ought ever to petition; and that it was only under arbitrary Governments in Europe, where no power is reserved to the people, that they can petition. The Bill of Rights says:

“That the *citizens* have a right, in a peaceable manner to assemble together for their common good, and to apply to those entrusted with the powers of Government for redress of grievance, or other proper purposes, by petition, address, or remonstrance”.

Now, when he says that the people have no right to apply for a redress of grievance by petition, and that such a right is a badge of slavery, does he mean to say, that the rights of the people do not depend upon the Constitution? Is the Constitution to be considered as annulled and abrogated, and some wild fancies, which have been brought to light in certain letters, set up in its place? Is the Government to be made to depend on a wild modern theory? If the Constitution was not the charter of the rights of the people, what was it? Did the gentleman intend to repudiate the obligation of any written Constitution? He understood the gentleman very plainly to intimate further, that colored persons had not this right, because they were not *citizens* of the Commonwealth. Taking this further position, that colored persons are not citizens, how can he say consistently, with his first position, that they are not entitled to petition? If they were not citizens, but subject to the arbitrary will of the Government—then, according to the gentleman's own theory, they had the right of petition. If the gentleman's argument then, proved any thing, it proved that colored persons have a right to petition, and that white citizens have not.

[Mr. INGERSOLL here explained, that he had merely spoken of the petitioners as persons calling themselves citizens.]

The State Constitution, said Mr. STEVENS, reserves the right of petition to “*citizens*,” and if colored men are not citizens, then they have the right on the further ground, which has been assumed by the gentleman, that subjects may petition to those who are placed over them. Have the blacks no right to petition, because they are degraded and debased? And is the christian scripture to be brought here to prove that they are not to be treated as human beings, because they have been humbled and oppressed? He had not expected, in a body like this, composed of men who were thought fit to represent the feelings and principles of a great, and liberal, and humane Commonwealth, to hear such sentiments avowed. He did not expect to hear it contended here, that God did not, out of one clay, create all mankind; nor to hear the Holy Scriptures cited as an apology and license for oppression. That they are degraded, no matter by whose acts, is a reason why we should receive their humble supplications in a spirit of humanity and mercy. But when they have been reduced to this degraded condition by our acts, and when they have been prevented by us from rising in the scale of moral dignity, shall we turn upon them, and say—we have debased you—we have decreed that you shall never improve your condition—and how dare you come here with petitions to be allowed to participate in any of the privileges of freemen? Are not these men worthy of our consideration as human beings? He might be told that this was all declamation; but he trusted, that it would be more acceptable to Him who heard petitions, than to the slave-holders, and the slave-holder's advocate. For his part, this declamation, as it was called, he would not exchange for the

thousands which had been made by the advocates of slavery. The gentleman said the language of the petition might be offensive to the south, and to those gentlemen who had been so much honored and flattered by the southern slave-holders, and they ought not to be attacked when they had no opportunity for their defence. He never had heard of a nabob or despot who lacked defenders. In the court of princes, there were always many subtle sycophants, who were ready for the defence of their patron, even before he was accused. There was no danger, in his opinion, that the slave-holders would want defenders. Slavery would always have its apologists, and slave-holders their defenders, even in the very sanctuary of the temple of freedom.

Are we to be told, sir, that we are not to print this memorial, because it will be offensive to the South? He deprecated this as a servile and unworthy motive of action. He certainly would not encourage any thing which interfered with the Constitutional right of the South: he would, under the provisions of the Constitution, permit them to claim their fugitive slaves in this State: but he would require a strict conformity with the letter of the Constitution and laws: however unnatural, cruel, and oppressive was their demand, he would say to the Shylocks, take your bond, but take with it not one drop of Christian blood. This he would say to the Shylocks of the South. He knew that any freeman of the North who avowed these sentiments in the slave-holding States, would pay for them with his life, and this he regarded as an illustration of the practices of slavery—that it debased all who came within its influence: but he trusted he might still speak his sentiments here. Let those who stand in fear of the South truckle to their debasing tyranny. Sir, I would rather die their victim; I would rather be the degraded subject of a southern master, than to be a northern freeman without the power and the courage freely to speak my sentiments on every subject. It will be strange, indeed, (said Mr. S.) if there is any son of Ireland here, who, after having obtained his own emancipation by the abandonment of his country, will now take the part of the slave-holder against freemen. How many of the gallant sons of Erin have left their own country, because of its oppressions? And shall they come here as the advocates of tyranny? Who were the accursed descendants of Cain, and whether they were black or white, it was not for him to determine: the domestic slavery of this country was the most disgraceful insitution that the world had ever witnessed, under any form of Government, in any age. This might be declamation, but he was proud to make use of it. He wished that he were the owner of every southern slave, that he might cast off the shackles from their limbs, and witness the rapture which would excite them in the first dance of their freedom.

Mr. PORTER, of Northampton, said, the question had brought up a discussion, of a very exciting character, and one which, for many reasons, this body ought to shun. He believed, in the truth of the declaration, that "all men are created equal;" but, they only remained equal, under an equality of circumstances. On more than one occasion, he had shown himself the colored man's friend. He was, for years, one of the committee of the Pennsylvania abolition society, and he was always ready to engage, heart and hand, in any proper and feasible project, for the benefit of the colored race. The gentleman from Adams, he presumed, had the same object in view: but, there was a wide difference, between him

and that gentleman, as to the means of effecting this object. Slavery, sir, does exist in the United States, and not by our acts or wishes. It was brought amongst us by Great Britain. Though slavery, and its evils, was an easy subject to descant upon, yet, when we looked abroad, upon our land, we found, that those who had been emancipated, had but exchanged one bondage for another, and that, what we could give them, was but a mere apology for freedom. Their situation was unfortunate, and pitiable, wherever they were, whether as slaves, or degraded freemen—here, or in their own benighted Africa, from which they are brought by force or fraud.

I am, sir, opposed to slavery, and as much so, as the gentleman from Adams, or any one else can be.

“I would not have a slave, to fan me while I sleep,

“And tremble when I wake, for all the wealth

“Of sinews—bought with gold.”

But, sir, I do not blame the south, for what they cannot help. If the gentleman from Adams was sincere, and he had no doubt he was, in his wishes to promote the welfare of the slaves, the means which he, and his associates—the immediate abolitionists, had adopted for the purpose, were ill-advised. Man was a stubborn animal. He would not be kicked, even to Heaven. Conviction is seldom effected by force; but men are generally willing to do, of their own accord, whatever appears to them right, and reasonable. The manner in which the abolitionists had undertaken their enterprise, had utterly defeated its object. It appeared, as a learned divine in New York, once remarked, that whenever any benevolent design was undertaken, the devil was always ready to jump up behind the work, and go along with it. So it had happened with abolition. Having been converted to the purposes of a mad and furious fanaticism, it had done much evil. But for the modern abolitionists, slavery would have been abolished in Maryland, before now. It had been prevented by the denunciations of slaveholders, as tyrants, man-stealers, &c. Men never acted under the influence of abuse and menace. He believed that blacks were entitled to vote. He had decided, as a judge at an election, that colored persons had a right to vote, if otherwise qualified. But, it had been held, in a case, which would be found in KITTEL'S Reports, that they were not “citizens,” within the meaning of the Constitution of the United States—not having been considered as citizens, under the local laws, existing before the Constitution was framed. There was something of courtesy, due from us to our sister states, that could be rendered, without incurring the charge of craven submission, or of humbling ourselves before any throne. He did not wish to flatter the south, but he would not denounce southern men, and slave-holders, as men-stealers. He thought the integrity of the Union ought to be preserved, and, if to endeavor to preserve it, was an evidence of craven spirit, then he possessed it. There did appear to him, to be a morbid feeling on this subject—one which had been excited, and countenanced, both here and elsewhere. The excitement had been got up artificially—he hoped not for a political purpose, but it was evident, that it was producing much mischief—creating a bad feeling, between the different States, and postponing, to a late period, the happy day, when the country shall be free from slavery. One part of the proposition was, to refer the memorial, and the other to print it. He would not object to a reference, but was opposed to the printing. But, he believed it was the

deliberate determination of the Convention, to make no change in the Constitution, on this subject; and, for himself, when the subject was before us, he voted among those, who wished to confine the right of suffrage, to the free white citizens of the State. But the Convention had determined to pass over the matter, and make no alteration. To print the memorial, would serve no purpose, but to circulate inflammatory ideas. If it was printed, it would, no doubt, be hailed in the abolition papers—which loaded our tables, and were furnished us, without our agency, and God knows, at whose expense—as a great triumph, and be proclaimed by the abolitionists, far and near, that this body was in favor of their views.

Mr. INGERSOLL hoped the question would be decided, and he asked the yeas and nays.

Mr. BIDDLE said: Sir, I consider the right of petitioning, a privilege of great value, open alike to the greatest, and the humblest; and none will, I trust, be excluded from approaching this body—assembled for the discharge of the most important duties—in respectful language. I shall vote for the printing of the memorial, presented by the free colored citizens, as they call themselves, of Pittsburg. But, while I respect their feelings, and will maintain their rights, it was with regret, that I heard any portion of the population of this Union denounced as Southern tyrants. We are citizens of a great, prosperous, and happy republic, consisting of many States, of diversified institutions, in some of which slavery exists, not by their voluntary act, but as a curse transmitted to them, from which they cannot, at once, free themselves. Our liberties were achieved in a united struggle by us as a band of brothers, led on by WASHINGTON, himself a slave-holder, and followed more closely or more gallantly by none, in the cause of freedom, than by southern men. Our Union and our cherished Constitution, are the result of conciliation and compromise. I trust that no torch of discord will be thrown by us among any of our sister republics. I know no population more gallant, generous, or fonder lovers of freedom, than the Southern. While I reprobate, and would never yield to Southern interference in our domestic concerns, I would carefully shun any intrusion on their peculiar concerns, and especially on a question of immense magnitude, and involving fearful consequences. My prayer is, that our Union may last long—very long; and that no distracting topic may tear asunder the brotherhood, cemented by the blood of our glorious ancestors, poured out in a common cause.

Mr. BROWN, of Philadelphia, expressed himself entirely in favor of the right of petition; and he would go as far as he who went farthest, in support of that right. But he did not believe it would in any degree detract from the value of the right of petition, if we refused to print this petition. Although he had discovered, that in some parts the language was harsh, he would say nothing on that point. Those who came here with their petitions, might speak in their own language. But he was the friend of the Africans, and had done more for them, than some of those who were in the practice of saying, that if they held all the slaves, they would give them their freedom. If these gentlemen were to follow out those principles, and were able to adopt that course of action, it would be productive of evils of the most terrible importance to that unfortunate race. It would be the destruction of this people, in the State of Pennsylvania, if you attempted to give them political equality, and guarantee to them the rights

of citizens; and if you give them that equality, you must guarantee it. In Philadelphia, it would be fatal to their peace, and destructive to their lives. We must look at the structure of society, and contemplate man with his prejudices and passions, and move with a becoming caution. He would risk his life and property to defend those people in the possession of their proper rights, to elevate them in character, and to bring them up at some future day, to that position which gentlemen wished them to occupy.—Probably, whenever that time should come that the efforts of a certain party would be crowned with success, the West India islands may pass into the hands of this race. Then the practical effect of these efforts would be seen, and it would be determined if these persons can ever rise to the elevation of civilized man. He would not attempt to injure their prospects, by hastening, unwisely, the period which might arrive, if their advocates were not too precipitate. The gentleman from Adams (Mr. STEVENS) designates this people, “degraded beings”. They say they are not so.

Mr. STEVENS explained, and stated that such was not his language.

Mr. BROWN said, that the gentleman from Adams had stated that there was no protection for them—“that the slaves of the south were not protected by law, but held their life at the will of their masters”. This evinced an ignorance of the existing state of facts. The law in the south is as tenacious of the life of the slave, as of any other individual. Every lenity is shown to them by the courts, and he had been frequently surprised to see the decisions in their favor. Let any gentleman call to mind the decision of the will of Mr. RANDOLPH, and the talent which was called forth in the argument in that case. It has always been seen that the sons of Virginia have been forward to defend the rights and the interests of the slaves. Many would willingly give up their slaves, if there were any to pay the cost of transporting them to Africa. The gentleman from Adams had it in his power to transport many. When it required only fifty dollars to transport a slave back to his own country, gentlemen who talked so loudly of their regard for the rights of the slave, could do much to put him in possession of all the rights which man could enjoy. These attacks on the south, were all the result of a mock philanthropy. The gentleman from Adams would rejoice to see the immediate abolition of slavery; he would rejoice to set them free, and to witness their first dance of freedom. Instead of witnessing their first dance of freedom, the gentleman would have to witness their dance of death. He had mixed with the slaves of the south, and had eaten with them, and he would say, that a happier population than the slaves of Virginia, was not to be found any where; and for moral worth, there were few of any population superior to them. They are far above the negroes of Pennsylvania, as he was convinced from the knowledge he had of the colored population of both these States. He would go still further. The owners of the slaves in Virginia, have a feeling for their slaves akin to that which they have for their children and their brothers. Some of them were nursed at the same breast of the slave, had played together in infancy, been sharers of each other’s joys and sorrows, had grown to maturity together, and in such circumstances, he would not deserve the name of man, who could treat the slave with cruelty. These strong ties and attachments extended to the families of the slaves—and their wives and children were regarded with the same tenderness. All the cry about the misery of their condition, their helplessness and unprotected

state, and the soul-harrowing hardships to which they are subjected—was a false cry, raised to set in motion the sickly sensibilities of benevolent, but weak and credulous individuals. In comparison with the condition of the free negro, the state of the slave was enviable. While the freeman had to traverse the country like an outcast, to pick up a scanty and uncertain subsistence where he might, with no human being to take an interest in his welfare—the slave was free from care, his own wants and those of his family provided for, and in the time of sickness, medical aid called in to relieve them, nursed, cherished, clothed and protected, possessing and enjoying all the necessaries and comforts of life. He was no advocate of slavery. He would be glad to see the evil, for he considered it one to the country, removed from us. He desired that all mankind should be free; but he must be satisfied, before he gave his sanction to the experiment of abolishing slavery, that it would be productive of happiness to those for whose benefit the experiment was professedly to be made. He would not consent to take the unfledged bird from the nest, and cast it out to the bleak atmosphere to freeze. He would not take the poor animals, which had borne him from place to place, and turn them forth in the inclement winter, where no food could be picked up, and where, like the horses in the Peninsular war, they might be compelled to devour each other. For rational liberty, he would go as far as any one. We must fit the negroes to be free, and prepare the country for their freedom, before any attempt should be made to emancipate them; and any attempt to excite the angry feelings of any portion of the people against gradual improvement, would be inimical to the ultimate success of those who pretended to be their advocates; and he warned them to beware of the dangers that their rashness and mistaken zeal might bring upon this unfortunate race of people. We must make them fit for the enjoyment of liberty, before we set them free, and turn them loose, like the wild horses, to prey upon and destroy one another. The wild and visionary scheme of the abolitionists, has thrown the negroes back fifty years, and has had the effect to rivet their chains more firmly than ever. The slaves of the south have been more oppressed in consequence of the efforts of the abolitionists, within the last five years, than they can receive benefit from the hands of the philanthropist, in the next half century. He was desirous of seeing this class of persons enjoying their liberty, but they must first be made fit for freemen; and when that was done, he would go as far as any one in proper measures for obtaining their freedom.

Mr. HOPKINSON should vote against the printing of the petition, because he wished it to take the ordinary course of all other petitions in this Convention. There have been petitions presented here day after day, without being printed, and he saw no reason why we should depart from the usual course in relation to this petition. It is true, that among the numerous petitions presented here, two have been ordered to be printed, upon a special motion; but, on this question, he did not desire to see any special motion made. He was not in favor of including this among those of the favored ones.

Mr. DICKEY should vote for the printing of this petition, because the petitioners had as good a right to have their petition printed as any other person; and we have printed the petitions of other citizens of this Commonwealth, which have been presented here, on special motion. A motion has been

made to print this petition, and he should vote for it, because these petitioners believe themselves about to be deprived of a right which they have enjoyed under the Constitution of 1790. Under that Constitution they have enjoyed the right of suffrage, and they are apprehensive that an attempt may be made to deprive them of that right here, and in consequence of this, they have sent in their remonstrance against it. For himself, he considered that the action of the Convention upon this subject, had settled the question. When the proposition was submitted by the gentleman from Philadelphia, to insert the words "free white", in the section in relation to the right of suffrage, it was rejected, by a majority of the Convention, and he believed that that vote decided that the language of the Constitution of 1790 should remain unaltered, and that no amendment on that subject should be submitted to the people. He would print the petition, because the petitioners had as much right to be heard as any other persons, if they were not as white. He did not believe that there was any disposition in the Convention to disturb the Constitution in this particular, but these persons feeling a deep interest in the Constitution, and hearing that a proposition of the kind alluded to had been introduced, they considered it to be their right and their duty to remonstrate against it, for this reason, he would treat their petition with all due respect. Much has been said here about exciting the fears of the South, and that we ought not to discuss subjects calculated to raise their fears and alarm them, about a certain description of property. He did not believe there was a man on this floor who wished to disturb a single right which was guaranteed by the Constitution; and those much abused people in the North, and much despised people in the South—the abolitionists—when their principles are understood as they ought to be understood, will be found as true friends to the Constitution as any other of the citizens of this Union. They do not ask you to interfere with a single right guaranteed by the Constitution of the United States. They are as ardently attached to the Constitution and to the Union, as any other class of persons, whether they reside in the sunny plains of the South, or the frozen hills of the North. They do not ask a violation of any of the provisions of the Constitution, in carrying out the principles of the immediate abolition of slavery and the slave trade. In all their principles which they have laid down in their petitions to Congress, and in their publications on the subject, they do not claim the right of abrogating the solemn compact entered into by the different States of this Union. They do not hold that Congress has any right to abolish slavery in the Southern States, but they do hold that it has the right to abolish it in the District of Columbia; and he believed with them. Further, the abolitionists believe it to be a duty enjoined on all men, to let the enslaved go free, and to use every proper exertion within their power to give liberty to those in bondage; and all they expect and desire, by their efforts, is to reach the conscience of the slave holder; and, when his conscience is reached, they have no apprehension but he will liberate his slaves and give them that freedom to which every human being in this country is entitled. The abolitionists do not mean that some two and a half millions of the slaves of the South shall be turned loose to cut each others' throats, or to cut the throats of the white population. They are the friends of law and good order, and it is not the desire to turn loose an infuriate

multitude to destroy each other, and break up society. When their doctrine is properly understood, it will be found, that by abolition, they mean nothing more than that the slave should become the recipient of the wages of his labor, upon the same principle which governs the freemen of Pennsylvania. The services of these men of color may be of importance to the people of this country, as they have heretofore been, and gentlemen should treat them, and their petitions, with more respect. There has been a time and a place, and a very important time, and a very important place, when the men of color were called upon to fight the battles of this country, in defence of the liberties of the country, and the liberties of the slaveholders, who were holding their brethren in bondage. Let gentlemen refer to the proclamation of General JACKSON, in Louisiana, before the battle of New Orleans, and they will see that the people of color of that place were called into the service of the country, and performed important services at that time, and that they received the thanks of their General on their dismissal, for the faithful manner with which they performed their duties.

[Mr. D. here read the proclamation of General JACKSON, calling into the service the free citizens of color of Louisiana, together with the order discharging them, after their term of service had expired.]

That battalion had, afterwards, the honor of being at New Orleans, where it fought with great gallantry for that very liberty which the slaveholder enjoys, whilst he keeps his fellow man in bondage. It was a fact recorded in history, that the first blood which was shed at Bunker's Hill, was that of a man of color. And now, when a memorial was presented here from people of color, asking that their rights might not be disturbed, it was to be treated as if not entitled to respect.

Mr. M'CAHEN, of Philadelphia, said, he had differed from some of his colleagues as to the vote he should now give. He intended to vote for the printing, and against the reference. He wished to call the attention of the people to it, and when it should have been well understood, he wanted it fairly and properly met. At that time, he should give his views freely, and at large. He would, as he had already intimated, vote for the printing, because then we should hear, before long, the opinions of the people on this important subject.

The question was then taken on referring the memorial, and decided—yeas 16, nays 85—as follows :

YEAS—MESSRS. Clarke, of Indiana, Crain, Dickerson, Fry, Helffenstein, Ingersoll Kennedy, Martin, Miller, Porter, of Northampton, Read, Riter, Sellers, Scheetz, Smyth Sterigere—16.

NAYS—MESSRS. Agnew, Ayres, Baldwin, Banks, Barndollar, Barnitz, Bayne, Bedford, Bell, Biddle, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Cochran, Cope, Crum, Cummin, Cunningham, Curll, Darlington, Darrah, Denny, Dickey, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Hiester, High, Hopkinson, Houpt, Hyde, Jenks, Keim, Kerr, Königmacher, Krebs, Long, Maclay, M'Cahen, M'Call, M'Shery, Meredith, Merrill, Merkel, Montgomery, Nevin, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Purviance, Reigart, Ritter, Rogers, Russell, Saeger, Scott, Serrill, Shellito, Sill, Snively, Stevens, Stickel, Taggart, Thomas, Todd, Sergeant, *President*—85.

Mr. DUNLOP, of Franklin, moved that the Convention adjourn, but afterwards withdrew the motion.

Mr. BUTLER, of Philadelphia, said, that he would vote against printing the memorial, because it was not respectful in its language. He would do so if it came from whites.

The question recurring on printing the memorial, Mr. KEIM asked for the yeas and nays; and,

The question being taken, it was decided—yeas 56, nays 45—as follows:

YEAS—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Biddle, Carey, Chambers, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cochran, Cope, Cunningham, Darlington, Denny, Dickey, Dickerson, Dunlop, Farrelly, Forward, Fuller, Gilmore, Helfenstein, Hiester, Jenks, Kerr, Konigmacher, Long, Maclay, M'Cahen, M'Call, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter, of Lancaster, Purviance, Reigart, Ritter, Saeger, Scott, Serrill, Sill, Snively, Stevens, Thomas, Todd, Young, Sergeant, *President*—56.

NAYS—Messrs. Banks, Bedford, Bell, Brown, of Philadelphia, Butler, Crain, Crum, Cummin, Curll, Darrah, Dillinger, Donnell, Doran, Fleming, Fry, Gamble, Gearhart, Grenell, Harris, Hastings, Hayhurst, High, Hopkinson, Hought, Hyde, Ingersoll, Keim, Kennedy, Krebs, Martin, Miller, Nevin, Overfield, Porter, of Northampton, Read, Riter, Rogers, Russell, Sellers, Scheetz, Shellito, Smyth, Sterigere, Stickel, Taggart—45.

The committee then rose, and the Convention adjourned.

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### MONDAY, JULY 10, 1837.

Mr. CHANDLER, of Chester, presented a memorial from citizens of Chester county, praying that the Constitution may be so amended, as that the right of the trial by jury may be extended to every human being.

Mr. SERRILL, of Delaware, presented a memorial from citizens of Delaware county, similar in its prayer.

Mr. M'CLAY, of Mifflin, presented a memorial from citizens of Mifflin county, similar in its prayer.

Mr. STEVENS, of Adams, presented a memorial from citizens of Philadelphia county, similar in its prayer.

These petitions were severally referred to the committee on the ninth article of the constitution.

#### JUDICIAL TENURE.

Mr. FULLER, of Fayette, submitted the following resolution:

“WHEREAS, the question of Judicial tenure is one in which the people of this Commonwealth feel a deep interest, and it is of the highest importance that this Convention should express its opinion upon the subject, before it adjourns: it is therefore

“*Resolved*, That the offices of the Judges of the Supreme Court ought to be limited to a term of years.

“*Resolved*, That the offices of the Judges of the several Courts of Common Pleas, District Courts, Orphans' Courts, and Courts of Quarter Sessions and Oyer and Terminer, ought to be limited to a term of years”.

Mr. FULLER moved that the resolutions be now considered, and read a second time.

Mr. BAYNE, of Allegheny, asked for the yeas and nays, and they were ordered accordingly.

The question was then taken on the motion, and decided—yeas 71, nays 42—as follows :

YEAS—Messrs. Agnew, Ayres, Banks, Barclay, Barndollar, Bedford, Brown, of Northampton, Brown, of Philadelphia, Butler, Clapp, Clarke, of Beaver, Clarke, of Indiana, Cleavinger, Crain, Cummin, Curl, Darrah, Dickey, Dickerson, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Hiester, High, Houpt, Hyde, Ingersoll, Keim, Kennedy, Kerr, Krebs, Magee, M'Cahen, M'Call, Merkel, Miller, Montgomery, Nevin, Overfield, Pollock, Porter, of Northampton, Purviance, Read, Riter, Ritter, Rogers, Saeger, Sellers, Seltzer, Scheetz, Shellito, Smyth, Snively, Stuckel, Swedland, Taggart, Weaver, White, Young—71.

NAYS—Messrs. Baldwin, Barnitz, Bayne, Bell, Biddle, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Cline, Cochran, Cope, Craig, Crum, Cunningham, Darlington, Denny, Dunlop, Forward, Harris, Hopkinson, Jenks, Konigsmacher, Long, Maclay, M'Sherry, Meredith, Merrill, Pennypacker, Porter, of Lancaster, Reigart, Russell, Scott, Serrill, Sil, Steriger, Stevens, Thomas, Todd, Weidman, Sergeant, *President*—42.

Mr. PORTER, of Northampton, moved to amend the resolution, by striking out all after the word "the" in the first line of the first resolution, and inserting in lieu thereof, as follows, viz: "Convention will proceed to consider, in committee of the whole, the report on so much of the fifth article of the Constitution, as relates to the tenure of Judicial officers, and that so much of the report as relates to sections second and fourth of that article, be the first order of the day, until they shall be gone through".

The question being on the amendment,

Mr. FULLER said, this resolution required but little explanation. He called the attention of the Convention to the fact, that the subject embraced in his resolution, had been frequently admitted to be one of great importance, and it involved a question—a decision upon which the people loudly called for. He hoped the amendment of the gentleman from Northampton would not be agreed to. It would not be practicable to go through the fifth article, if it were to be taken up in committee of the whole, and if we were to go into committee, we could not get any expression of opinion on this question. The people want an expression of the sense of the Convention, whether life officers are to be continued, or whether the tenure of a limited term of years is to be substituted. There was now no way left to test the opinion of the Convention on this point before the adjournment, except by resolution, and every one would agree that the adoption of the amendment would not produce any decision. He hoped, therefore, that either the gentleman from Northampton would withdraw the amendment, or that it would be voted down. He was of opinion, that the people of this Commonwealth, after our session of ten weeks, would not be satisfied with what had been done; for, although they might be satisfied with such amendments as had been passed, they would expect a decision on this question, and no way which would so effectually test the sense of the Convention as this, had suggested itself to him. There was only one other important decision on which the people felt a great interests and that was concerning some restrictions in the Legislature, on the subject of corporations.

Mr. DICKEY, of Beaver, had voted to take up the resolution for consideration, because the people expect a decision on the subject. When the

Convention should have got through the fifth article, in committee of the whole, and settled the question of Judicial tenure, they would have accomplished all which the people had sent them here for. We had passed several amendments in committee of the whole, and this would finish all that the people required, because, as had been formerly said by gentlemen, the amendments required by the people are few and simple. He would offer the following proposition, to be added to the amendment of the gentleman from Northampton:

“And that so much of the resolution relative to adjournment, passed on the 7th instant, as fixes the time of adjournment on the 14th instant, and the time of meeting on the 17th of October next, be, and the same is hereby rescinded”.

Mr. EARLE, of Philadelphia, asked if the amendment of the gentleman from Northampton was out of order.

The CHAIR decided that it was in order.

Mr. PORTER stated, that he had offered the amendment, because there was no other way of getting at the point. If, indeed, the resolution were disposed of by a negative vote, it would settle something; but, if it was decided in the affirmative, it would be nothing more than the assertion of an abstract principle. Nothing would be gained in the form of practical result—no amendment would be engrafted on the Constitution, making such limitation, in the Judicial tenure as the people require. If we are to go to work at all, let us proceed, so that our constituents may know what we are about. Now, by going into the consideration of this resolution, after spending all the residue of the session upon it, nothing could be settled by it, except negatively. We should not say, even if the action on the resolution should be affirmative, what the term of the Judicial tenure should be. Another objection was, that the resolution referred to all the Judicial officers, and the Convention had already passed on the Justices of the Peace. It would be taking up the time of the Convention for nothing, unless we go into committee of the whole, and fix the particular tenure, and thus produce a practical result which may be laid before the people, in order that they may know what is our opinion, and decide whether the terms we may agree upon, are such as meet their approbation.

Mr. DICKEY said he was satisfied, when he offered his amendment to the amendment, that we could not go through the subject, so as to come to any decision which would meet the expectations of the people, therefore, he had desired to rescind the resolution fixing the day of adjournment. There was no reason why we should not do this, and go on with the business before us, at present. Most of the members of the Convention were here in attendance, in good health. Before the first of August we should have time to pass on this subject, and then we should have passed on all the amendments which have been called for by the people, so as to place the whole before the people at the next October elections. There would be ample time for the discussion of the fifth article, and to finish the business before we adjourned. He hoped, therefore, that the resolution would be rescinded.

Mr. BROWN, of Philadelphia, was opposed to the amendment to the amendment, and also to the amendment itself. He considered the action of the Convention settled as to the question of adjournment. That had been definitively agreed to, therefore, the views of the gentleman from

Northampton could not be carried out. The progress of the Convention must be slow. Besides the subject of the Judiciary tenure, there was that of the appointing power, whether it should be vested in the Governor, or in some other depository—the mode in which the Canal Commissioners, and the board of Public Works should be created—the subject of the Public Debt, and that of Corporations, which would have to be discussed at some length; and, the gentleman from Adams had pledged himself to bring forward his motion concerning Secret Societies. There were, consequently, many important subjects which it would be better for the Convention to settle, than any other body, as it would restore harmony among the people. And, to expect that all this mass of business could be disposed of in three weeks, was to expect more than could be accomplished. It was possible that we might get through the sixth article before we adjourn, now that the day of adjournment is fixed. As to the amendment of the gentleman from Northampton, he would only say, that he had not a doubt, that on the question of the limitation of the tenure of the Judiciary, every member was prepared to give his views, and a majority of the Convention had made up their minds in favor of the principle of a limited tenure. In reference to the general principle, there would be no difficulty in obtaining the sense of the Convention, although, in reference to the precise term of limitation, there would, of course, be differences of opinion. When we shall have fixed the abstract principle, gentlemen will go home and turn their minds to the subject, and will come back prepared to carry out their reflections to results. All the varying opinions concerning the number of Judges, and the application of the principle to the different branches of the Judiciary, which shall be the limitation of the tenure of the Supreme Court, and of the inferior courts only, can be settled when gentlemen return. The proposition has nothing to do with the Justices of the Peace, as the gentleman from Northampton had supposed. He hoped the Convention would, at once, act on the resolutions, and there would be time enough hereafter to express our views fully on the subject. He did not feel anxious to give his opinions, but if the Chairman of the committee of the Judiciary, or any other gentleman desired to give their opinions, he would gladly listen to them. But, he hoped the Convention would not consent to go into committees of the whole, and entering the consideration of the question in all its minute details.

Mr. HOPKINSON remarked, that when the Convention settled on Friday, that they could adjourn on the 14th, they were engaged in the consideration of the sixth article, in which there were many more provisions yet to be deliberated and passed upon. It was the expectation that the Convention would proceed with this article, as it had proceeded in relation to all the other articles which had been taken up, that is, that it would be considered in Committee of the Whole, and when it had been gone through, that it would be laid on the table for its second reading, when the others should be taken up to be read a second time. A proposition was made to take up the fifth article, and the answer was, "Why should we break off this article to take up new business". It was then repassed by a vote, in which the ayes and noes were called, to go into the consideration of the fifth article. When there was time, therefore, to take up the subject of the Judiciary, and to go calmly and deliberately into its examination, the Convention solemnly refused to do so. It is now proposed to settle the

principle of the Judicial tenure, although it had been previously agreed that the sixth article should be disposed of before the fifth should be taken up. Under that solemn decision of the Convention, members, myself for one, had a right to believe that the Convention, acting with some regard to consistency, would desire to sustain their own solemn determination, and would not have required now that the sixth article should be abandoned, and that the important principles contained in the fifth article should be suddenly taken up and disposed of. He objected strongly against the dangerous tendency of such action. Before the Convention was prepared to go into the discussion of the fifth article, the gentleman from Fayette, who had himself refused to go into that subject, had brought forward a proposition covering the whole ground of the Judiciary question. Had any thing like this ever before happened? There had been nothing like it in any deliberative body. In relation to the Judicial tenure of office, in a proposition involved in the fifth article, before members can know how it is proposed to amend that article, on a sudden, without notice or preparation, the whole subject is sprung upon the Convention, and they are required to commit themselves on the abstract principle. The gentleman from Northampton had properly said, there could be no practical results from such a course. The article would have to be discussed. How can it be otherwise? And how can any gentleman discuss the question with freedom when he shall bind himself to decide in a particular manner? It was a course of action dangerous and destructive. He was opposed to the amendment of the gentleman from Northampton, not because he objected to it in principle, but he thought it was not now the proper time to go into the subject, to take it up and discuss it, when it must be discussed suddenly and without due deliberation. He had seen no change of opinion in the Convention since they had determined not to take up the fifth article. On Saturday, the day was spent in a discussion concerning the printing of a petition, and day after day had been lost on the question of adjournment, and, even at the very moment when gentlemen were making their preparations to depart, for their homes, this resolution was sprung upon us. We have two reports—one from the majority, and one from the minority of the Committee, which will, in proper season, bring up the whole subject. The resolution now offered is merely the expression of an opinion. If we are to take up the subject let us rescind the resolution to adjourn, and devote a month to the consideration of the subject: but let us not dispose of it in this summary, unprecedented and unsatisfactory manner.

Mr. FORWARD rose and said, he saw no good reason for going into this subject, when we are within a few days of the termination of the session. Was it expected by any candid man that the subject of the Judicial tenure could be disposed of in a few days, without producing an impression that gross injustice had been done to the people. Four days' discussion on the subject of the Judges, and the Judicial tenure! Are gentlemen prepared to jump to conclusions in that time? Are they ready to dispose of this important question in so hasty a manner? They have not yet made up their minds, so as to be ready to put the seal on this part of the Constitution. It is a question which should be sent to the people for their discussion. It could not be disposed of in a few days. I am not prepared to go into it. What good is to result from it? All the amendments will go to the people at the same time. This will not do to be submitted to the

people until it shall go with the other amendments. It may, therefore, it will, lay over until October. We can gain nothing by urging it at this time. It does not better the cause of reform a single day. Why, therefore, occupy the ground? Why is this to be done? Is it to give the people a taste of what we are going to do? This is the only excuse for this attempt to prejudice our constituents. It will come to them at last, at the same time with the rest of our work, and the people will decide on all the amendments together. Further, it must be apparent that in a few days there cannot be an end of the discussion of this resolution. The debate will hardly have begun. There are many gentlemen desirous to be heard on this question and who will be heard. It will go to the people, perhaps, with a one sided discussion, the most luminous views of the most acute and experienced minds, perhaps, kept back. Are the people prepared for this? Does any gentleman think, when the Convention shall be reassembled, that this subject will not be discussed at large? But if we must now have a decision, it will be a decision on partial discussion. Will not many speeches be cut off for want of time? You may discuss for four days, and still the question will not be discussed. This course will do no good, but it will do harm. Are we to act like a Judge of Hell: decide first, and hear the arguments afterwards? I desire a full discussion. Is it intended to thrust the previous question on us? Is this contemplated? Is it the view of gentlemen, without full discussion, to use this powerful machine, sometimes so useful as a gag law? It must be obvious that the decision will go to the people without a full and satisfactory discussion; we must either be gagged, or the resolution to adjourn must be rescinded.— It will be a decision without full discussion, disgraceful to this body. If gentlemen wished to lay their sentiments before their constituents, they may adopt some other mode. There are many other modes. It is not expected by the people that we shall now act on the subject fully. What is the resolution? Let any gentleman examine it. I am not pledged to any particular cause: and my inclination is to preserve the present tenure of office of the Supreme Court. If I were to adopt a limited term of office, I would take twenty-five years: and to such a proposition, not effecting any of the present Judges, I might be brought to agree. But, as at present advised, I would not vote for changing the tenure. Are we prepared to separate without doing any thing on the subject of the Board of Public Works, which, in a pecuniary view, is of great importance in the Commonwealth? Are we prepared to go away without touching the great subject of Education, Banks, and Corporations? If not, two months will not be sufficient to enable us to give to these important subjects the amount of consideration they require. If we must go into the question of the Judicial tenure, I feel repugnant to a partial discussion, and would desire that the resolution to adjourn may be rescinded. He would vote for rescinding, then the proposition of the gentleman from Northampton, and then against the whole. He would not consent to go away, till all was got through, which might be in a month. He would rather, however, sit here until August, than be occupied with this important matter five days, and then be gagged with the previous question.

Mr. BANKS would vote, he said, for the amendment of the gentleman from Beaver, in order to be consistent with his previous course on this subject. He had voted against the adjournment, because the people wish-

ed us to remain here till we had completed our business, by acting on all the amendments which it was proposed to submit to them. But while he would vote for the amendment of the gentleman from Beaver, he would assure that gentleman, that he would find it very difficult to persuade the majority of the members, that they ought to continue the session till all the amendments were disposed of. The gentleman from Allegheny had stated, in a very handsome manner, the various subjects which the people expected us to act upon: and he would ask the gentleman from Beaver, whether, after the Judiciary was disposed of, he would be willing to go home to his constituents, and say that we had done all that was required of us? He believed he would not. He was as anxious as the gentleman from Beaver could be, to act on the fifth article of the Constitution, and his course had indicated that, from the commencement of the session. Instead of taking up that subject, we had passed upon the Squirearchy, as it was called. We had the poor Justices of the Peace, the scape goats for the whole Judiciary. We have said to them, you, alone of all the officers of the State, are unworthy of the place you hold in the Constitution of 1790. He had raised his voice in favor of this class of men, whom he regarded as being as worthy, and as intelligent, as any other class in the community. It was certainly very desirable that the Judiciary, and other questions, should be disposed of before the rising of the Convention; but, between this time, and next Friday, it would be impossible even to discuss the Judiciary question.

Mr. SILL said the resolution was brought forward, on the ground that the people had manifested an anxiety to have a decision on the Judiciary question, and that they would be dissatisfied if the Convention should now adjourn, without expressing any opinion on that subject. He wished to know how this information was derived: he wished to have the proof that so much anxiety was felt on this subject, and that the people wished us to hasten our action upon it, and show them how we intended to act. Was there a single petition on the table, expressive of their wishes to this effect? On other subjects, they have expressed an opinion by memorials addressed to us: but not one memorial had reached us, from any quarter, in relation to this subject: not a single citizen of the Commonwealth had set forth that he had been aggrieved by the action of the Judiciary, and was impatient for reform. What reason was there for forcing out this, when there was no proper opportunity for a decision on this most important question? There was no ground on which it could be urged.— It did not appear that there was that great anxiety among the people, for a decision on this subject, as had been represented. At the same time, it was agreed by all, that it was the most important matter, which can come before us, and that our decision upon it ought to be judicious and wise, and satisfactory to the people of the Commonwealth. If this resolution prevailed, it would be impossible that the question should be decided, in conformity with either of these principles. It was impossible that there could be any thing like a calm and deliberate discussion, or that we should be able to arrive at a satisfactory decision. Have we not, heretofore, gone on the principle, that every matter, however trifling, should be thoroughly discussed? Did not we come here to deliberate, as well as to decide? On the sixth article, every point was fully debated. Speeches were made upon the manner of appointing the Justices, whether by the people, or

the Legislature; and days were occupied in discussing the mode of regulating their number. But, did not these points dwindle into utter insignificance, in comparison with the Judiciary question. We have, heretofore, admitted the propriety and necessity of deliberation, and what argument could be urged for its abandonment now? There was another reason why he was opposed to the resolution. Suppose it was agreed to, and that we should thus declare that the term of the Judiciary ought to be limited. We should, in fact, have decided nothing. There would still be a question, as to the length of the term. Some would be for a term of twenty-five years, and others for a much shorter term. Our conclusion on this subject, ought not only to be the result of the deliberate wisdom of this body; but it should be satisfactory to the people. The people knew how we had gone on heretofore—they had noticed our proceedings, and they knew how much time we had spent upon trifling questions; and when they saw us deciding upon this great question, in so hurried a manner, they would ask, when, and how, we decided it; and whether we had listened to the opinions and counsels of all the experienced members of the body, in relation to it. They would ask how it happened, that, after wasting so much time, we should seize upon a moment when the members were busy in making their arrangements for their departure, to take up, and hurry through this important question. The people were good judges, and would place a just estimate upon such proceedings. They would ask how long a term we had fixed for the Judges—five, ten, twenty, or thirty years? We would answer that this part had not been determined upon. What, then, they would say, is the use of determining a principle, when it is to have no application? This method of acting on the question, would be the most unsatisfactory that could be devised. We know that a large and respectable portion of the people were opposed to any change of the tenure; and he would ask whether it was not due to them, that the decision should be made with all that candor, and solemnity of deliberation, that the importance of the subject demanded. He was willing to sit here, without adjournment, till we had gone through with all these questions. But he protested against this way of making decisions. He trusted that all, whether friends or opponents to a change of the Judicial tenure, if they wished to satisfy the people, and do justice to themselves, and the Convention, would unite in rejecting a proposition to settle the principle at this time.

Mr. DARLINGTON said, though the proposition now before us was only occupying time to no purpose, yet if gentlemen had offered any proposition which was calculated to expedite our business, and enable us to bring it to a satisfactory conclusion, he would have gone with them, even to the extent of rescinding the resolution for adjournment. This motion was only calculated to waste our time, and incur needless expenses. Twelve days ago, the gentleman from Fayette moved, that we should pass over the fifth article and take up the sixth, for the reason, as he stated, that the people required and expected us to curtail the patronage of the Governor. It was then believed to be impracticable to decide on the Judiciary question within such time as the members would be willing to remain here; and for that reason, and the reasons urged by the gentleman from Fayette, we passed over the fifth article, and took up the sixth, in order to show the people that we were willing to do as much as we could within the time we

remained here. But what have we now? A proposition to drop that article in the middle, leaving it unfinished, and to take up the fifth article, which we refused to take up when we had time, to give it a proper share of consideration. What a spectacle should we present if we now dropped the sixth article and took up the Judiciary question, when there were scarcely three days remaining for its discussion? Did not every gentleman know that much of our time would be taken up, during the remainder of the session, in settling accounts, in fixing the place of meeting in the fall, and in other matters appertaining to the adjournment? The people would look at such conduct on our part, as an attempt to flatter and fool them. Such a course, it appeared to him, would be very inconsiderate; and he would say and insist, that the people of Pennsylvania would never believe that it was adopted for an honest and patriotic purpose. We had come here to deliberate upon the Constitution, and not expecting or desiring to act upon it rashly and in haste. But he would go with any one in any possible project, to save the money of the people, and our own time, by abridging our labors. This was not a feasible or a proper project, and he would, therefore, oppose it; but, at the same time, he was willing to rescind the resolution fixing the day of adjournment, and to stay here, if necessary, till August, at the peril of our health. Very little had yet been done, and the business of the Convention could not be accomplished in a short time. Did the gentleman from Fayette pretend to say that the subject of Executive power had been solemnly decided? Why, sir, the question was taken in the afternoon, in the absence of many members, and was carried, without discussion, by a minority of the Convention. That was not a solemn decision, nor was it a test of the sense of the Convention.—Not one of the great principles to which the gentleman from Fayette referred had been, if he recollected right, decided by a majority of the Convention. The vote on the Executive question, was 61, to 59. Would the people of Pennsylvania be satisfied with such a vote, and consider it as expressing the opinion of this Convention? He was opposed to the resolution and amendments, and was in favor of proceeding in the consideration of the report of the sixth article.

Mr. SELTZER said that the resolution and amendment of the gentleman from Northampton, and the amendment of the gentleman from Beaver, were now before the Convention, and he would go hand in hand with the gentleman from Beaver in rescinding the resolution for adjournment, and in going on with our business, without adjournment, until we got through it. But in the manner in which he offered his proposition, it would not be successful; the original resolution ought to stand on its own merits, and if it cannot stand, let it fall. But, Mr. President, the great oppositor to the original resolution is something else. It is said that it does not come before the Convention in a regular form. He would not say that it does. But he would inform the gentlemen who opposed it on this ground, that it was in conformity with the course pursued by the framers of the present Constitution. In the Convention of 1789, after seventeen days' session, all the leading principles of the Constitution were settled by resolutions. He read the resolution adopted by them in relation to the Judiciary, declaring that the Judges should hold their offices during good behavior, subject to such restraints as might be thought proper. They settled the general principles in the first place, and then proceeded to fill up the details on second

reading. Gentlemen need not, therefore, tell us that we cannot approach our object in this manner; that it is out of order, and that the time is too short. If the question should be debated here for four weeks, it would not change one vote either one way or another. Every gentleman had made up his mind how to vote upon it, and he hoped that we should have a direct vote upon it, and either adopt or reject the resolution of the gentleman from Fayette.

Mr. CLARKE, of Indiana, said the question before the Convention was on the amendment of the gentleman from Beaver, rescinding the resolution for adjourning on the 14th, to meet in October. It was well known, and the Journals would show, that he had voted against every motion to adjourn: he had been very anxious that whatever amendments the majority of the Convention might agree upon, should be made and submitted to the people before we adjourned. But it soon became manifest that this would not be done. Some gentlemen would not make up their minds on the important questions; and those who were opposed to amendments availed themselves of all the means which the rules of a deliberative body afford, to protract the debates of this body. From all the various attempts made to procure an adjournment, it became evident that it was their intention to adjourn before we finished our labors. Last Saturday, so general was the opinion in favor of an adjournment, that he thought it useless to oppose it, and contented himself with merely recording his name on the question.— As the Convention had now decided, by a large majority, in favor of adjourning, he should vote against rescinding that decision, being satisfied that, in their present temper, the members were not prepared to give a calm and deliberate consideration to the subjects before them. After their return, and after a consultation with the people, they would do more business in one week, than they would in three months now; and then, he trusted, they would be prepared to adopt those moderate and salutary amendments which were so generally desired. There was not a member of the Convention who had not written his family and friends, and apprized them that he would be at home on such a day; and he would not believe it possible that we were now going to act like wayward children, who one day cry for a thing, and, the next day, cry to have it taken away. Men were said to be overgrown children, but he could not imagine that this grave body would now reverse a decision so deliberately made for an adjournment on the 14th. Much yet remained to be done. Even the subjects which have been gone through with must be revised, perhaps again debated in the Convention, and then put in suitable shape and language. This Judiciary question would necessarily consume much time. Long before another Convention would ever be assembled again, Internal Improvements would be carried into every part of the Commonwealth, and that subject alone would require our deep and careful attention. When we first commenced our Internal Improvements, we were without experience, and many errors were committed. But, from year to year, we have discovered the defects of our system, and now is the time to place it upon a proper foundation. There was another subject of interest which demanded our action—the State debt. He was satisfied, from what he had heard, both in and out of the Convention, that we should be able to make some provision in relation to the State debt—its amount—the means for its liquidation. Some amendment of the Constitution was necessary in order to place some limi-

tion upon the power and patronage which, through the system of Internal Improvements, had grown up under this Constitution, and was unknown to it, at its foundation. Tremendous as this power is, and will be, it ought to be separated, as far as possible, from the political power of the State. That, said (Mr. C.) is a subject that will require our deep attention. Other subjects of importance have been referred to by the gentleman from Allegheny, (Mr. FORWARD). The limitation of the power of the Legislature, in granting charters to bank corporations, is a subject which some gentlemen here think it their duty to bring before the Convention and their constituents. All these questions will require long discussions, and much deliberation, which cannot be had now. The minds of members were not now in a frame for patient and cool deliberation. There was another consideration. If we rescinded the resolution, we should go on till the dog days, in the sickly season. We could not sit here in August. To attempt it would be a burlesque on deliberation. He was sorry to hear the gentleman from Mifflin say that he would vote for the resolution, for the sake of consistency. But, after the solemn determination of this body to adjourn, he did not apprehend that consistency would require us to reverse that decision. The majority, according to the doctrine of republicanism, ought to govern, and he (Mr. C.) had made up his mind to be content with the decision of the Convention, which had been made by so decisive a majority.

As to the amendment of the gentleman from Northampton, (Mr. PORTER) he was opposed to his plan of getting the subject before us, because it is certain, if we go into committee of the whole, for the remaining four days of our session, we can scarcely make a beginning, before the time will come when we must dissolve. If we take up the report in committee, we will be doing as we have been doing all along, quarelling about words and making no progress. We will be spending the four days in wrangling about terms, and be no further advanced at the end of that time than we are now. This is the way we have been doing all the time. We went to work wrong, and have been working wrong ever since. If we had first gone to work by settling principles, and then gone into the details, we should, by this time, have been nearly through our labors. He was, therefore, opposed to going into committee of the whole, for the simple reason, that we would not be able to get through with the subject which would be referred to it. He was in favor of the proposition of the gentleman from Fayette, (Mr. FULLER) and he took it for granted, that every one here was prepared to vote aye or no upon it. It had been well said, by the gentleman from Lebanon, (Mr. SELTZER) that the way that our ancestors went to work was the right way. They went to work, and brought their minds to bear upon the principles to be adopted, and those principles were embraced in the form of resolutions, declaring it to be the sense of the Convention, that the Constitution should be amended in a particular article, and then the details were carried out afterwards. If we had done this, we would have been treading in the footsteps of our fathers, and he was satisfied, that we would have now been nearly through with our labors.— Had we gone to work, and passed a resolution, declaring that the Constitution should be altered, so as to embrace certain principles, when it was found that a majority was favorable to the change, they would have all gone to work to put those principles in proper form; but, because we

have gone to work wrong, we have been all the time, instead of contending for principles, quarelling about words. We have gone to work by proposing to amend every section, and we have amendment filed upon top of amendment, and he was not sure but there was occasionally some little strife as to who should have the honor of proposing amendments. Now, he apprehended, that the most proper way of getting this principle settled, was by adopting the mode proposed by the gentleman from Fayette.— But, gentlemen say, we have no time to debate it. Now, it appeared to him, that this argument was only used as a means of getting rid of the question. Many of our constituents, who sent us here, look upon this as a most important subject, which ought to be, in some manner, passed upon. It stands with them as amendment No. 1, and if we should now adjourn, without giving an expression of opinion on the subject, it would be very unsatisfactory to them indeed. Our constituents have already debated this question. They have discussed it for the last thirty years. Public attention has been constantly turned to it, and all the debate which we can have in this body, would not change the mind of a single delegate, as he took it for granted, that every delegate was ready to say eye or no on the simple proposition of limiting the offices of the Judges to a term of years. But, it has been objected, that no time is mentioned in the resolution. If he understood it right, the time is left as blank, so that after it was determined, whether we would limit them to a term of years, we can fill it up with five, ten, or fifteen, as the majority may determine, and in this way the whole question can be settled without any difficulty. The gentleman from Chester, (Mr. DARLINGTON) has again raised the cry of expense—the expenses of the Convention have been held up as a scare-crow. This, however, was not going to frighten the people, because they expected expense when we came here, and they would not complain if we did not run into unnecessary and uncalled for expenditures of their money. On almost every proposition which had come up here, this subject of expense has been introduced, and it appeared to be the object of gentlemen, if they could not defeat reform by fair means, to defeat it any how. He did not blame them for this, as they had the right to do so. He took it, however, that those gentlemen who have said so much on this subject had as much to answer for, on the score of expense, as any other persons in this Convention. It has been those everlasting discussions, growing out of the opposition to all measures of reform, which has caused such procrastination in our business, and led to the expense which gentlemen now talk so much about. But, what was one of the most unnecessary parts of the expenses of the Convention? He believed, that one of the most prolific causes of so much speaking, was the existence of the Daily Chronicle, a paper which was paid for out of the contingent fund of the Convention. Gentlemen like to see their names in print, and he was of opinion, from the length of some of the speeches, that some gentlemen took pains to have themselves fairly reported, by writing out their own speeches. It was not only the expense of the Chronicle itself, which the people were taxed with by these gentlemen uselessly, but it was the expense incurred by useless debate. He had opposed the subscription to this paper from the very first, and he opposed it, because he believed that they could not, in the very nature of things, in so short a space, give the debates so as to be fully understood; he believed, that they would necessarily be

garbled and defective, and he appealed to all those gentlemen, who did not take the trouble to attend to the correctness of their own speeches, whether this prediction had not been verified. This was one of the useless expenses of the Convention, and he apprehended, that those very gentlemen who had been making such doleful lamentations about the expenses of the body, would be found among those who had voted for taking this paper, and had always voted against discontinuing it when the subject was brought up. Why, then, all this cry about expenses? Why, it was for effect—designed to operate upon the politics of the country, and make the people believe that those gentlemen are the exclusive guardians of the public treasury. It was a matter with him of no consideration. He came here to do his duty as a member of the Convention, and the matter of the expenses of the body never entered into his mind, in any other manner than that he wished it to cost the State as little as possible. He wished to get through with the duties we were sent here to perform, as soon as possible, but at the same time, he wished them to be done in a satisfactory manner. He was, therefore, in favor of having a direct vote on the proposition of the gentleman from Fayette, (Mr. FULLER) before we adjourn, so that the people would have the opportunity of seeing that a majority of the Convention were favorable to limiting the term of office of the Judges, as he hoped a majority of the Convention was in favor of that measure. For the sake of getting simply the vote on this proposition, and getting it within the time we have yet to spare, he was opposed to going into committee of the whole, and he was, decidedly, and unequivocally, opposed to rescinding the resolution, fixing the day of adjournment.

Mr. CHAMBERS said, there had been no motion brought before this body which had more excited his surprise and alarm, than the one now brought forward for our consideration. It has been but three days since this body determined, by a solemn vote, to adjourn on the fourteenth of this month, and what were the reasons which influenced us in voting for that early day of adjournment. One of those reasons was, that the season of the year was unfavorable for the sitting of the body: and another reason was, that there was an indifference in the Convention to the business before it, as had been asserted by a great number of gentlemen, which made it entirely improper to proceed with the important business which we have to perform. It was then said, that we could proceed in the consideration of the sixth article, and get through with it by the time we adjourned, and leave the important business for the next session, when we would come back prepared to consider it calmly and dispassionately; yet now, after the question has been decided, and the day of adjournment fixed, we have a resolution sprung upon us, asking us to go into a discussion and decision of one of the most important subjects that could be presented to the attention of the Convention. That which had excited his alarm was, that this most important department of the Government—the Judiciary—was to be prostrated by a mere resolution, to be considered in a morning hour, without consideration and without discussion. We have, in the course of our business, considered that the powers of the Government were to be distributed into three separate and distinct departments. We have not only referred the subjects of the Constitution, in relation to these different departments, to distinct committees, but they have had them under consideration, and have presented them to this House as subjects for clear, dis-

tinct and deliberate consideration. At the very commencement of our labors, we laid down for ourselves rules of action; rules for the order of business, and we determined that all business of importance should be referred to a committee, and considered by them; that it should then be reported to the House; then again referred to a committee of the whole, and there calmly and dispassionately discussed and deliberated upon, and that their proceedings should be reported to the Convention, and there receive a second reading, before they should be submitted to the people for their adoption. Well, after all this, what have we done? It is true, we have considered the Legislative department; and it was stated on this floor, at the time it was under consideration, that it was a department which the people had declared should be reformed, and that limitations and restrictions should be placed upon it; yet he was not aware that any particular restrictions were imposed upon it, after full discussion; but on the contrary, we have placed a portion of the appointing power in its hands. Yet now, at the very heels of the session, when the day of adjournment is fixed four days hence, and the members are engaged in making their preparations to go home, we are called upon to overturn the Judiciary department—a department of more importance to the people, than any one department of the Government—a department which comes home to the wants, the interests, and the feelings of the people—a department that protects the weak against the strong—a department which protects the public peace, and redresses the public wrong—and a department which resists the encroachments of all the other departments. Yet this department, which is admitted by all, to be one of the most important departments under the Government, was to be disposed of without receiving that consideration and attention which we have given to all the other departments. What reason is there assigned for so urging on this question, at this time, without consideration? Why, it is said that the people demand this expression of opinion from us. Where is the evidence that the people require this of us? Do the people want from us a crude and mere speculative opinion? It is not proposed, as has been said, to follow this with any Constitutional provision; but merely to express to the people of the country, what the opinion of this body is in relation to the Judiciary tenure. If there was a time more unfitting than another, since the commencement of our sittings, for the decision of this all-important question, that time is the present. Our number is reduced to a little over a hundred. On the vote just taken, there were twenty members absent; and we have no reason to expect that our number will be larger. The fact of the day being fixed for our adjournment, will influence some in going off, and it will prevent those who are absent from returning, so that an increase is not to be expected. He would ask, too, what would be gained by the expression of a mere opinion, without coupling it with a Constitutional provision? It would be a mere expression of opinion from this Convention to the people, which could be of no good. If we are not to legislate upon it; if we are not to fix any term, why not go home, and make known to the people our sentiments there, and learn from them theirs? If we are to adjourn, let us not act on this vital question, without consulting the people. He was not aware of any indications of public sentiment on this subject; at least, not in his section of the country. Gentlemen have again and again told us what the people required; but he had seen no evidence of their requiring this change. He

did not look to the popular clamor in particular neighborhoods. He did not look to the declarations of public newspapers, as public sentiment. So far as he was concerned, he was able to collect nothing from public sentiment further than this, that the people have sent us here to know what amendments we will recommend to them; and in determining upon these amendments, we are to exercise our own best judgment, with all the deliberation which we can give to the subject. For his own part, he was not prepared to act on this subject without discussion, and all the information he could obtain. He had come here with no such settled opinions as some gentlemen seemed to suppose; and he would not now affirm that his opinions were so settled and fixed, that he was not willing to be instructed by the gentleman from Indiana, or any other gentleman. He would listen to that gentleman, and to all others, with respect, and if the arguments they presented were satisfactory to him, he would go with them, even if it was in opposition to his present impressions. His mind was yet open to conviction on all these subjects, and he hoped to hear them fully discussed. We have been told that the Convention of 1790, settled principles by the adoption of resolutions. That was true; but their course of proceeding was entirely different from ours. They expressed their sentiments at an early part of the session in this way, as a matter of direction to their committees. How different was this from our course of proceeding. Here we have had all the subjects committed to committees, acted upon, reported back to the Convention, and referred to a committee of the whole, and the subjects lying on your table to be considered in the manner required by our rules, and why should we, at this time of day, strike out for ourselves this novel course of proceeding, in relation to the most important subject which will come before the Convention.—When this subject was to be passed upon, he trusted it would be considered in the manner laid down by our rules, and with that attention which its importance demands. When it is passed upon, we will be passing upon the rights of a large class of office holders, holding important situations; upon a department of the Government of the most abiding interest to every class of the community; and a department affecting the rights of a large class of persons who have no political rights. As he had before said, there was no department of the Government that will affect so much the whole community—the old and the young, the rich and the poor, the minor and the adult, the apprentice and the master—as the Judiciary. Are we to be governed in this matter by the clamor of village politicians, or are we to take the sentiment of the editors of village newspapers, for the public sentiment of the people? He trusted not. He hoped it would receive full consideration and deliberation before we acted upon it. Is it to be any excuse, that because we have consumed so much time in the discussion of other subjects, that we cannot take time to consider this. He hoped not. The gentleman from Indiana has repeated the charge, which he has made on more occasions than one, that a certain portion of the Convention, the conservatives and those who act with them, have consumed a great deal of the time of the body unnecessarily. He had hoped that no such charge would be made against any one side of the House.

Mr. CLARKE, of Indiana, explained: He said he was contending against the cry of expense, when he made the remark; and that cry came from that side of the House, which took every opportunity to keep off the ac-

tion of the Convention, on those measures of reform, which the reformers of the House desired. He had said, distinctly, that he did not blame them for this, and he cast no reflections upon them. They had the right, and if they considered it to be their duty to do so, he blamed them not: but while they did so, he thought this cry of expense came with bad grace from them.

Mr. CHAMBERS said, he should consider himself as unworthy of a seat on this floor, if he used any efforts here for the purpose, merely, of procrastinating the business of the Convention. There had been no procrastination of the business of the body, by himself, or by the party with which he acted. Has the time of the Convention been taken up with propositions from our side of the House? Who have filled your Journal with propositions? The conservatives? No sir. Is the Chronicle filled up with the debates of the conservatives? no sir. Are we not to be allowed to vote on the proposition of the gentleman, and his friends? Is that poor privilege to be denied us? These various propositions, frivolous as he admitted they were, did not come from the conservatives. If you look to the Journal, it will be found that three-fourths of them came from the other side of the House. The circumstance, that we have consumed time unnecessarily, in frivolous and useless debate, is no apology, now, for taking up the most important subject, which will have to come before the Convention, and disposing of it under the form of a resolution. It will be recollected that all the other subjects have undergone a free and full discussion in committee, when they were reported to the House, there to be examined and discussed again. Well, is it to be expected that, after acting with all this caution, in relation to the subjects of minor importance, that we are to take up the Judiciary department, and dispose of it in a day or two, in the form of a resolution, without debate, and without deliberation? What respect would be paid by the people of the country, to a resolution adopted under such circumstances? If we were to take up this important subject at this time, then he agreed with the gentleman from Beaver, (Mr. DICKEY) that the resolution for adjournment ought to be rescinded. We could then take it up with the determination to give to it that deliberation, and discussion, which its importance required. It is to be expected when the subject of the Judiciary comes up, that there will be a most able and animated discussion—the conservatives holding to it as it is, and the radicals endeavoring to limit the tenure of office. Then, if we are to go into this matter now, let us cut ourselves loose from this day of adjournment, which we have fixed; because, if this important subject was taken up, and passed upon, between this, and the day of adjournment, it would not command the respect of the people; and it would not be respected by ourselves. If the subject is to be gone into, it should be done in the manner proposed by the gentleman from Northampton, (Mr. PORTER) as he could not agree that that important branch of the Government should be considered in any other form, than that in which all the other subjects were considered. He was unwilling to say that we should go into committee of the whole, on every other article of the Constitution; and, when we come to the Judiciary article, dispose of it by a resolution. But it is said that it is barely expressing an opinion, and that we shall again have our attention drawn to it, and that we will act definitely upon it when we return. If so, why not take it up now? We will be no further forward

when we come back, and why take up time now with a subject which is to be of no advantage to us? What was the use in proceeding to discuss a subject now, which will have to be resumed and discussed hereafter? He should go in favor of the amendment of the gentleman from Northampton, (Mr. PORTER) and against going into a consideration of the subject of the Judiciary on a simple resolution, and at this time to be decided upon.

Mr. MERRILL said, that when the question of adjournment was before the House, for the reasons he then gave, he voted for it; and he could now see no reason for changing or rescinding it. We have gone into committee of the whole, on all the questions which have been brought before us, and why should we now, on a question admitted on all hands to be of more importance than any other, refuse to allow it to take the same course? Why should we attempt to force a measure of this kind through in three or four days. If the question is now taken up, it must be clear to every one, that the time which remains between this and the day of adjournment, must be divided, in a great degree, between this, and a dozen of other subjects which must be disposed of before we adjourn. Then, he would ask the gentleman from Northampton (Mr. PORTER) what hope, he or any other gentleman could have, of doing justice to this subject in committee of the whole. Any gentleman, who would take a look at the subject, as it presents itself to us, will see, that it is impossible to do any thing with it in the time we have yet to spare. The operation of our rules alone, would prevent it. In the first place, when we were to go into committee of the whole, we would have to take up the report of the committee. Then, there was the report of the minority, which was to be considered; and, in addition to this, there are some dozen or twenty gentlemen, who have propositions to submit, many of which are now on the record, differing from both the report of the majority, and of the minority, and differing from each other. In fact, some gentlemen had an entire-judiciary struck out, to suit their own views, which were novel and unheard of in this Commonwealth before. Then we should have to take up the report of the committee, and consider it, with all the propositions to amend which might be submitted by the various gentlemen, and he who shall be so fortunate, as to catch the eye of the Chairman first, will get his proposition first considered. Now, under these circumstances, he would ask gentlemen what could be done in three days? What progress can we make in that time? It will only have the effect to throw the subject into inexplicable confusion; and when Friday comes, we will have nothing done, and the business will be in such a condition, that it will be perfectly unintelligible to the people. Instead of letting the people know the sentiments of the Convention on the subject, the business will be left unfinished, and the people will have no more information than they have now. He had heard very strange arguments made use of in relation to this subject. One gentleman says, we should hear from the people on all subjects, and act in accordance with their wishes; but, another says we must send forth our mandates to the people. Now, these arguments appeared to him to be perfectly contradictory. He apprehended that the people would decide after we have decided, and that they did not send us here with minds made up to make particular amendments. The people sent us here to deliberate, and nothing more. He came here

to deliberate; and he did not come here with his mind made up. The gentleman from Lebanon, (Mr. SELTZER) has said, that the minds of gentlemen are made up, and that no debate which we may have, will change a single vote. He respected that gentleman highly, and believed that his mind was made up, and it might be the right mind. If so, and the gentleman differed from him (Mr. M.) his arguments might convince him, as his mind was not made up entirely, on this subject. When gentlemen get up and say that the mind of no gentleman will be changed here, by discussion, they ought not to say by that, that the opinions of the whole people of Pennsylvania were fixed, so that all the discussion we may have here, will make no change in the opinions of the people of the State. Have the principles of the Judiciary ever been discussed? If so, he did not know when it was. He had never heard, that the people had discussed and decided this question. He considered the mode of proceeding, which we had adopted in the first place, as the most proper; that is, that we discuss the matter here, and exchange our sentiments on every subject, and then give those reasons to the people for their decision; but, was it possible, that we were to be called upon in a moment, to decide a question like this, without discussion? He hoped we had come here for no such purpose. He would inquire of the gentleman from Lebanon, (Mr. SELTZER) and the gentleman from Indiana, (Mr. CLARKE) if the very best proposition could not be obtained by them, how they would decide on the next? He had an opinion of his own, in relation to this matter, but suppose the decision of the House was against him, and there were some dozen of other distinct propositions, from which a choice was to be made? Was he ready to say, which he would take, without hearing any debate upon the subject? He had formed no opinion upon these dozen of propositions, which were entirely new to him. Then how was it possible that this great question was to be decided upon in three or four days. It would be mere child's play, to take up this subject now, in committee of the whole. We would be skirmishing about the outposts, and at the end of the four days, we would not have an amendment to an amendment agreed upon. His opinion was, that there could not be a single amendment, of the dozen which will be presented to our consideration, which can be agreed upon in four days. Then, to proceed at this time, we would only be considering the proposition of a single individual, and all the rest would be cut off. This was what he did not wish to see, but he desired that every gentleman should have the opportunity of bringing forward his amendments, and at the same time, he wanted those amendments to have ample and full consideration. But are we to decide this great question without going into committee of the whole, at all? Is it possible that this Convention is prepared to take up a question, of such immense importance to the people of the whole Commonwealth, and decide upon it by a bare resolution, without referring it to a committee of the whole at all? Gentlemen must look at the construction of this body, when they bring forward such propositions as these. It must be recollected that we are but a single branch, without any of those checks, which are held over ordinary Legislatures. Here we have no Senate to correct our errors, and no Governor to review the works of both bodies. Then was it possible, that we were to be called upon to act in this sudden manner, especially on such a question, as a change in the Judiciary of Penn-

sylvania. Gentlemen have said, that the minds of members are made up. Now he apprehended, they were no more made up than the minds of a jury, before they had heard the evidence, and the arguments of the counsel. He took it that this Convention, on this subject, stood precisely in this condition. Suppose then, that the gentleman from Lebanon had a suit depending, before a jury, and suppose he was to be told by the counsel on the opposite side, that he need not bring forward his evidence in the case, because the minds of the jury were made up, how would he like it? Would he venture his cause before a jury in this manner? He apprehended not. Then he took it, that we were not to throw away all evidence, and all argument in the decision of this question, and decide it upon the mere tattle of village, or neighborhood politicians. If we were to decide questions upon the mere gossip of bar-room politicians, we may as well throw away our Judiciary, and have our trials hereafter, in town, and township meetings. We have again had up this matter of expense, and it has been attempted to throw it upon the conservatives. Why, if there was nothing done, but what the conservatives did, we should soon be through our labors, and the expense would be very small. It is the radicals who bring forward all the propositions, and certainly they should take their share of the charge of expenses. Why, we have frequently, here, seen gentlemen bring forward propositions, which, they avowed at the time, they did not know whether they would be proper or not; but they had just occurred to them, and was it to be supposed, that these questions were to be decided upon in a moment, when they were entirely new, even to the persons who brought them forward. He took it then, that it was unfair, and uncandid in gentlemen, to make these charges against the conservatives, when they knew this to be the fact.

He blamed no gentleman, for he believed that no one would offer an amendment that he did not think to be right. But, how many of us had made motions, which time had afterwards convinced us to be wrong? Although, many of the amendments which were offered, might not be necessary, still it was our duty to offer such as we deemed to be proper, and beneficial in their character. But, when gentlemen got up here, and asserted that we were only wasting time and the people's money, in offering these amendments, he must be permitted to deny their authority for saying so. He had come here as a representative of a portion of the people, and he wished to represent them fairly, and to the best of his abilities; and he was determined to express freely and openly his opinion on whatever subject might come up for consideration, and that, too, without making any apology for consuming the time of the Convention. The gentleman from Indiana, (Mr. CLARKE,) objected to the Daily Chronicle, not only as a great source of expense, but as affording an inducement to members to make speeches, in order that they might see themselves in print. He (Mr. M.) knew not, exactly, how that might be as to some gentlemen; but, as regarded himself, it had no influence whatever. With respect to the article on the Judiciary, he thought it would be entirely useless to take it up now, as the day of adjournment was not distant, and we should not be able by that time to finish it. He would, therefore, vote against the amendment of the gentleman from Northampton, (Mr. PORTER). If, however, the resolution offered by the gentleman from Fayette, (Mr. FULLER) was to be acted upon, he trusted

that we would consider it merely as an unit. He hoped that the Convention would go on, and finish the article which was before them on Saturday, and let the consideration of the Judiciary question lie over till we should meet again.

Mr. PORTER, of Northampton, said he thought it would be wise, and, perhaps it might settle the question, in regard to the original resolution, were gentlemen to look at the act calling this Convention together. That act says, that, "an election shall be held in the several election districts of this Commonwealth, on the first Friday in November next, for the choice of delegates to a Convention, to submit amendments to the Constitution of this State to a vote of the people thereof, &c." And, it was because such was the provision of this act, that he supposed that if we were to go into the consideration of the subject at all, we ought to do so in such a way as that the result of our labors would be in a state to submit to the people. Now, what was the resolution proposed by the gentleman from Fayette? Did it propose that the amendments made to the Constitution of Pennsylvania, should be submitted to a vote of the people thereof? No, it did not. It was—"Resolved, That the offices of the Judges of the Supreme Court, ought to be limited to a term of years". "Resolved, That the offices of the Judges of the several Courts of Common Pleas, District Courts, Orphan's Courts, and Courts of Quarter Sessions and Oyer and Terminer, ought to be limited to a term of years". By the way, in regard to the last resolution, if we came to act on it, it would be necessary to strike out all that follows "District Courts"—the Judges of the Common Pleas exercising jurisdiction over the other courts, *ex officio*. But, the resolution did not bring the mind of the Convention to any definite action on the subject matter, for which the people had sent us here. We were sent here to propose amendments. What did the proposition of the gentleman from Fayette propose? Why, that we should express our sentiments to the people at large—not in the shape of a Constitution, to be submitted to their vote, but for the purpose of informing them what was our opinion on certain subjects. The question to be considered, was—which was best for the people—that submitted by the gentleman from Fayette, or the one submitted by him, (Mr. PORTER)? Now, in relation to the resolution proposed by himself, it would be seen it proposed to take up the subject in the same way as every other branch of the Constitution. And, why should we not? Can it be, or will it be said, by any delegate on this floor, that the administration of justice in the Commonwealth was not of equal importance to any other provision in the Constitution? He apprehended that there was not one but what would admit, that it was as great a subject as any other that could be brought forward for the consideration of this body. The question was, whether those entrusted with the administration of the law, were capable of doing so—whether they were honest and honorable men? He confessed, freely, that he had never entertained two opinions about the matter, and that he was for going for any proposition that would place the ablest lawyers on the benches of the courts. As he had said before, so he would say now, that his preference was, for the tenure for good behavior. He believed it to be the best. And, if that should not be successful, then he would go for that which might be deemed the next best. He did not believe that an able man would quit an honorable pro-

fession, for the sake of serving the public a number of years, when he would realize less by doing so, than by remaining where he was. The only possible way, in his opinion, was to raise the salary in a proportionate degree. The services of many highly talented and intelligent gentlemen had been lost to the State, owing to the insufficiency of the salary. He asked gentlemen to ponder well on the subject, as one worthy of some consideration. He apprehended that the proposition of the gentleman from Fayette, ought not to be adopted. It merely proposed to settle an abstract question, which was not a legitimate part of our duties here.

He contended that the subject of the Judiciary was entitled to the same consideration and discussion as that of the oath of office. With regard to the waste of time which some gentlemen complained of, no more had been consumed than was to be expected from a body as large as the Convention. He agreed that the Conventions which were convened to revise the Constitutions of New York, Virginia, and even Delaware, consumed more time than had been spent on subjects which had received the action of this Convention. Now, supposing that the resolutions were adopted which the gentleman proposed, what end would be gained by it? He thought nothing, for we should settle nothing until we came to a term of years; and one gentleman had said twenty years—another fifteen, and another ten. He hoped that we would go into the consideration of the subject, and come to such a conclusion as that it could be laid before the people. But, it was said that this course of proceeding was adopted in 1790. So it was, and it was not his fault that it was not now. He had proposed, at an early period, that we should take up the Constitution, and discuss it article by article, until we should get through. If that proposition had been acceded to, the general principles would have been settled by the body, and it would have been an easy task for the Committee to have put them in a proper form. However, the Convention thought proper to adopt a different course, and to refer each article to a distinct and separate standing Committee, and we had gone on and passed through all with the exception of three. In opposing this course of proceeding, he was overruled. It was said, and it was the only feasible objection that could be offered, as he apprehended, that we should not have to go through the Constitution. This time would tell.

With regard to the present subject, he was by no means sure whether it would not be as well to let the people have an opportunity of expressing their opinions on it, and whether all the purposes of passing this resolution would not be answered. The people could then give the subject that examination and consideration which it deserved, between now and the next meeting of the Convention. And, if they should think proper to instruct us, they could do so, without the opinions of the members of this body operating, one way or the other, on their minds. He contended that there existed no necessity whatever for considering this subject in a different manner from the others. The other subjects, already disposed of, had occupied a great deal of time, and he was willing to admit that the present was one of great importance, and should be calmly and deliberately considered.

No country had ever lost its liberty while its Judiciary remained independent and uncorrupted, and he apprehended that it never would. But,

when Judges lost their independence by stooping to power, and becoming the instruments of tyrannical rulers, then the lives, and liberties, and property of citizens are insecure. It was the tyranny of the Courts of England which contributed, perhaps more than any other cause, to produce the Revolution. It was when the Judges lent themselves to be the executioners and avengers of the Crown, that the people rose and overthrew the Government; and in that country, after having gone through a period of bloodshed and anarchy under a new form of Government, at length the people returned to a Monarchical system, to put an end to all the horrors and confusion that prevailed. He would ask if it was not one of the charges made by America, in her Declaration of Independence, against the King of Great Britain, that he made the Judges dependent upon his will and pleasure? Was it not one of the causes which led to the Declaration of Independence, and which dissolved our connexion with the British Crown? Now, he would inquire, what was the difference between a man holding his office at the beck and nod of a tyrant King, or the beck and nod of a Governor, or those who make the Governor? He must conform to his views and wishes, or not continue in office. Will a man not be likely to have fewer improper influences operating upon his mind, when he has but one to please, than when he has the opinions of one hundred, or a whole community, to conform himself to? And, were the people prepared for this, that Judicial stations should be filled by politicians—men who retain their places by their subserviency? No, he was sure they were not. He knew that there were minds which would rise superior to all this, and would yield themselves a willing sacrifice on the altar of their country. But, human nature was frail, and it required more than ordinary nerve to do it. He maintained, then, that the Judiciary should be perfectly independent and uncontrolled; and he trusted that whenever the question came up, it would be discussed with that feeling of responsibility and care, which had characterized our course in reference to other subjects. Some gentleman had said that to accede to his (Mr. PORTER'S) proposition, would be to prevent our adjourning at the time fixed. He, however, did not think so. It merely proposed that the Committee should go on to consider the report in regard to the official tenure of the Judges, and that it should be the order of the day until disposed of. But, if it should not be disposed of by the day of adjournment, it would be the subject first in order, on the re-assembling of the Convention.

He was opposed to the amendment to the amendment of the gentleman from Beaver, (Mr. DICKEY), because he did not wish to alter the day of adjournment. We had solemnly agreed to adjourn on the 14th, and he therefore did not wish to do any thing which would put this body in an inconsistent attitude. To say the least of it, then, if the proposition of the gentleman from Beaver was out of order, the Chair was right in so deciding; but, yet it was sufficiently incongruous for the Convention to reject it on that account. No good could result from rescinding the resolution, for the reasons which had been stated on a former occasion, and which seemed satisfactory to the Convention. Not less than twenty-one members were absent at this time. And if this place had not yet become sickly, there were many who apprehended that it would be so. It could not be expected that men who had been so long absent from their families, would have as much patience now, as when they should re-assemble—when they

could go through the article. He, for one, would not be willing to sit after Friday, and he believed that it would be found that a majority of the Convention was not. He wished to have a vote on the amendment of the gentleman from Beaver, in order to see it decided, that the subject should be taken up in regular order.

Mr. KONIGMACHER, of Lancaster, moved that the resolution, together with the amendments, be indefinitely postponed.

Mr. DICKEY, of Beaver, hoped that that would not be done, and that the motion would be decided by yeas and nays. If the Convention did not rescind the resolution to adjourn, he would move the consideration of the resolution, as originally offered by the gentleman from Fayette. Now, that would be decided by voting down the amendment to the amendment, which contemplated rescinding the period fixed for the adjournment. He would put it to gentlemen, and to the mover of the resolution, in relation to the Judiciary, to say whether, in the four days we had left, there was time to discuss the very important principle involved in that question; and whether, too, it should be left in an unfinished condition. Every member ought to have a full and ample opportunity afforded him of discussing it, and not be cut off with the previous question. He thought that it would be better to rescind the resolution, four days hence, in order to give time for a full consideration of the subject. In regard to an adjournment, he was determined to vote against it. He could not understand why there had been a change of opinion, in reference to adjournment, within a few days. The farmers, a few days ago, when a motion was made to adjourn, in consequence of the wheat harvest, told the Convention that, since they had accepted the task from the people of revising the Constitution, they were determined to do their duty; and the reformers declared that they would not vote to adjourn, but would leave their bones here, rather than desert their posts, and leave the business half finished. Why was this change? He believed that the course of some gentlemen could be explained. They were afraid to submit the amendments in October next. They were afraid that the people would ratify them, and that an honest Governor would have the appointment of the Judges. This may have been the cause why the change has come over these reformers, that they are ready to take their bones home, rather than leave them here. He believed that it was a political manœuvre of the Van Buren party, because they feared that if the amendments were ratified by the people in October, the appointments would not be confined to their party. He believed that this delay, and unnecessary expense of an adjournment, was in consequence of a hope, that in 1838, they would have a Governor of their own.

[Here the PRESIDENT called the gentleman to order.]

Mr. DICKEY resumed: The gentleman from Indiana (Mr. CLARKE) had alluded to this subject, and surely he (Mr. D.) would be permitted to reply. He would have gentlemen remember that the people were not to be treated this way with impunity. The honest Governor would be re-elected, and the honor, interest, and credit of the Commonwealth would be sustained. The gentleman had intimated that the people expected us to act on other subjects, than those embraced in the resolution. He (Mr. DICKEY) supposed the gentleman referred to the celebrated minority report on the subject of the currency and corporations. The evidence of public

opinion was against him. The people required no change in regard to either. The recent election had confirmed that. He had heard it hinted that a Constitution, with the corporations and currency in it, would be sprung upon the Convention, and carried through by the aid of the previous question. Such an attempt might be made, and he warned gentlemen to be on their guard. The gentleman from Indiana had adverted to the necessity of acting upon the subject of the public works. He (Mr. D.) was as anxious to do it, and to adopt such means as should have the effect of guarding the officers entrusted with their superintendence against political influence, as the gentleman, himself, could possibly be. He should be happy to co-operate with the gentleman in this work. A great deal had been said in relation to the expenses of the Convention, and the *Daily Chronicle*, and an attempt had been made to throw the blame upon the conservatives, and those who acted with them. Now, the resolution came from the reform side of the body, and he (Mr. D.) voted for it; and when it was carried by their votes, he was unwilling to discontinue it. Did the people ask for the discontinuance of the *Daily Chronicle*? No—they did not. The people wished to learn what we were about. Then, why would gentlemen deprive the people of a channel, by which they learn their sayings and doings? Let the gentlemen who introduced the paper—who were the first to encourage expense, take the credit, or the blame, which attached to the matter. As to the consumption of time, by making speeches, and offering resolutions, he might not be free from the charge of contributing something towards the expenses. He contended that those gentlemen who pretended to be exclusively for reform, had submitted the greatest number of resolutions, and made the longest speeches, of any gentlemen on this side of the Convention. If, then, there was any odium to be attached any where, in regard to expenses incurred, and time wasted, it belonged to the reformers, and the records would show that.—With respect to the resolution proposing that the Convention do adjourn on the 14th instant, he hoped that it would be rescinded, and that the amendments which the people called for, would be agreed to, and submitted to them in October next.

MR. M'CAHEN, of Philadelphia, said that he had listened attentively to the remarks of the gentleman from Beaver, (Mr. DICKEY) and he thought that after the admonition we had received, we ought to hesitate some time before we agreed to follow his lead, or to take his counsel. The gentleman had recognized among those who voted for an adjournment, a number of those who were called "reformers". He was sure that the gentleman from Beaver would have felt himself honored in ranking among that number, and he now entered his protest against the gentleman rallying in the same day, the "conservatives" and the "reformers"; he for one of the latter branch, would not recognize the command, doubting the sincerity of the gentleman towards the "reformers". He (Mr. M'CAHEN) was somewhat at a loss to understand the motives of the gentleman in presenting this view of the matter which he had, and thus causing excitement. He (Mr. M'C.) had been told that a certain speech was to be delivered, and that an adjournment was to be moved by one party, but that the consequences of it were to be thrown on the other. He had heard, too, that doubts were entertained of the election of a certain gentleman, as Senator from a western district, should he continue a member of the Convention.

and he had also learned, that a Constitution was to be introduced and carried in two days—that all difficulties would be cleared away—and that the debate would be cut off by the previous question. He did not, and would not, charge any gentleman with having recommended this course, but it came to him in the shape of a report, and it must go out in the same character. How could that gentleman contemplate such a course, when he now condemned it with so much apparent zeal. Now, the gentleman seemed to be friendly to the conservatives, if he (Mr. M'C.) understood him correctly, charged the reformers with retarding the despatch of business, and causing the expenses so much complained of. This was the first time that he had heard the gentleman rally the conservatives. Had he abandoned the friends of reform, and gone over to those opposed to any alteration, simply to get rid of the difficulty which effected his personal convenience? He (Mr. M'C.) would be sorry that the Convention should lose his valuable services. He would feel great regret. He trusted that the proposition to rescind would not prevail, and that the Convention would adjourn to meet again in October next, when such amendments would be made, and being then submitted, would, he trusted, meet the approbation of the people.

He would vote against rescinding, because he thought that under existing circumstances, it would be impolitic to do so. He confessed, that he should like the subject of the Judiciary to be brought before the Convention, and he would oppose the application of the previous question in reference to it. He should be glad to hear the views of the gentlemen who well understood the subject, and also, that those views should go forth to the public, and then when we met again in October next, we should be able to act with a perfect understanding of the matter. He would conclude by expressing his hope that the amendment to the amendment would not prevail.

Mr. HIESTER, of Lancaster, said that when the gentleman from Lancaster proposed his resolution, he (Mr. H.) had voted for taking it up, because he was in hope that something would be said on the subject of Judicial tenure. However, on further reflection this morning, he was opposed to its consideration. The reason was, because it was so indefinite in its terms, that he could see no advantage that could be derived from it. With regard to the amendment of the gentleman from Northampton, to go into committee of the whole on the Judiciary question, he was in favor of it the other day, and had voted against taking up the sixth, in order that the fifth might be considered in regular order. Now, he thought, that it was too late to take it up, as the day of adjournment was fixed. He was opposed to all adjournments. He wished the work to be finished before we went home. Now, however, it would be unwise to rescind the order. We had already spent several days on the question of adjournment, and we had, from time to time taken it up, and considered it and rejected it, until at length, on Friday last, the majority succeeded in obtaining a vote for an adjournment till next October. It was quite apparent that gentlemen were quite unsettled, and he, for one, had made up his mind to adjourn, because he believed that we were not in a state to do business as we ought to do it. Under these circumstances, he would vote for the indefinite postponement of the subject, in order that we might proceed to business in the regular order—taking up for consideration the different sections of the sixth article of the Constitution.

Mr. FORWARD, of Allegheny, said, that he should vote for the indefinite postponement, because he thought that after an adjournment of a few weeks, we would then be more in a condition to give the subjects, referred to by the gentleman from Indiana, that sober attention, and that calm and cool deliberation, which they demanded. He had understood his worthy friend as assenting to an adjournment, in order to effect so desirable an object. Under existing circumstances, we were not in a frame of mind to discuss any subject of importance, and to lay our opinions before the people.

Mr. DUNLOP, of Franklin, said he would be pleased if the Convention would agree to the motion for the postponement of the subject, as it was no time now to discuss a matter of so much importance. I am, sir, said he, a whig—a mere whig—whose only policy was his country's good; a man merely of business, or at least, one who wished to be so, and owned no party, but that which promoted employment—a mere working man, who knew of no plots and caucuses, (that have been so freely alluded to,) either to hurry or retard the business before the Convention: he owned no prompter in politics but sincerity, and lent himself to no devices inconsistent with straight forward integrity. I am unwilling, therefore, to believe, sir, said he, in the tricks and contrivances of others; to hope that nothing was introduced, except with the plainest purposes and sincerest intentions. I will not lend myself to the opinion, that the gentleman from Fayette, (Mr. FULLER,) has introduced this resolution with any other than an ingenuous purpose. I believe that gentleman to be an honest man, and above the little arts of deceit: I cannot agree that he has acted with deceptious views, and that he has been made the tool of sinister designs. I have too good an opinion of that member—an opinion justified by all that I have witnessed in him here, to admit that he wishes to impose upon us, or to believe that this resolution has been the result of caucus plots, to delude us; but I hope, as I believe, that every gentleman here will act upon each proposal, as disconnected with party, or manœuvre, and upon its own abstract merits. But, sir, had this resolution come from a less suspicious quarter, I should have viewed it with no little scruple; and as it is, Mr. President, I cannot but wonder how it comes to pass that the gentleman from Fayette has offered it now, at this closing period of our session, when so many members are absent—when so much listlessness prevails in this body, and when so very short a time must intervene before we disperse. But, is it not odd that the gentleman from Fayette should introduce this grave, momentous subject now, sir, when he voted against taking it up so long ago as the 28th of June? If the committee will turn to the page of the Journal, they will find that Mr. MEREDITH moved to go into committee of the whole, upon the report of the standing committee on the sixth article, with the obvious view of passing by the important subject of the fifth article, (on the Judiciary,) until the Convention was more disposed to consider it gravely. I find, sir, among the ayes and noes on that motion, the name of one "FULLER", in the affirmative. I presume, however strange it may seem now, sir, that that name belongs to the gentleman from Fayette. I know, sir, (giving Mr. F. a most inquiring look,) but one FULLER in this House. Yes, sir, it is the gentleman from Fayette; it must be he, who thought that the 28th of June was too late to take up this important question, and now thinks it can be done in a twinkling! I

should be glad to know, sir, what cantrip sleights, what tricks of party have changed the gentleman's views so totally, so effectually.

But, sir, said Mr. D. before I enter upon the investigation of the merits of this matter, I wish to say, sir, that I have not risen so much to urge the postponement of this subject before us, as to deplore the fate of GUYER—"the indefatigable GUYER"—and I do it, sir, in tears. How comes it, sir, that the gentleman from Indiana. (Mr. CLARKE,) can blunder into no error—that his friends can make no false or foolish step, but that poor GUYER must be continually licked for it? I use the word licked, as one most intelligible to the gentleman himself, and perfectly familiar to his constituents of Indiana. Why is it, sir, that GUYER is the scape-goat of all the faults and errors of the gentleman and his friends? When a radical member introduces an ill-judged measure, the mischief must be saddled upon the Daily Chronicle: when the gentleman is rated about the expenses into which he and his party of reformers are plunging the State, he falls upon GUYER! Poor GUYER, like the helpless SCIPIO in GIL BLAS, is flogged for every error, and blunder, and negligence of his master! Every letter which the nobleman's son learned, as we are informed by the immortal novelist, cost poor SCIPIO a most effectual drubbing: and so every speech with which the gentleman instructs the Convention, at the expense of the Commonwealth, costs poor GUYER a pummeling at his hands! If you tell the gentleman that his friends, the radicals, are costing their fellow citizens nine hundred and sixty-seven dollars, as the daily expenses of our Reform Convention, he forthwith falls on GUYER! If you argue that the course pursued by himself or his friends, is inconsistent with their professions, uncourteous to their opponents, and dangerous to the community, he sallies out and belabors the Daily Chronicle! Poor GUYER! how inconsolable would be his fate, were he not so placid and imperturbable?—And how deplorable would be the situation of the gentleman from Indiana, if he had not GUYER to bear his blunders and his blows?

But, sir, the gentleman from Indiana, amidst his other vagaries, has wandered into charges against the conservatives, of endeavoring to distract the attention of the Convention, from time to time, and to protract their proceedings. Who is meant as doing so, it is difficult to ascertain, as the conservatives are reduced to a very few. We have become nearly all reformers, to a certain extent; but, I presume, the member means all those who do not exactly agree with himself, none else being of the truly accurate. Sir, the gentleman charges members with using improper means, of pursuing a censurable course with sinister motives to protract debate, and prevent conclusion: and yet, at the same time, tells us he does not blame such conduct—that it is all fair and proper! To be deceptive, meets his entire approval—does it? To act under false pretences, meets with his approbation! I do not understand such logic. Deceit, sir, is as unbecoming a gentleman here as elsewhere, however it may agree with the gentleman's morality to approve of it. Falsehood and fraud are as odious in one place as another, however much some politicians may think to the contrary.

Here Mr. D. said he had much to say, and would move that the Convention adjourn.

The motion was agreed to; and

The Convention adjourned.

## MONDAY AFTERNOON—JULY 10.

The Convention being called to order,

The question being on the motion of Mr. KONIGMACHER to postpone indefinitely the resolution of Mr. FULLER, and the amendments.

Mr. DORAN asked for the yeas and nays, which were ordered.

The question was then taken on the motion of Mr. KONIGMACHER, and decided—yeas, 44; nays, 60—as follows:

**YEAS**—Messrs. Ayres, Baldwin, Barclay, Barnitz, Bayne, Bell, Biddle, Brown, of Lancaster, Carey, Chambers, Chandler of Philadelphia, Chauncey, Clarke of Beaver, Cline, Cope, Craig, Crum, Cunningham, Darlington, Farrelly, Forward, Fry, Harris, Heister, Hopkinson, Houp, Jenks, Konigmacher, Long, Maclay, M'Call, M'Sherry, Merrill, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Reigart, Russell, Saeger, Serrill, Sill, Snively, Thomas, Todd, Young, Sergeant, *President*—47.

**NAYS**—Messrs. Agnew, Banks, Barndollar, Bedford, Brown of Northampton, Brown of Philadelphia, Butler, Clapp, Clark of Dauphin, Clarke of Indiana, Cleavinger, Cochran, Cummin, Curll, Darrah, Dickey, Dickerson, Dillinger, Donnell, Doran, Earle, Fleming, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, High, Hyde, Ingersoll, Keim, Kennedy, Kerr, Krebs, M'Cahen, Merkel, Miller, Montgomery, Nevin, Overfield, Purviance, Read, Riter, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Smyth, Sterigere, Stickle, Swetland, Taggart, Weaver, Weidman, White—60.

The question recurring on the motion of Mr. DICKEY to amend the amendment,

Mr. DICKEY asked for the yeas and nays, which were ordered.

The question was then taken on the amendment of Mr. DICKEY, and decided—yeas, 32; nays, 79—as follows:

**YEAS**—Messrs. Agnew, Ayres, Banks, Barndollar, Barnitz, Bayne, Butler, Clarke of Beaver, Clark of Dauphin, Cline, Cochran, Crain, Cunningham, Denny, Dickey, Dickerson, Dunlop, Hayhurst, Heister, Hopkinson, Kerr, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Purviance, Scott, Snively, Sterigere, Weidman, White—32.

**NAYS**—Messrs. Baldwin, Barclay, Bedford, Bell, Biddle, Brown of Lancaster, Brown of Northampton, Brown of Philadelphia, Carey, Chambers, Chandler of Philadelphia, Chauncey, Clapp, Clarke of Indiana, Cleavinger, Cope, Crum, Cummin, Curll, Darlington, Darrah, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Helfenstein, High, Houp, Hyde, Ingersoll, Jenks, Keim, Kennedy, Konigmacher, Krebs, Long, Maclay, M'Cahen, M'Call, Miller, Nevin, Overfield, Pennypacker, Pollock, Porter of Lancaster, Porter of Northampton, Reigart, Read, Riter, Ritter, Rogers, Russell, Saeger, Sellers, Seltzer, Serrill, Scheetz, Shellito, Sill, Smyth, Stickle, Swetland, Taggart, Thomas, Todd, Weaver, Young, Sergeant, *President*—79.

The question recurring on the amendment made by Mr. PORTER, of Northampton.

Mr. PORTER withdrew his amendment.

Mr. DICKEY moved to amend the resolution, by striking out all after the word "resolved", and inserting as follows:

"That the following amendments to the Constitution shall be submitted to the people of this Commonwealth, for their confirmation or rejection at the next general election, in the following manner: The amendments shall be submitted all together. The several inspectors appointed or chosen to conduct the next general election, shall, at the times and places of holding said election, receive written or printed tickets from the electors qualified to vote at said election, labelled on the outside, "amendments", and containing on the inside, "for the amendments", or "against the amendments"; and the votes thus given shall be counted and returned in the same manner as is now provided for in the case of votes for representatives—which said votes shall be opened, counted, and declared by the

next General Assembly in joint Convention, on the third Wednesday of December next; and if a majority of all the votes thus given shall be "for the amendments", then those amendments shall become and be part of the Constitution of this Commonwealth; otherwise they shall be void. The Secretary of the Commonwealth shall cause the amendments to be published in at least two newspapers in each county, (containing so many) for at least two months before the election.

## AMENDMENTS.

ART. I. After the sections second and tenth, so as to read as follows:

SECT. 2. The Representatives shall be chosen annually by the citizens of Philadelphia, and of each county respectively, on the third Tuesday of October.

SECT. 10. The General Assembly shall meet on the first Tuesday of January in each year, unless sooner convened by the Governor, and shall adjourn on the first Thursday in April, unless continued in session by law for that purpose.

ARTICLE II. OF THE CONSTITUTION. After section third to read as follows:

SECT. 3. The Governor shall hold his office during three years from the third Tuesday of January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

ARTICLE III. OF THE CONSTITUTION. After section first, so as to read as follows:

SECT. 1. In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State one year, or if he had previously been a qualified elector, six months before the election, and within two years next before the election, paid a State or county tax, which shall have been assessed at least ten days next before the election, shall enjoy the rights of an elector: *Provided*, That freemen, citizens of the United States, having resided in the State as aforesaid, being between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

ART. V. After section second to read as follows:

SECT. 2. The Judges of the Supreme Court, of the several courts of the Common Pleas, and of such other courts of Records, which are or shall be established by law shall be nominated by the Governor, and by and with the consent of the Senate appointed, and commissioned by him. The Judges of the Supreme Court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The President Judges of the several courts of Common Pleas, and of such other courts of Record, as are or shall be established by law, and all other Judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well. The Associate Judges of the court of Common Pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. For every reasonable cause which shall not be sufficient ground for impeachment, &c. to the end of the existing section.

After section ten to read as follows:

SECT. 10. A competent number of the Justices of the Peace and Aldermen, to be fixed by law, shall, in the several townships, boroughs, and wards, of the several counties and cities of this Commonwealth, be elected by the qualified electors of Representatives. They shall be commissioned by the Governor, and shall hold their offices for the term of five years; but may by him be removed on conviction of misbehavior, &c. to the end of the existing section.

ART. VI. OF THE CONSTITUTION. After it to read as follows:

SECT. 1. Sheriffs and Coroners shall, at the times and places of election of Representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen, or appointed Sheriff in any term of six years. Vacancies in either of said offices shall be filled by a new appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Add a new section, to be called section six, as follows:

SECT. 6. Prothonotaries and clerks of the several courts, (except the Prothonotaries of the Supreme Court, who shall be appointed in the respective districts by the court for the term of three years, if they shall so long behave themselves well, and are not re-no-

ved by the court.) Recordors of deeds and Registers of wills, shall, at the times and places of election of Representatives, be elected by the citizens of each county, or the districts over which the jurisdiction of said courts extend, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The Legislature shall designate by law the number of persons in each county, who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by an appointment to be made by the Governor, to continue until the next general election, and until a successor shall be elected and qualified as aforesaid.

Add a new section, to be called section seven as follows:

SECT. 7. Justices of the Peace and Aldermen shall be elected by the citizens of the several districts at the times and places of electing Constables, and hold their office for five years, if they so long behave themselves well: the number in each district to be fixed by the Legislature.

Add a new article to be called article ten, as follows:

ART. X. SECT. 1. The public debt of this Commonwealth shall never exceed the sum of thirty millions of dollars.

ART. XI. SECT. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon; and the Secretary of the Commonwealth shall cause the same to be published, as soon as practicable, in at least one newspaper in every county in which a newspaper shall be published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people at such time, at least three months distant, and in such manner as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified voters of this State who shall vote thereon, such amendment or amendments shall become a part of the Constitution.

Mr. BELL moved to amend the amendment of the gentleman from Beaver, (Mr. DICKEY) by striking out all after the word "That", and inserting the following: "The Convention do now resolve itself into committee of the whole, for the purpose of further considering the sixth article of the Constitution".

Mr. DICKEY opposed the motion. If it was the wish of the friends of reform, to avoid a direct vote on the questions before the Convention, they would support the motion of the gentleman from Chester, which went to cut off all hope of a decision upon them. But, if they wished to do what the people desired, they would vote down this proposition. The sincerity of the friends of reform, whether conservative or radical, was now to be tested.

Mr. BELL said, the proposition of the gentleman from Beaver was that of the gentleman from Adams, with the addition of the motion of the gentleman from Butler, in relation to the Judiciary. It put a new nose on an old face. It struck him to be, in its tendency, a direct and positive insult to the Convention. The people deputed us to propose amendments.— We had consumed many weeks in determining a mode for doing this. One proposed to refer the subjects to standing committees, another to special committees, and another proposed to consider them in committee of the whole. But, it was never proposed that we should refer it to any particular man, to go to his chamber and prepare a Constitution, and bring it to us now to swallow as a whole. We had taken up the reports of the

committees separately and distinctly, and had thus far progressed in their discussion and disposition, when, just as the Convention have arrived at a point when their minds are distracted, when they are making preparations for a recess, when speeches fail to command any attention, then gentlemen, who had shed tears over the Constitution, and talked of wearing crape in token of their grief at its destruction, throw themselves in the way of the reformers with this proposition. There were many things in it to which he gave his assent, and would vote for at a proper time; but, he would not take the subject out of the hands of the Convention.— If it was improper, at any time, to proceed in this manner, much more improper would it be now. What does the gentleman from Beaver propose? That we should take his Constitution. Some parts of it, he says, have been agreed to in committee—other parts have been postponed.— He is solicitous that we should let it pass, and, he says, we may amend the objectionable points on the second reading. The gentleman takes up all these unpledged propositions, and shapes them into a resolution, and asks—he, who this morning said he was a reformer—he asks us to take it up and pass it, and submit it to the people of Pennsylvania. How ought such a proposition to be received? In what spirit! My feelings scarcely allow me to speak my sentiments in regard to it, and consider it nearly an insult. He hoped this procedure had nothing to do with the politics of the country. It was not, he hoped, predicated on any idea of favoring any political party or object. But, he could see no reason why these gentlemen should be so anxious to finish the labors of the Convention at a single blow. The people did not elect one man to frame a Constitution, but a hundred and thirty-three. So far we have carried out their wishes. We had deliberated gravely and acted cautiously thus far, and were going on. What would the people say to this new course? If we submitted the amendments, they would say to us, in a tone that will not admit of reply—you have shown yourselves unfaithful servants—you have taken the proposition of one who has proclaimed himself a conservative and swallowed it whole, without discrimination or deliberation. I, (said Mr. B.) protest against this course—first, because it is indecorous, and second, because it destroys what we should be most solicitous to preserve—deliberation and discussion. The resolution contains no new Judicial system. The gentleman from Adams offers this momentous proposition. After the impressive and eloquent remarks made this morning, by the venerable Chairman of the Judiciary committee, (Mr. HOPKINSON) on this subject, he prepares and brings forward this momentous proposition. The gentleman from Beaver has made up his mind, and is ready to vote upon it. He tells us that he is ready, and that they are ready to vote upon the question of the Judiciary. He (Mr. B.) must be allowed to say, that any who was ready to pronounce his final judgment on this great question, had not considered it in all its aspects, nor viewed it in all its vast magnitude. The education and habits of the gentleman unfitted him for taking such a subject into a full and correct view. What gentlemen could come here and tell us, that a hundred and thirty-three men sent here for deliberation, had not been able to say, that they are ready to decide this question. Such gentlemen must be possessed of singular comprehensiveness of mind, I am not ready. I have given laborious study to it, and I am not ready. Why, I ask gentlemen, are we to be forced—driven,

prematurely, to this decision? The only shadow of a reason given for it is, that the people expect it. I deny it emphatically. They expect nothing unreasonable. The people are too intelligent to require any thing so monstrous in its character. They required us to prepare and mature amendments, and when they were properly matured, to submit them. Is there any reason, then, why this proposition should succeed? Every attempt to divert us from the plan which we are pursuing in committee has failed. More than once the Convention had refused, by yeas and nays, to go out of its regular path; and, more than once, a proposition to bring the business before the committee, on the Judiciary question, has failed. And why, because, it was said, the people were more immediately interested on the question of Executive patronage, than in any other. It was said that, but for this inordinate power of the Executive, the convention would never have been called; and yet, before we have finished the article, we are now called upon by the resolution of the gentleman from Fayette, (Mr. FULLER) to pass it over and take up the Judiciary. The same gentleman who had voted to give it the go-by, now pressed it upon us. The gentleman from Beaver asks us to drop every thing in the middle of our action in the committee, for the purpose of what?—of expressing our opinions! And what effect would this expression of opinion have upon the public, and upon this Convention? But one effect could be expected from it, and that was to humble the members of this body, and to place them in a ridiculous light before the people.—He should vote against all these propositions, and he trusted that his motion would prevail.

Mr. REIGART said, he scarcely knew in what terms to express his hostility to the motion of the gentleman from Beaver. It was said this morning that the consideration of these subjects would occupy some months, and yet we are urged by the gentleman over the way to adopt his project at once, and for what? The gentleman tells us we should adopt this amendment for the purpose of giving our constituents the opportunity of procuring the services of certain gentlemen in certain offices. Are we to adopt this amendment for the purpose of favoring two or three men in this body? Are we to adopt it, to help the election of certain gentlemen to the Legislature, or to Congress? We have been told by gentlemen of high character and respectability that the Judiciary question will occupy the attention of the House for a month; yet we are now called upon to take the vote upon it in an hour, and it is to be the work of one man, instead of that of one hundred and thirty-three. He protested against any such course, and said he came here for no such purpose. The Reformers of this Convention have been called upon by the gentleman from Beaver, to come up to the support of this proposition; gentlemen were called upon to rally in support of this measure of Reform. Mr. R. called himself a Reformer to some extent—he was no radical, in the sense in which the term was understood here. He had been called a conservative, but he was no conservative. He knew his constituents required certain alterations to be made in the Constitution, and he came here to carry them out. They have been partially carried out, but not entirely. But according to the proposition of the gentleman from Beaver, the article on the subject of the Judiciary is to be altered here forthwith, and all discordant opinions on this subject are to be made to harmonize in a moment, and we are to cast this work of a mo-

ment before the people for their ratification. This may be called a Legislative manœuvre. He could give it no better name, because he was too indignant at having such a measure thrust upon us at this time; but if it was a manœuvre, he would tell the gentlemen that there are men here who understand no such manœuvres. We have come here for the purpose of carrying out the trust delegated to us, and it would be a perversion of that trust and a dereliction of duty for us to adopt any such proposition as this without consideration. He owed to his constituents, and to the people of Pennsylvania, higher duties than this. Can the gentleman expect that his Constitution will be adopted in three days, without examination. He had heard that gentleman, or some other gentleman in that direction, some time ago, say that the Judiciary article would occupy the attention of the Convention for a month. How, then, can he, or any reasonable man expect that we can adopt this proposition in two days. Is it not fresh within the recollection of every gentleman in this Convention, that we have been engaged here in amending the Constitution section by section, carefully and judiciously, discussing and deliberating upon every amendment brought forward. Then are we to pass upon the most important article in the whole Constitution in the space of two days, and submit it to the people at the October election, and all for the purpose of pleasing some two or three members, and giving them the opportunity of returning to their constituents, and receiving office from them. He was willing that these gentlemen should receive any office within the gift of their constituents, but he was unwilling to sacrifice the Constitution of Pennsylvania to their purposes—not to say selfish purposes. While he had a voice on this floor, he should protest against any such course. We have been two months and a half in session, and have passed but few articles through Committee of the Whole. We have had petition upon petition presented here upon various subjects, and he did not suppose that this Constitution could be altered so as to be made acceptable to the people in two months to come; yet the gentleman from Beaver asks us to overlook this all, and adopt his Constitution in the short space of two days. He must be permitted to raise his voice and protest against any such course as this. He should vote against the amendment, and hoped that few gentlemen would be found to support a proposition of this kind.

Mr. STEVENS regarded the remarks of the gentleman from Lancaster, as entirely gratuitous. The gentleman had fallen into the track of a certain class of gentlemen here, who, on almost every occasion, instead of rising to answer the arguments, or speak to the propositions which other gentlemen brought forward in the discharge of their duty, turn into that unkind, if not rude and ungentlemanly habit, of assailing the mover, and imputing some personal or unworthy motives to him. He has followed the lead of those gentlemen who travel over the whole history of a man's life, to hunt up some private personal matter, which may have the effect of injuring him among his constituents. That was the last quarter which he should have expected such a course of remarks as this to come from, but it had become so common of late, that you could scarcely tell where to look for it. Was there any thing in the course of the gentleman from Beaver. (Mr. DICKY) which deserved this freedom of censure, either at the hands of the gentleman from Chester, (Mr. BELL) or from his copyist, the gentleman from Lancaster, (Mr. REIGART). Sir, when this proposition was

brought before us by the gentleman from Fayette, (Mr. Fuller) for limiting the tenure of the Judiciary, we were asked to give a solemn vote upon it; and no one knew better the object of this vote than he (Mr. S.) did. It was to have no effect in shortening our labors, and was not to supersede the necessity of our re-assembling again in this place. We were to come back here, at an immense expense to the Commonwealth, to settle and put into shape this opinion, which we were called upon to express. We were to come back here, when we recruited our healths and our stock of materials for further debate, and saddle upon the people the expenses of a session of six months; and then separate, after having done just what we propose to do now. The gentleman from Beaver has brought forward the very proposition in a definite and practicable form, which the gentleman from Fayette brought forward in a vague and indefinite form; and when he proposes to give it to the people before we adjourn, to save the immense expense of re-assembling here, he is denounced by gentlemen, and by no one more severely than by the gentleman from Lancaster. On more occasions than one has this gentleman's character been attacked in this Convention; but, fortunately, he has earned for himself a reputation which will last, when those who malign him will be forgotten. Is there any thing in this proposition which those who are now so declamatory against it, have not a hundred times declared themselves prepared to act upon? Is it the object of the gentleman from Lancaster, that we should spend our time here until other gentlemen can be accommodated? Are we to remain in session until the time arrives for submitting our amendments, which will suit the particular views of some gentlemen here? Was this the magnanimity of gentlemen on this floor? Let gentlemen consider this question, and then they could determine whether it was the gentleman from Beaver, or the gentleman from Lancaster, who best understood the duty he owed to his constituents, or to the people of the State. What is there in the resolutions submitted by the gentleman from Beaver, that is not in the propositions of amendment which we have labored here for nine weeks to mature? And are they yet regarded, after all this waste of time and money, so crude and undigested, as to be unfit to be laid before the people? In addition to what we have already agreed to in committee of the whole, the limitation in the tenure of the Judiciary has been here introduced, and have we not been told, over and over again, by the radical reformers, the very men who had their minds made up when they came here, that the people had decided that this change should be made? We have been charged, too, with attempts from the beginning, to defeat all reform; yet now, when we bring forward the very propositions which gentlemen desire, and ask them to adopt them, in order to save expense to the Commonwealth, we are denounced by these very consistent gentlemen. We have been told from the beginning, that the people desire these reforms, and that this Convention was only called as a means of making them and submitting them to the people; but, all at once, these gentlemen discover that this is not the proper time to make this reform. We have been told, all along, that the people had desired that the tenure of the Judiciary was to be limited, but when this question comes to be submitted to gentlemen, they declare that they are not prepared to vote upon it; and he supposed that the gentleman from Lancaster, who had lately become a reformer, had not made up his mind between a term of

years and good behavior. For himself, his mind was made up on this question. He was in favor of an independent Judiciary, to administer the laws of the Commonwealth. He was in favor of a Judiciary that would discharge its duties with perfect independence, and honesty, and justice; and Judges appointed for good behavior, he believed to be better calculated to administer the laws independently, than Judges appointed for any other term. But, notwithstanding he believed this, he did not come here to shut his eyes to the light of day. He did not come here so blind, that he could not see that which a child of three years old would discover, namely, that there was a decided majority of this body in favor of limiting the tenure of the Judiciary. Was he to stand up, then, in blind opposition to the majority, and say, that if you do get the reforms you desire, it shall cost the Commonwealth a quarter of a million of dollars? Was this what gentlemen desired him to do? Now, he was prepared to go for this proposition, submitted by the gentleman from Beaver, not that he was pleased with the whole of it, because there were some things in it which he would like to shun: there were some of its provisions which he would be pleased to omit, but if he knew the sentiments of this body at all, he knew there were twenty of a majority for limiting the tenure of the Judiciary, as he thought every member of this Convention must be convinced. He would, therefore, take the proposition as it stands, with all its objectionable features, and submit the matter to the people at the next election, for the purpose of avoiding the inconvenience and expense of re-assembling this Convention in the fall of the year. He supposed he would be again taken to task for mentioning this matter of expense, and have a lecture read to him, as has been read to other gentlemen, because they spoke the truth; and he supposed gentlemen would attempt to show who caused this expense. He did not pretend to say who caused it, but if there were no other expenses incurred than those desired by the conservatives in this Convention, they would be very small, indeed. They do not bring crude propositions before the body, but only take the liberty of answering such as are brought forward and advocated by other gentlemen. He did not stand here to charge any one with causing expense, but if we can now do all that can be done in the end, and save all the expense which will be incurred by meeting again, why not do it? He knew, however, that it was in vain to argue this matter; while, on the one hand you find, not every reformer, but every reformer of a particular party, going for putting off this question until after the election; and, on the other hand, you find the magnanimous conservatives running their head, neck and shoulders into the very mouth of the lion. If this proposition of the gentleman from Beaver is rejected, we will be going on to decide upon the proposition of the gentleman from Fayette, which must be more objectionable to gentlemen than this one. He hoped, therefore, that this proposition of the gentleman from Beaver might be adopted, so that a termination might be put to our labors, and a vast sum of money saved to the Commonwealth.

Mr. PURVIANCE said, he rose to express his astonishment at the very singular proposition of the gentleman from Beaver, (Mr. DICKEY) and also to enter his protest against the repeated, stale, and worn out story of Conventional expenses. At an early stage of the session, he had made repeated efforts to procure a conference of the friends of reform, for the

purpose of bringing before the Convention something which would ~~not~~ with the approbation of a majority of members; and, if possible, have it presented to the people at the ensuing October election. He was surprised that, within three days of the adjournment, a proposition should have emanated from the gentleman from Beaver, (Mr. DICKET) containing not even what had been passed upon by the committee of the whole, and that this should be done without any hope of obtaining a final vote, without first rescinding the resolution of adjournment. He had voted against the adjournment, and also in favor of prolonging the session, until the duties assigned by the Convention should be finally disposed of; but when, by a vote of eighty to forty, the question of adjournment had been settled, he was at a loss to know the reason for introducing so singular a proposition, with any hope of getting it through in three days. The proposition of the gentleman from Beaver (Mr. DICKET) is the same as that offered by the gentleman from Adams, (Mr. STEVENS) a few days since, except that the former embraces a provision in relation to Judicial tenure, which was not in that of the latter. Now, why was not something of this kind done at an earlier period? Why have gentlemen, who have consumed day after day, and week after week, in the discussion of amendments, never desired by the people, all at once, as if by magic, been brought to do what the honest friends of reform have been laboring assiduously to obtain since the first day of our meeting? Who introduced exciting topics into this Convention, which consumed half the time of its session, and thereby wasted the public time and money? The very gentlemen who are now complaining most of expense, and who are now about to atone for the loss of time consequent upon their unnecessary discussions. One of those gentlemen first introduced a proposition to limit the city and county representation to six members; and upon this, an excited, and I may add, a disreputable discussion ensued. Next a proposition is made, by the same gentleman, against all banks, which was premature and uncalled for, and occasioned great and unnecessary delay.— Next came, from the same quarter, a proposition which went to disfranchise the members of the Convention; and this, like the others, produced a lengthy and extremely unpleasant debate. From the same quarter, we next have a proposition to elect inspectors of flour, pork, lazaretto physicians, &c., all done for the obvious purpose of consuming time, that an opportunity might be offered to follow it up by complaints of the daily expenses of the Convention. All the propositions referred to, originated with the gentleman from Adams, (Mr. STEVENS) and, in their discussion, who participated more than the gentleman from Beaver (Mr. DICKET)? The answer to this last enquiry, will be found by an examination of the Journal of our proceedings, where the eye will meet with that gentleman's name on almost every page. After such great, and uncalled for, and inexcusable consumption of time by those two gentlemen, they complain of the expenses, and spread estimates of the daily cost of this body. Sir, (said Mr. P.) I protest against any thing like trick or management, let it come from what quarter it may; and more particularly do I protest against these artifices, coming as they do from those who are unfriendly to reform, and designed as they are to influence and excite public opinion against the amendments which will be presented to the people. What (said Mr. P.) are the daily expenses of this body? Less by two hundred

dollars than those of the Legislature. What are our duties? Ten times more important than those of any Legislative body in the world. He (Mr. P.) would state for the information of the gentlemen from Adams, (Mr. STEVENS) from Beaver, (Mr. DICKEY) and Franklin, (Mr. DUNLOP) that this Convention had made one amendment, to wit: that of changing the time of meeting of the Legislature, which, of itself, would save to the people of Pennsylvania, annually, forty-five thousand dollars, and which, in ten years, would amount to nearly five hundred thousand dollars. He concluded by repeating that the proposition of the gentleman from Beaver was what he (Mr. P.) had been endeavoring, in the early stage of the Convention, to bring about, but was arrested in his intention, by the introduction of unnecessary propositions, in the discussion of which the gentlemen from Beaver, (Mr. DICKEY) and from Adams, (Mr. STEVENS) had largely participated; and intimated in reference to the gentleman from Beaver, (Mr. DICKEY) that a change had come over the spirit of his dreams, in consequence of the recent nomination of that gentleman for the Senate in Beaver county. He (Mr. P.) hoped that, in future, no gentleman would attempt to elevate himself at the expense of his fellow members, and that propositions would not, hereafter, be submitted for the sake alone of seeking popularity.

Mr. HOPKINSON, of Philadelphia, exceedingly lamented that, at this stage of the session, when we were about to adjourn for some time, and perhaps some of us forever, that the subject had been brought here, and treated in such a way—in a manner strongly partaking of a personal character. There had been animated debates, going far into personal animosity, yet nothing had, as yet, occurred, which had disturbed personal harmony. He trusted that a change—a turn in the argument before us would take place, because the practice of impugning motives, and looking to the personal motives of gentlemen, must always excite retaliation. For his own part, he looked not to the motives of gentlemen—he looked to their arguments. He looked to them alone, and let them answer as to their motives. With regard to the proposition of the gentleman from Beaver, he was most decidedly opposed to it, and declared that if he stood alone here, he would never consent directly or indirectly to participate in destroying the independence of the Judiciary. Every member who voted for the amendment, did so, and must be silent before the people. The gentleman from the county of Philadelphia, had said to-day, or yesterday, that it was in vain to debate the matter—the sentence had gone forth—that we stood forth rather as executioners than Judges. That might be so, he had no idea of deciding the question. He confessed then, from the discussions which had taken place here, he had derived much light, and should go from here a wiser man than he was. The gentleman said that he had made up his mind upon it. He (Mr. H.) would say, that there was not a question which had come before the Convention, which was so little understood as the present. As to the Justices of the Peace, they saw them, and could judge of them. But, as to the principles of liberty, and the foundation upon which the Judiciary stood, he would say that there was no subject upon which the members of the Convention possessed so little information. Where, he would ask, were they to get it? They could not get it in the books: it was, indeed, but a new subject in England—a subject about which very little had been written. And, in this country, little more

would be found in reference to the independence of the Judiciary, and the principle of the Judges holding their offices during good behavior, than in the speeches of political arguments of public men. He had voted for rescinding the resolution for adjournment, in order to give us time; but the Convention had not thought proper to rescind the resolution. He concluded by saying, that he would vote against the amendment of the gentleman from Fayette, and also, against that of the gentleman from Beaver.

Mr. DICKEY, of Beaver, having been spoken of in the manner he had been, felt himself constrained to reply to the gentleman from Butler, or from Lancaster, to point to any part of his course which was inconsistent with the proposition he had now offered. He had come from a section of the country, which, on every occasion when the question had been presented to the people for the call of a Convention, voted for it by an overwhelming majority. He believed, that he understood what his constituents wished and desired, and he thought it was embraced in the proposition which he had submitted. His opinion was, that his constituents wanted the time of the election fixed for the third Tuesday in October, and the Legislature to meet in January. His constituents were in favor of many other measures of reform, and he was, therefore, anxious to submit to them those propositions which had undergone the action of the committee, and would not probably be defeated on a second reading. Why should not the gentleman from Butler be willing that the people should pass upon those propositions which he himself was in favor of, and which he knew the people were in favor of, at the election in October next? This proposition contained nothing which the Convention had not acted upon, except the limitation to the amount of State debt, and the alteration of the tenure of the Judiciary.— Upon those subjects, he did not wish to force a division without debate, and he, therefore, had offered a motion to rescind the resolution for adjournment. In a short time, they could be acted upon, and there was no good reason why the proposition should not be submitted to the people in October.— Mr. D. went on to express his entire willingness, if gentlemen would assist him to get the resolution of adjournment rescinded, to sit here until the whole of the business which the people expected to have done, should be finished. There were some who were anxious to be at home previous to the elections; but if any of the insinuations about nominations were intended for him, they would fall to the ground, for although he had seen his name in the papers, he had not solicited any nomination. Reference had been made to the author of the amendment. It was a copy of the resolutions offered by the gentleman from Adams, which had been lying on the table for two weeks; and he was one of those who were not unwilling to take a good thing, because it came from that quarter. He was willing that the opportunity should be allowed to every gentleman for a full discussion of the resolutions, and for that purpose, he was willing to rescind the resolution of adjournment. He was willing to remain here until the business before the Convention was concluded, whether it was for four weeks, or four months. But he asked those who were bound to carry out the principles of reform to go with him; and he believed it would then be possible to go through the whole in the course of a week. He believed the minds of the people were made up, and it was the duty of the Convention to carry out the views of the people.

Mr. HAYHURST moved to postpone the further consideration of the sub-

ject, to enable the committee on accounts to make a report, and the committee having made their report,

The Convention adjourned.

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TUESDAY, JULY 11, 1837.

Mr. COPE, of Philadelphia, presented a memorial from the Society of Friends, asking the Convention to insert in the Constitution, a provision exempting them from the payment of fines imposed for the non-performance of militia duty.

On presenting this memorial,

Mr. COPE said—I have not occupied much time in making speeches in the Convention, being rather desirous to improve by the wisdom of others, than to be heard myself, but the Convention will excuse me for submitting a few explanatory remarks on the present occasion.

I am not disposed to invite a discussion on the mooted question—whether war is allowable to the Christian—but this I can say in all sincerity, that the religious society, of which I am a member, do most conscientiously believe, that war is inconsistent with the spirit of the Gospel.—They cannot, therefore, bear arms.

The society of Friends originated in Great Britain, a short time antecedent to the Commonwealth, during a period of great civil, political and religious excitement, in which they suffered much for their principle, in property, in liberty, and in life. To escape from these scenes of tumult, and to enjoy those conscientious privileges which were denied to them in the country of their birth, WILLIAM PENN, and his associates, fled to the wilds of America. They were preceded by the Pilgrim fathers, who landed from the Mayflower, on the rock of Plymouth, and who, escaping from persecution, nevertheless, preserved the Government in their own hands down to the Revolution. Our forefathers, like theirs, also fled from persecution; but, they invited the persecuted of all nations to seek protection under their mild sway, and to participate with them equally in the blessings of civil, political, and religious liberty. They arrived, and, in process of time, becoming the most numerous, they assumed the Government, and the reins fell from the hands of Friends.

But here permit me to remark, that, while in Massachusetts, peopled by the descendants of the Pilgrim fathers, it now is, and for half a century has been, sufficient for a Quaker to produce a certificate of membership, to exempt him from military services, and from all penalties for a non-compliance—in Pennsylvania, founded by the society on the most liberal principles, designed to secure to all the enjoyment of the rights of conscience, in the land of PENN, the Quaker has been deprived of his conscientious privileges. For many years the society suffered but little on account of their principles; but, the Revolutionary war at length broke out, and then commenced his sufferings. From that period to the present time, the members have had taken from them, property to the amount of between three and four hundred thousand dollars, and that from members

of the Philadelphia yearly meeting alone ; and, there are at least seven other yearly meetings on this continent. What has been the amount of these exactions on them, I am not prepared to say, nor is it material here that I should. Can any one tell what portion of this large sum has reached the public treasury ? Not a tithe—perhaps not the tithing of a tithe.

But it is alleged, that if the Quakers will not fight, they should pay an equivalent. Now, will any casuist here or elsewhere, tell me the difference between my shooting a man myself, and hiring another to shoot him ? It is because Friends cannot perceive this difference, that they seek relief at your hands.

But do not the members of the society render an equivalent ? In the first place, they contribute equally with others to the public burthens.—They pay their full share in support of the common poor, and the public schools : they join others in works of charity and public utility. They have not spared their money, nor their personal services, in the erection of your hospitals, your libraries, the asylum for the deaf and dumb, for the blind, the orphans' asylum, widows' asylum, house of refuge, and other works of christian benevolence. Well then, besides these, they educate and support their own poor exclusively. Tell me, which of you has known a Quaker to knock at your door for charity ? It would not be allowed—the society would not permit it. To say nothing of their houses for worship and appendages scattered over town and country, and which may be valued at hundreds of thousands of dollars, I may mention the two institutions, lately established in the city, by the legacies of two individuals, for the relief of suffering humanity, costing upwards of three hundred thousand dollars. These institutions are not intended for the use of members of the society, but for persons of all other denominations—not that members have been excluded by the liberal donors, but because they are otherwise provided for.

I may next mention the asylum for the insane, established on a farm of seventy acres, near Frankford, which, with the buildings, cost seventy thousand dollars. This asylum is open to persons of all societies, and I ought, perhaps, in justice to the physicians and others who have the immediate supervision of it, to say, that no similar institution, within my knowledge, either in this or any other country, has been more successful in the cure of that dreadful malady, as the records of the asylum will fully prove.

Next is Westown school and farm of six hundred acres, situated about twenty miles from the city. The land was purchased low, and, with the buildings, cost between seventy and eighty thousand dollars. About two hundred children, of both sexes, receive here a good English education, and such as choose, may acquire a knowledge of the learned languages. Then we have Haverford school, on a farm of about two hundred acres, eight miles from Philadelphia, in which between seventy and eighty boys receive an education, believed to be equal to that taught in any of the best colleges in America. This school was chartered by the Legislature of Pennsylvania, with a capital of one hundred thousand dollars.

We now arrive at the city itself—there the society have about twenty schools, two or three of which are exclusively appropriated to the children of their own members—all the rest are open to persons of every denomi-

nation. In these schools, from one hundred and twenty to one hundred and thirty children are taught gratis, and the charge for others is kept purposely so low, as to enable citizens, in moderate circumstances, to educate their children without the appearance of receiving charity.

Now, I have not made this enumeration with ostentatious views, but simply for the purpose of saying, that while the society contribute equally with others in the common expenses, and while the Legislature of the State has appropriated large sums, and very properly so, to the endowment and support of colleges, and other useful institutions, from which the society receives no benefit, the public has not, in any shape or form, contributed one cent towards any of the institutions mentioned by me, nor a cent to the support or education of a single member of the society of friends--nor indeed have they ever asked it.

Have I not, then, made out my case? Have not the Quakers paid an ample equivalent for not mustering two or three times a year, to march through the streets for the amusement of our children? But, it is not merely the pecuniary exactions of which the society has reason to complain; it is the insulting--may I not say the brutal manner in which these fines are sometimes collected. I have, myself, known the blankets to be stripped from the beds of children in a cold winter's night, while they were left to suffer, with no other covering than a linen sheet; and this not once or twice, but oft repeated, on the same family, and that, too, when woollen clothing was exceedingly dear, and difficult to be procured.

I have little knowledge of the kind of persons employed to collect militia fines in the counties--in Philadelphia we have had some experience in these matters. An individual was there employed for many years, who rendered himself sufficiently notorious by his savage conduct. I will not wound the feelings of this House by a recital of many of his deeds: their recapitulation would employ hours. On or two instances, by way of sample, the Convention will excuse me for mentioning.

On one occasion, this man called at the house of a mechanic, on whom he had a small demand for a militia fine. The occupant of the house was from home. Perceiving an infant slumbering in a cradle, this hero threw it on the floor, and marched off triumphantly with the cradle and bedding. On another occasion, he called for a fine on a lad who had been born blind. While this lad was standing at his father's door, reasoning with the tax gatherer on the absurdity of the demand, he received, from the latter, repeated blows on the head from a bludgeon, administered with so much severity as to endanger his life. Now, be it known, that although this lad, from his imperfect vision, could neither read nor write, he possessed a cultivated mind, was amiable and interesting, had been delicately brought up, and was the son of one of our most respectable citizens. I will merely add, that I have no pleasure in these painful recitals, and will pursue the subject no further, as this miserable man was at length overtaken by the laws of his country, and now is, or lately was, a convict in the Eastern Penitentiary of Pennsylvania.

Why, then, continue a system which produces no advantage to the public, but which is so offensive and oppressing to an unoffending people?

On motion of Mr. DARLINGTON, the memorial was then read, laid on the table, and ordered to be printed.

Mr. MAGEE, of Perry, presented two memorials from the county of Perry, on the subject of Banks and Banking, which were referred to the appropriate committees.

Mr. COPE, from the committee of accounts, made a report, accompanied by a resolution, making a provision for the payment of officers, which, after some discussion, was agreed to.

Mr. DUNLOP, of Franklin, obtained leave to offer the following resolution :

*Resolved, That the Stenographers, one of the Assistant Secretaries, the Assistant Door Keeper, and the Sergeant-at-Arms, be dispensed with at the next meeting of the Convention.*

Having been read a first and second time,

Mr. FRY moved that it be referred to the committee appointed to inquire into the expediency of making arrangements for discontinuing the Daily Chronicle and Convention Journal, and to inquire what other expenses, if any, of the Convention, ought to be curtailed.

Mr. DUNLOP, of Franklin, thought that the resolution involved no difficulty, and required but little exercise of the mind to comprehend and to decide upon it. With regard to the Sergeant-at-Arms, and Assistant Sergeant at-Arms, he could see no earthly service for them. He understood the office of Sergeant-at-Arms, to be of an executive character merely, and connected only with Legislative duty. This was the Parliamentary idea. He knew of no service that these officers could perform in a Convention like this. He would then ask, why we should be burdened with an unnecessary expense of this sort? And, as to the Clerks, we had certainly more than we had any occasion for. In regard to the Stenographers, he would beg leave to refer the committee to the act of Assembly, and would ask them respectfully, whether we had not gone beyond the act of 1836. The eleventh section of that act says—"The delegates to the said Convention shall be entitled to the same pay and mileage to which members of the General Assembly are now entitled, which, together with the pay of a competent Stenographer, to report the debates of the said Convention, shall be paid by the State Treasurer, on the warrant of the presiding officer of the Convention," &c. Now, instead of a competent Stenographer, we had four. And, even that number had found enough work to keep them busy from six in the morning, till six at night. When the Legislature authorized us to employ a competent Stenographer, they did not contemplate the probability of our holding two sessions a day, and making six thousand, eight hundred and eleven speeches. The debates, as far as they had gone, would, he had been informed, make nearly two thousand pages royal octavo; and at the next session, we should make speeches enough to fill three or four volumes more. What was the use of this voluminous collection of speeches? Who would ever read them? For his own part, he did not think it worth while to put the State to the expense of publishing his speeches. He did not care whether they were heard of again.—The great expense of those books, he thought, might as well be saved. The people would never look into them for information concerning our proceedings. We were now getting along very well. If gentlemen would only let the delegate from Beaver have his own way, he would make us a Constitution that would last forever, and there would be no necessity for spreading our debates before the public. His (Mr. D's) object was to cur-

tail our expenses as much as possible. With regard to the officers named in the resolution, they were wholly unnecessary, and might be dispensed with without any inconvenience.

Mr. FRY observed, that if the resolution was not referred to the committee, according to his motion, he would move to amend it by substituting for it a provision for the discontinuance of the Daily Chronicle.

Mr. BROWN, of Philadelphia, said, that no doubt the committee which had been raised to ascertain what expenses could be curtailed, would take the whole subject into their consideration, and if they did not go far enough, we could act accordingly.

Mr. STERIGERE, of Montgomery, thought the resolution would go more appropriately to the committee appointed to consider the propriety of discontinuing the Daily Chronicle.

The PRESIDENT said that it was referred to that committee.

Mr. STERIGERE remarked, that if it was the intention of gentlemen to dispense with the Chronicle, the necessity of continuing the Stenographers was increased. The debates should be published. He was astonished at what had been said by the gentleman from Franklin, (Mr. DUNLOP,) in reference to dispensing with the Stenographers. Would the gentleman stop the publication of the debates, after having proceeded so far, and leave the rest unpublished.

Mr. DUNLOP here said, that he had no objection to referring the subject to a committee.

Mr. HIESTER, of Lancaster, said it was a proper subject of inquiry, and he was in favor of the resolution. If it was before the Convention, he would move to amend it, by striking out "Stenographers." He declared that he should not be in favor of dispensing with the Stenographers. With regard to some other officers named in the resolution, he agreed with the mover, that we had no use for them. His opinion was, that the Sergeant-at-Arms might have been dispensed with. He coincided in all that had been said by the gentleman from Franklin, (Mr. DUNLOP,) in reference to the duties, and character of that officer. This body, unlike the Legislature, did not possess the power of compelling the attendance of its members here. If members chose to absent themselves, they were answerable to their constituents; we could not compel them to do their duty. Therefore, he conceived, there was no occasion whatever, for the services of that officer. His opinion, as regarded the Secretaries, was, that we had not duty enough for two and their two assistants. He thought this, then, a very fit subject of inquiry.

Mr. FORWARD, of Allegheny, asked when the committee on the expenses of the Convention would report? He expected that they would have reported before this.

Mr. FRY said, that the committee intended to report to-morrow. But, if they should not agree with him, he would report himself.

Mr. M'DOWELL said, he wished to say a word upon this subject: it was of very serious import, and he felt directly and deeply interested in it. The gentleman from Franklin, (Mr. DUNLOP) was the last man in the world whom he should suspect of cruelty towards his fellow man; but he did deem his motion to cut off the stenographers from this Convention, an act of great unkindness towards those members, who had not yet made any or all of their speeches. Who would wish to deprive the world

of the benefit, or ourselves the edification, of hereafter reading our speeches? Will not future generations be enlightened by them? And will you shut out that light for any paltry, economical consideration? It was not fair play in gentlemen who have made some hundreds of speeches, and after they had "spun their yarns," to say stenographers were of no use. Sir, who would make a speech if it was not printed? Does not every body know, that most of the speeches made here, and which charm and delight us, are not made for this Convention at all? Are they not made for Bunkum? Why, all the boys in the country know what they are made for; they are for Franklin, for Adams, Bucks, Tioga, and many other little places that no body cares any thing about, except the people who live there. And shall we be told by the gentleman from Franklin, that it is of no use to print those speeches—especially after his were all delivered? The gentleman was greatly mistaken: he did not properly appreciate those that were yet to come. He thought the talent was exhausted; but no such thing. He said he cautioned members against the adoption of any such an idea. There were powers in this Convention that had not been heard of, that would yet surprise us, and he was afraid would alarm themselves. It must not be thought, because men said nothing, that they knew nothing—far from it. Wait until some chance circumstance shall knock up the slumbering fires of these quiet heads, and this Convention would be astonished! And shall not all these things be printed? Where is the use of delivering a speech *here* that is not intended for *this* Convention, unless it is printed? How is it to get down to posterity? Sir, said he, every thing that is said and done, must be taken down and printed; we must have it to *amuse our children* and grand children with, and to show them what prodigious men their fathers and grandfathers were. It would be "a little book," where they could wonder at and admire their ancestors, when they "were dead and gone:" it would serve the purpose of a looking-glass, where posterity might learn from *reflection* to avoid the follies of those who had preceded them. Useful and wholesome lessons might be taught, by contrasting the speech of A, with the speech of B, and enjoining the youthful mind to avoid the one, and imitate the other. And are these speeches, fraught with so much good to the present and the coming generation, not to be printed? Sir, it is outrageous! When other republics grow up, and other States amend their Constitutions, is the glare of light which is shed in this Convention to be shut out from them? How were you to perpetuate the names and the fame of your SMILEYS, your FINLEYS, and M'KEANS, and the host of other illustrious men of this body, (he wished he could name them, but it was not parliamentary to do so—he had them in his eye,) unless you did it through the stenographers and the press? Sir, when our Constitution is once amended, (and adopted by the people) it will not be touched again for one hundred years; and unless our speeches are printed, we shall be forgotten. Will not we be spoken of in the Convention that assembles in the next generation; as those great men have been spoken of in this body, who formed the present Constitution? Will not we then be the illustrious forefathers? And is such immortality to be thrown away for fear of a little expense?

He protested against the motion of the gentleman from Franklin, because it was unfair. If that gentleman and many others had made some

two or three hundred speeches a piece, were modest gentlemen, like himself, to be punished for their modesty? He hoped not. He said he gave fair notice that he had several hundred speeches yet to deliver; he was going to prepare them in the interim of the adjournment. And he gave further notice, that if his speeches were not to be taken down and printed, he would not deliver one of them—no, not one. Out of sheer revenge, he would withhold them. Who would make a speech, and not have it printed!

He said a Constitutional difficulty had been raised by the gentleman from Franklin. He believed it was Constitutional—perhaps it was legal—he was certain it was one or the other. The act of Assembly provides that the Convention shall (or may) employ “a competent stenographer;” and instead of following the act, we had employed *four* stenographers, who were *all* competent. Here was the point, and a nice one it was. The difficulty was to get rid of it. It was a grave question of construction. He thought it could be got over. He would advise the committee, if the proposition was referred to them, to make a new bargain—to employ *but one* stenographer—give him the wages that they all now get—and let him pay his assistants. He did not know, but he thought that would save the act.

Mr. DUNLOP assented to the reference of the resolution, and it was then referred.

Mr. CHANDLER, of Philadelphia, from the minority of the Committee to whom was referred the seventh article of the Constitution, made the following report, which was read and laid on the table:

The undersigned, a minority of the Committee appointed on the seventh article of the Constitution, respectfully report:

That in their opinion, there should be an additional section to the said article with the following provision, viz:

In order to advance the cause of Education, and secure the most advantageous expenditure of the monies appropriated to that object, there shall be established by law, a Board of Public Education, to be composed of one or more Commissioners, to be elected by the Legislature, who shall have the care and management of the public funds appropriated by law to that object, together with the superintendence of Common Schools, and such other public Seminaries of learning as may be established by law throughout the State.

JOSEPH R. CHANDLER,  
THOMAS H. SILL,  
GEO. W. RITTEr,  
JAMES POLLOCK.

Mr. REIGART, of Lancaster, moved that the Convention resolve itself into a Committee of the Whole, for the further consideration of the Report of the Committee to whom was referred the sixth article of the Constitution.

Mr. DICKEY, of Beaver, moved to amend the motion, by striking therefrom all after the word “the,” and inserting in lieu thereof, “resolution read yesterday relative to offices of Judicial tenure.”

Mr. D. then asked for the yeas and nays.

And, the question being taken, was decided—yeas 55; nays, 57, as follows:

**YEAS.**—Messrs. Agnew, Ayres, Banks, Barndollar, Bedford, Brown, of Lancaster, Brown, of Northampton, Brown of Philadelphia, Butler, Clarke, of Beaver, Clark of Dauphin, Clarke, of Indiana, Cummin, Curl Darrah, Dickey, Dickerson, Donnell, Doran, Earle, Fleming, Fuller, Gamble, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, High, Hyde, Keim, Kennedy, Kerr, Krebs, Magee, M'Cahen, M'Call, M'Dowell, Miller, Montgomery, Overfield, Purviance, Read, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Smyth, Sterigere, Stevens, Stickle, Swetland, Taggart—55.

**NAYS.**—Messrs. Baldwin, Barclay, Barnitz, Bayne, Bell, Biddle, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clapp, Cline, Cochran, Cope, Craig, Crain, Crum, Cunningham, Darlington, Denny, Dillinger, Dunlop, Farrelly, Forward, Fry, Gearhart, Harris, Henderson, of Dauphin, Heister, Hopkinson, Houpt, Ingersoll, Jenks, Konigmacher, Long, Maclay, M'Sherry, Meredith, Merrill, Merkel, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reigart, Ritter, Russell, Saeger, Scott, Serrill, Thomas, Weaver, Weidman, White, Young, Sergeant, *President*—57.

The question being on the motion to proceed to the consideration of the Report on the sixth article,

Mr. M'CAHEN asked the yeas and nays, and they were ordered, and being taken, were—yeas, 100; nays, 11, as follows:

**YEAS.**—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Barnitz, Bayne, Bedford, Bell, Biddle, Brown, of Lancaster, Brown, of Northampton, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clapp, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cope, Craig, Crain, Crum, Cummin, Cunningham, Curl, Darlington, Darrah, Denny, Dickey, Dickerson, Dillinger, Donnell, Dunlop, Farrelly, Fleming, Forward, Fry, Gamble, Gearhart, Gilmore, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Dauphin, Heister, High, Hopkinson, Houpt, Hyde, Jenks, Keim, Kennedy, Kerr, Konigmacher, Krebs, Long, Maclay, Magee, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Nevin, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Read, Ritter, Russell, Saeger, Scott, Sellers, Seltzer, Serrill, Scheetz, Shellito, Sill, Stevens, Swetland, Taggart, Thomas, Weaver, Weidman, White, Young, Sergeant, *President*—100.

**NAYS.**—Messrs. Brown, of Philadelphia, Butler, Doran, Earle, Fuller, Grenell, Ingersoll, M'Cahen, Smyth, Sterigere, Stickle—11.

So the question was determined in the affirmative.

#### SIXTH ARTICLE.

The Convention again resolved itself into a Committee of the Whole, (Mr. CHAMBERS in the Chair), upon the Report on the sixth article of the Constitution.

Mr. READ moved to reconsider the vote, agreeing to so much of the Report as relates to the fifth section, as amended, on motion of the gentleman from Fayette. (Mr. FULLER).

Mr. READ said, he had voted for this amendment very reluctantly, and he now moved to reconsider the vote by which it was adopted.

When he voted for it, he felt compelled, under the rules, as enforced by the Chair, to decide between that and another more objectionable proposition. When he found that his appeal from the decision of the Chair, could not be sustained, he was obliged to take one or the other of the propositions, though he disapproved of both. He did not know at the time that other gentlemen had voted under the same circumstances, and perhaps a sufficient number to change the majority. If the motion to reconsider should prevail, and the amendment of the gentleman from Fayette be rejected, he would then offer the following as a substitute for it: "The Aldermen and Justices of the Peace shall be elected for five years; and, until otherwise directed by law, there shall be one for each district. The

Justices shall be elected at the same time with the Constables, and the Aldermen with the Assessors."

Mr. FULLER was opposed, he said, to the proposition which the gentleman from Susquehanna had brought to the view of the Convention. It contained a principle directly opposite to the amendment which the Convention had adopted. It said to the people, you are not competent to determine what number of Justices you ought to have. If the Committee were prepared now to change their minds on this subject, they would say so, and agree to the re-consideration; but, he trusted they were not ready to do so. To adopt the proposition of the gentleman, would be to say to the people, you are competent to elect your Justices, but not to determine how many you shall have. The Committee had already decided that they would not fix the number of Justices at one for each district, and to devolve the regulation of the number upon the Legislature, would be productive of great embarrassment and inconvenience.

Mr. MERRILL opposed the motion to re-consider. The proposition of the gentleman from Susquehanna was objectionable, in consequence of using the word "districts". A district might be composed of several towns. But how the several townships should have their own officers, was a principle as to which there was, he hoped, no dispute. The proposition of the gentleman from Susquehanna would be very unacceptable to the people, for it would tend to mingle the elections of their town officers with politics, and would force them also to return Justices whom they did not like. It provided that each town should apply to the Legislature before it could have more than one Justice of the Peace. He would prefer to leave it to the people to say how many Justices they should have, and then the Legislature could provide for their election at some suitable time, and every one would know it. He by no means wished to multiply the number of Justices of the Peace, but in some of the towns it was necessary to have more than one. He should, therefore vote against the re-consideration.

Mr. SMYTH said, that he preferred the amendment of the gentleman from Fayette (Mr. FULLER) to that of the gentleman from Susquehanna, (Mr. READ.) His reasons were, that there were very few townships in which two Justices were not wanted, and that if the amendment of the gentleman from Susquehanna was adopted, application would have to be made to the Legislature, before a township could elect more than one Justice. It would be better to leave the appointment of Justices to the Governor, than to adopt such a rule as this. He was opposed to the re-consideration, and, if it prevailed, he should vote against the proposition suggested by the gentleman from Susquehanna.

Mr. DARLINGTON said, he was in favor of the re-consideration. The amendment of the gentleman from Fayette, did not limit the number of Justices. What would be the consequence? For some towns, one Justice would be sufficient, in the opinion of its inhabitants; but, as each party in the town, would have their favorite candidate, the people would be obliged to get over the difficulty, by electing all the candidates. This would be the operation of the system advocated by the gentleman from Fayette. But suppose you carry out the principle a little. By the present laws, you take from the people the power of saying how many taverns there shall be in a town, and give it to the Legislature. But, if

the people are the best judges of the number of taverns they may want, why leave the number to be regulated by the Legislature? The people wished to be protected from an unnecessary and mischievous number of Justices, as well as tavern-keepers. He could see no good reason for leaving this matter to the people, and he thought it necessary to leave it to some discreet authority, to say how many Justices there should be in each town. As the majority of the Convention were in favor of the elective principle, as applied to these officers, he should go for the best regulation of it that he could get.

Mr. AYRES said, when the subject was before the committee, he had voted against the amendment of the gentleman from Fayette, because, he had doubts as to its practicability. It was not on account of any opposition to the election of Justices by the people, that he voted against the proposition, for he was in favor of applying the elective principle to them; but, because it could not be carried into effect with any certainty. The difficulties which he had before suggested in the committee, had not been explained, nor removed. It occurred to him, then, and now, that for a particular district to elect a Justice, who should have jurisdiction in the whole county, was a violation of the elective principle; because, we shall then have an officer over us, in whose appointment we have no influence. The counties were divided into districts. His county had six districts, and thirteen townships. The districts had no regard to township lines whatever. But looking at the commissions of the Justices, it would be found, that they are not appointed for the county, nor for the townships, but for the districts. He could not vote for a system which gives to a Justice of the Peace, any jurisdiction over a part of the county, which has no influence, nor control over his election. Another objection to the provision was, that it left it to the people of the townships, to fix the number of Justices. This appeared to him to be impracticable, for it put out of the question, any settled and known rule, for the regulation of the number. There was no way in which the people, through the ballot box, could determine for themselves, with any uniformity and convenience, what number of Justices they should have. Some would vote for five, some for three, and some for ten. Did it not leave to uncertainty, the number to be fixed upon, for any particular district? The system could not be carried into effect, with any degree of certainty, or convenience, and, therefore, he should vote for the re-consideration, with a view to the adoption of some better rule.

Mr. READ said, the objection of the gentleman from Fayette, to my plan, is, that it is aristocratic, absurd, and says to the people, you are not qualified to determine how many Justices you shall have. If all this is so, then let the proposition be rejected. But the objection to his plan, is, that it is utterly impracticable; and if it was carried out, it would require two special elections in the townships—one to determine how many, and the other who should be elected. This would produce more trouble and vexation, in appointing a single Magistrate, than it was worth. But my system does not say to the people, you are unfit to determine the number of your Magistrates, but that it is inconvenient for you to do it. It assumes one Justice to be sufficient for each town, but it leaves to those who are not satisfied with one, to procure an act for the election of any other suitable number; and then, when the arrangement is once made, it

may remain undisturbed for thirty, or fifty years. The objection of the gentleman from Union, that a district might be composed of several townships, he had avoided, by striking out the words "boroughs, wards, and townships." The proposition considered every borough, ward, and township, as a district. He had been urged to move a re-consideration, by several gentlemen, who, like himself, had voted for the amendment of the gentleman from Fayette, in preference to another, still more objectionable proposition.

Mr. DUNLOP was inclined, he said, to hang on to the amendment, already adopted, notwithstanding what the gentleman across the way (Mr. AYRES) had said. He would take leave to say, that he felt inclined to support the proposition which had been adopted, for the very reasons on which it had been opposed. That the jurisdiction of Justices of the Peace, had been confined to the districts for which they were severally elected, had been a subject of complaint for years. He could see no reason, why their jurisdiction should be limited to the townships where they were elected. If he had a claim against an individual two or three miles off, he would have to hunt him from one district to another, as long as he kept moving. If the Justices are to be elected by the people of the district, to which their jurisdiction is limited, what sort of a chance will a man have, who lives out of the district? Would not the Justice be disposed to favor those, who lived in the same district which elected him, and who voted for him, and upon whom his re-election depended. It would be too troublesome to suitors, to be obliged to go out of their own town, to prosecute a claim upon a man in the county. Was a merchant to be obliged to carry his books all over the county after his debtor?—to leave the county town, and carry his day-book and ledger in pursuit of his debtor, through the different election districts, in order to get a judgment? He could not see any good reason, for confining the jurisdiction of the Justices to the districts where they were elected; nor did he see why the people should not have the privilege of saying how many there ought to be, if they were to elect them.

Mr. BELL was in favor, he said, of the proposition brought to view by the gentleman from Susquehanna, and would vote for it, provided it did not restrict the jurisdiction of the Justices, to the districts where they were elected. But, as it struck his ear, when it was read, it did not seem to have that effect.

Mr. READ remarked, that there was no difference between his proposition, and that of the gentleman from Fayette in this respect.

Mr. BELL said, that up to this time, he had been unfavorable to the election of Justices of the Peace by the people, and in favor of vesting their appointment in the Governor, with certain restrictions; but it was in vain to deny the fact that there was a large majority of this Convention in favor of the election of these officers. Then the only matter we have to settle is the details. The proposition of the gentleman from Fayette was decidedly objectionable. The proposition of the gentleman from Susquehanna, is a proposition to vest in the Legislature, the immediate representatives of the people, the right of fixing, from time to time, the number of Justices to be selected in each district; and where, he would ask, can it be vested with more propriety? He could not see how this power could be abused: and if it could not, he could see no objection to placing

it in the hands of the Legislature. He took it that the Legislature could settle the matter as well as the people could, in their primary assemblies, and much more conveniently. When the people in any district desire a change, they can send in their petition to the Legislature, and it can settle and regulate the matter in a satisfactory manner, and without any inconvenience to the people. It may, in some districts, frequently become necessary to change the number of Justices of the Peace, which would make it very inconvenient for the people to call meetings for the purpose of making the regulation in the number. It appeared to him that the proposition of the gentleman from Susquehanna was much more simple than the proposition of the gentleman from Fayette, and simplicity ought to be consulted in forming the fundamental law of the land. He should, therefore, vote in favor of the proposition of the former gentleman, and against that of the latter, because he considered the proposition of the former gentleman far preferable to the other.

The question was then taken on the motion to re-consider, and decided in the affirmative—ayes, 48; noes, 27.

The question then came up on agreeing to the report of the committee, as amended.

Mr. READ said, that the only way in which we can now reach our object, is by negating the report of the committee, and he would then submit the amendment which he held in his hand.

Mr. FRY then moved to amend the report of the committee, as amended, by adding to the end thereof, the following: "Not more than one to be elected for each ward, borough, or township, unless a majority of the taxables of such ward, borough, or township, shall decide at such times and places, as shall be directed by law, that if a second is necessary, they may, at their next election, elect another; but in no case shall they elect more than three, and not then, unless such ward, borough, or township, shall contain one thousand taxables".

Mr. FRY was in favor of leaving with the people all the powers they could conveniently exercise. He considered that if there was any power, about which there was a doubt, as to the place where it should be left, that that power should, undoubtedly, be vested in the people. He would, in the first place, give each district one Magistrate; and then he would leave it with the people themselves, whether they would have two or three. If they desired the additional number, they could elect them; and he apprehended that this would not be attended with any inconvenience. The amendment which he had offered, he took to be of importance to the people, as it afforded a rule founded upon principles of equality and justice, and he hoped it would be adopted by the committee.

Mr. READ would barely remark, that if the gentleman from Montgomery (Mr. FRY) would read the two propositions, he would see that they did not correspond together; so that, in order to obtain his object, he would have to modify it, or move to strike out a part of the report.

Mr. STICKEL was a little surprised that some gentlemen could not trust the people enough to allow them to elect their own Justices of the Peace, and make their own local township regulations. He thought that every township contained reasonable men enough within its limits, to make its own regulations, in this respect, and every other. He took it that the matter would be as well regulated if left in the hands of the people, as if left in

the hands of the Governor or Legislature. As an evidence of this, he would refer gentlemen to the elective officers in the townships and counties. Who would pretend to say that the officers in each county, who were appointed by the Governor, were better than those elected by the people? Who would pretend to say that the Prothonotaries, Clerks of courts, and Justices of the Peace, in each county, were better officers, or more honest men, than the Sheriffs, Coroners, and County Commissioners? Gentlemen need not tell him that the appointments made by the Governor, were better appointments than those made by the people. It was altogether a mistake that these officers were any better than they would be if elected by the people. He hoped, therefore, that the regulation of this matter might be left in the hands of the people, as he apprehended they would attend to it without any difficulty, and with more satisfaction to themselves, than if it was left with the Legislature.

The amendment of Mr. Fry was then disagreed to.

Mr. BELL enquired, if the question was now about to be taken was negatived, whether the report of the committee would then come up?

The CHAIR said the question then was on agreeing to the report of the committee, and if it was negatived, so much of the report as related to the fifth section, would be disagreed to.

Mr. READ then enquired whether it would not be in order, if this report was negatived, to offer a new fifth section?

The CHAIR replied that this would be in order.

Mr. FULLER called for the yeas and nays, which were ordered.

Mr. BROWN, of Philadelphia, then offered the following amendment, to the report of the committee, as amended:

“But no ward shall have more than one Justice of the Peace, or Alderman: and no township shall increase the number more than one in five years”.

Mr. BROWN said he believed the only difficulty which the committee now experienced, was as to the mode of determining the number of Justices of the Peace, and Aldermen, for each township, or ward. He presumed the objection to leaving the number unlimited, was the suspicion that there might be too great a number selected. A great difficulty has been experienced in attempting to fix the number in proportion to the number of taxable inhabitants; and he was of opinion that, when we say the number shall not be increased more than one, in every five years, it would prevent too great an increase at any particular period. He felt satisfied that the first part of the proposition, limiting the number, in the first place, to one in every ward, would prove satisfactory, as he had no doubt but one was sufficient. He hoped, therefore, that this proposition might meet with a favorable reception from the committee.

Mr. READ said, there was another serious objection to the report of the committee as amended, and the amendment of the gentleman from the county of Philadelphia did not provide for the case. This was, that no time was mentioned for the election for determining the number of these officers.

Mr. BROWN said, his only object was to get a limitation in the number for each ward. If any gentleman wished to limit the number in the townships to two, three, or four, he had no objection to it.

Mr. FULLER said, that the gentleman from Susquehanna, (Mr. READ)

had just stated, that no time was fixed by his amendment, for holding the elections for determining the number of these officers. If the gentleman would turn to the amendment, he would find that provision is there made by which the whole matter is to be regulated by law, as well as the mode of election for determining the number as the mode of election of the officers. Another objection had been urged against this amendment, by the gentleman from Butler, (Mr. PURVIANCE) which was, that the citizens of each ward, borough, and township, would experience a great difficulty in ascertaining and determining how many Justices of the Peace and Aldermen ought to be elected. The gentleman states, that one person will want one number, and another, another number, and, that there will be great difficulty in agreeing to any particular number of these officers.— Now, he apprehended, that there would be no more difficulty in determining the number of Justices of the Peace required in a township, than in determining the number of officers required by this Convention. It seemed to him when gentlemen came to look into the matter, that all difficulties would vanish. If it would be impossible to determine the number of officers required in a township, it would be impossible here to determine on the number of officers required by the Convention. As to the details alluded to by the gentleman from Susquehanna, it would be found upon a reference to the amendment itself, that they were to be provided for by law.

Mr. CUMMIN could not see why there should be any limitation put upon the number of Justices of the Peace which might be required in a township; as the people were the best judges in the case. They were the best judges of their own wants, and the best regulators of their own local affairs. He lived in a township, which was but a small township to be sure, it being only fourteen or fifteen miles long, but what would be its situation, and how would its business be done, if it was allowed but one Magistrate? It would be utterly impracticable to get along with but one Magistrate in a township. The least number that should be thought of for his township was two, and then it should be left with the people to say whether that number was sufficient. The next township to him was a large township, and would require three at least. Then, he took it, that there was no better way of determining this matter than by leaving it to the people of each township to decide among themselves. He believed the amendment of the gentleman from Philadelphia county, would have the effect to destroy the rights and privileges of the people of the different wards, boroughs and townships. As to the term of office of these officers, he was for reducing it from the time proposed in the amendment. He thought five years to be entirely too long; three years was long enough.— A great deal had been said about the want of capacity and respectability of these officers, and the manner in which they administer justice. He himself, knew much of the abuses practiced by these officers, and some of it was altogether unfit to be placed upon record; but he apprehended, that this crying evil would be corrected when their election is placed in the hands of the people. The people will know who in each township will make the best officers, and they will make such selection as will do honor to themselves, and a great service to the public. He believed two Magistrates would be enough in the township in which he resided; but in another township in that county, four would be required, therefore the number should be unlimited. Let it be as it would, however, he believed he

should have to vote against the whole section, because he considered five years too great a length of time for these officers to hold their offices.— Two years would please him better, but he would agree to three years, as he thought that time would prove satisfactory to the people. He should not now go into this question further, reserving to himself the right, however, to express his opinions more fully on second reading, provided the proposition was not made to conform to his wishes.

Mr. SILL hoped, that this restriction would not be imposed upon the people of the country. It was his opinion, if this amendment prevailed, that it would go more to restrict the liberties, and effect the rights of the people of this Commonwealth, than any other amendments. It appeared to him, that it was altogether unnecessary to make these restrictions, as he thought the people were the best judges of this matter. When we are acting upon a matter of this kind, we should take into consideration the manner of doing business in the several townships and boroughs. In some boroughs, it was the practice of the people to do all their business for several of the adjoining townships, so that more Justices would be wanting in these boroughs, than in a single township. This was the case in the borough of Erie. The people of the adjoining townships all came into the borough to transact their business, so that there it would be necessary to have an increase in the number of Justices of the Peace; while in these adjoining townships it would scarcely be necessary to appoint one. His own opinion was, that the matter had better be left altogether to the people, or altogether to the Legislature, so that they might regulate and prescribe the number. It was perhaps, not very important, which of these modes was fixed upon, but he should be in favor of adopting one of them.

The vote being taken, the amendment of Mr. BROWN was negatived.

Mr. CLARKE, of Indiana, said, he had been placed in rather a delicate situation, in relation to this matter. We have been here contending for a great radical principle, the limitation of the tenure of the offices of the Magistrates, and connected with that, we have another principle, giving their election to the people. Then again, we have another question to be taken with it, as to how many we will have in each borough, township, and ward. He was, for his part, decidedly in favor of limiting the tenure of office, and he was for giving the election to the people; but as to this matter, of the regulation of the number required in each township, it had struck him from the first, that the better plan was to leave the Legislature to fix it, and decide on the number. The report of the committee, as amended, left the selection of the number of Magistrates with the people, which he did not think the most proper and convenient mode, but he did not like to vote against it, because it would then go upon the record that he voted against the whole thing, and against that for which we have been so long contending—the limitation in the tenure of office, and giving the election to the people. But he had a dislike to vote against it on another account. We are now at the end of our session, and our minds are not in a proper condition to consider this matter, and if we voted down this amendment, it would open up the whole question, and he did not know where it would end. Now, he thought there was a way of getting at this question without risk. He thought it would be most judicious for the gentleman from Susquehanna, to offer his proposition as an amendment to the report of the committee—not to strike it out, but to attach it to it as an

amendment. It is true, there would be a discrepancy between the two, but according to the rule, it would not be competent for the Chair to decide it out of order. Then, if the majority of the Convention were favorable to the proposition of the gentleman from Susquehanna, they will vote for it; and when it comes up on second reading, a division of the question can be called, and one part of the report can be rejected, and the other part adopted. By this means, we will be holding on to one thing until we get another. He wished to have hold of the latter proposition with the one hand, before he let go the former with the other. He was fearful that if we voted down this report, that the whole subject would be opened up, and that in the few days we have yet to sit, we will be able to get nothing done. It seemed to him, that if we were to take this course, that it would be perfectly safe, and that we would get at the question without difficulty. He did not know how this course of proceeding would suit other gentlemen, but it appeared to him to be the best that we could adopt, under all the circumstances.

Mr. READ said, if he had supposed that there was not two to one in favor of the elective principle, he never should have moved a reconsideration; and the gentleman from Indiana must see, that that same majority which will reject the report of the committee, can adopt a substitute. He would not vote against the elective principle contained in this report, if he thought there was any danger of not being able to carry it in some other form. There could, by no possibility, be the least danger in the course he proposed pursuing, because it would always be in the power of the majority to adopt a substitute, whenever they saw proper. He could not adopt the suggestion of the gentleman from Indiana, because it would be placing himself upon the record in a ridiculous point of view. The two propositions would be incongruous and inconsistent, and it would be entirely out of the question for him to think of moving the one as an amendment to the other. He thought, considering the large majority which we have here, in favor of the elective principle, that the gentleman need not have any fears in voting against this proposition. As there was not the least danger in it, he hoped the report of the committee would now be voted down without delay.

Mr. SHELLITO could see no reason why the subject should not be let rest, until we meet again. It could not be expected that now, at the end of our labors, we would open up and go into this subject anew. If there is any thing wrong in the report, we can alter it hereafter. There could be no benefit expected to be derived from the changing of this proposition now, and he should therefore vote for the report of the committee as it stands, and not vote to open up a question, which we may not be able to dispose of during our present session. He hoped, therefore, that the report of the committee would be adopted.

The question was then taken on agreeing to the report of the committee, as amended, when it was decided—yeas, 52: nays, 56—as follows:

YEAS—Messrs. Banks, Bedford, Brown, of Lancaster, Brown, of Northampton, Brown of Philadelphia, Clarke, of Indiana, Cochran, Craig, Crain, Cummin, Cutll, Darrah Dickey, Dillinger, Donnell, Doran, Dunlop, Fuller, Harris, Hastings, Helffenstein, High, Houpt, Hyde, Keim, Kennedy, Kerr, Krebs, Magee, M'Caheh, M'Call, Merrill, Miller, Montgomery, Nevin, Overfield, Porter, of Northampton, Purviance, Ritter, Rogers, Saeger, Sellers, Seltzer, Serrill, Scheetz, Shellito, Sill, Smyth, Stickel, Swetland, Taggart, White—52.

**NAYS**—Messrs. Agnew, Ayres, Barclay, Barndollar, Barnitz, Bayne, Bell, Biddle, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clapp, Clarke, of Beaver, Clark, of Dauphin, Cline, Cope, Crum, Cunningham, Darlington, Denny, Earle, Farrelly, Fleming, Fry, Gamble, Gearhart, Giltmore, Grenell, Hayhurst, Henderson, of Dauphin, Hiester, Hopkinson, Ingersoll, Jenks, Konigmacher, Long, Macclay, M'Sherry, Meredith, Merkel, Pennypacker, Porter, of Lancaster, Reigart, Read, Russell, Scott, Snively, Sterigere, Stevens, Thomas, Weaver, Weidman, Young, Sergeant, *President*—56.

Mr. READ then submitted the following new section, to be called "Section 3":

"Aldermen and Justices of the Peace shall be elected in the several wards, boroughs, and townships, for a term of five years. Until the number shall be otherwise directed by law, one person shall be elected in each ward, borough, and township. Aldermen shall be elected at the time of election of assessors; Justices shall be elected at the time of election of constables."

Mr. KONIGMACHER then moved to amend the amendment of Mr. READ, by striking it out, and inserting:

"The Governor shall appoint such number of Justices of the Peace and Aldermen, in the respective townships, wards, and boroughs, as are or shall be directed by law. They shall be commissioned for the term of seven years; but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both Houses of the Legislature."

The committee then rose, and obtained leave to sit again to-morrow.

Mr. OVERFIELD then moved, that when the Convention adjourn, it will adjourn to meet again to-morrow morning at nine o'clock, and that the afternoon sessions be dispensed with, for the remainder of the session.

The above motion was agreed to; when

The Convention adjourned.

WEDNESDAY, JULY 12, 1837.

The PRESIDENT laid before the Convention, the following communication from LEVI HOLLINGSWORTH, Clerk of the Common Council of the city of Philadelphia, and resolutions of the Select and Common Councils of that city, which, on motion of Mr. SCOTT, were referred to the committee appointed to ascertain and report the most eligible place for the meeting of the Convention on the 17th of October next.

"COMMON COUNCIL CHAMBER, }  
July 10, 1837. }

HON. JOHN SERGEANT,

*President of the Convention:*

SIR:—At a meeting of the Councils of the city of Philadelphia, held this day, in the City Hall, the enclosed preamble and resolutions were unanimously adopted, and directed to be transmitted to you, for the purpose of being laid before the body over which you preside.

I am, very respectfully,

Your obedient servant,

LEVI HOLLINGSWORTH,

*Clerk of Common Council.*

*Whereas*, Information has been received from Harrisburg, that the Convention, now sitting at that place, for the amendment of the State Constitution, have determined to adjourn on the 14th instant, and to re-assemble next autumn, at some place hereafter to be designated; and the constituted authorities of the city of Philadelphia believing that the great object of the said Convention and the personal comfort of its members would be promoted by the selection of the city of Philadelphia; therefore,

*Resolved*, By the Select and Common Councils, that the Hall of Independence, or such other building as may be selected by the Convention, be respectfully offered for their use, at the expense of the corporation; and that the committee on city property be authorized to make all necessary arrangements for their accommodation.

*Resolved*, That a copy of the foregoing preamble and resolution be signed by the Presidents of Councils and transmitted to the President of the Convention.

WM. RAWLE,

*President of Common Council.*

HENRY J. WILLIAMS,

*President Select Council, pro tem.*

Mr. CLARK, of Dauphin, presented the following communication from the Board of Commissioners of Dauphin county; also, the following resolution of the Town Council of the borough of Harrisburg, and letter from JOHN C. BUCHER, President of the vestry of the German Reformed Church of Harrisburg, which were referred to the same committee:

COMMISSIONER'S OFFICE, DAUPHIN COUNTY, }  
July 12, 1837, 7 o'clock, A. M. }

Pursuant to special notice, a Board of Commissioners met. Present, Messrs. BERRYHILL, and WHITLEY.

On motion, Mr. BERRYHILL presented the following preamble and resolution, which were read, and unanimously adopted.

*Whereas*, It is understood that a committee has been appointed to select an eligible house for the accommodation of the State Convention, when it shall again meet on the 17th of October next; and, whereas, it is an interest to the citizens of Dauphin county to have the Convention to sit at Harrisburg, during its sessions and deliberations, in proposing amendments to the Constitution of the State; therefore,

*Resolved*, That the use of either the lower or upper court room in the Court House, at Harrisburg, with the adjoining apartments, ready fitted up, be, and is hereby respectfully tendered to the State Convention, now in session at Harrisburg, for the use of that body, to hold its future sessions in.

On motion of Mr. WHITLEY,

*Ordered, unanimously*, That the Clerk deliver a copy of the foregoing preamble and resolution to the Hon. WILLIAM CLARK, and WILLIAM HENDERSON, our delegates in said Convention, who are hereby respectfully requested to present them to the Convention aforesaid.

Extract from the minutes.

HENRY PEFFER,

*Clerk to Commissioners of Dauphin county.*

COUNCIL CHAMBER, July 12, 1837.

*Resolved*, By the Town Council of the borough of Harrisburg, that they will, conjointly with the Commissioners of Dauphin county, fit up the Court House, or any other place, that they may designate, for the reception of the Convention now sitting to amend the Constitution of the State, and which is to adjourn on the 14th instant, to meet again on the 17th of October next, should they determine to meet on that day, at the borough of Harrisburg.

ROBERT HARRIS,

*President Town Council.*

Test—JOHN HOUSER, Town Clerk,

I certify the above to be a true extract from the minutes of the Town Council of the borough of Harrisburg.

JOHN HOUSER, *Town Clerk,*

Harrisburg, July 12, 1837.

HARRISBURG, July 11, 1837.

HON. WILLIAM CLARK ;

DEAR SIR;—To your inquiry made to me last evening, whether the vestry of the German Reformed Church in this place would consent to grant the use of their church to the reform Convention, at any time hereafter that the said Convention might desire it, to hold their sessions in, as President of said vestry I am authorized to answer you in the *affirmative*; reserving only the use of it for a portion of the Sabbath day, to hold Divine worship in, should the congregation succeed in procuring a pastor, of which they are destitute at present.

Respectfully, your fellow citizen,

JOHN C. BUCHER.

Mr. CHANDLER, of Chester, presented a memorial of the citizens of the county of Allegheny, praying for an extension of the right of trial by jury to every human being.

Mr. MONTGOMERY, of Mercer, presented a memorial, similar in its import, and prayer, from certain citizens of the Commonwealth.

Mr. BALDWIN, of Philadelphia, presented a similar memorial from citizens of the city of Philadelphia.

These several memorials were referred to the committee on the ninth article.

Mr. BELL, of Chester, submitted the following resolution :

*Resolved*, That fifty cents a day be added to the pay allowed to JAMES E. MITCHELL Sergeant-at-Arms."

The resolution having been taken up for consideration, the motion that it be read a second time, was decided in the negative.

Mr. CHANDLER, of Philadelphia, submitted the following resolution, which was considered, and agreed to :

*Resolved*, That the Stenographer of this Convention be directed to prepare an index to each volume of the Debates."

Mr. CLARK, of Dauphin, submitted the following resolution :

*Resolved*, That the President of this Convention draw his warrant on the State Treasurer, in favor of the Librarian, for the sum of one hundred and forty-eight dollars, for his services during the session of the Convention."

On motion of Mr. STEVENS, the resolution was referred to the committee on accounts.

Mr. CUNNINGHAM, of Mercer, submitted the following resolution :

*Resolved*, That twenty-five cents per day be added to the pay of GEORGE W. SWARTZ, and JOHN TAYLOR."

The resolution having been taken up for consideration, the motion that it be read a second time, was decided in the negative.

Mr. BELL, of Chester, from the committee to whom was referred the duty of ascertaining and reporting to the Convention, the most eligible place for the meeting of the Convention on the 17th of October next, made report, as follows, viz :

"That, after reflection, the committee are of opinion, that, under all the circumstances, the Convention will find it advisable to re-assemble in the city of Philadelphia. Every objection arising from the apprehension that a suitable building could not be procured, or on the score of the cost attending a removal, has been obviated by the offers of the Councils of Phi-

Philadelphia, to make every necessary arrangement for the accommodation of the Convention during its future deliberations. Your committee, therefore, recommend the adoption of the following resolution :

*Resolved*, That when this Convention meets on the 17th of October next, it will meet in the city of Philadelphia, in such building as may be selected and prepared for its accommodation ; and that a committee of five be appointed to act in connection with the city councils, on the subject.

The report was laid on the table.

Mr. COPE, of Philadelphia, from the committee on accounts, reported the following resolutions :

*Resolved*, That the President draw his warrant on the State Treasurer, for the sum of seven hundred dollars, in favor of H. & S. SPRIGMAN, binders of the English debates, to be accounted for in the settlement of their accounts.

*Resolved*, That the President draw his warrant on the State Treasurer, for the sum of three hundred dollars, in favor of CHARLES F. MUENCH, binder of the German debates to be accounted for in the settlement of his accounts.

*Resolved*, That the President draw his warrant on the State Treasurer, for the sum of six thousand five hundred dollars, in favor of EMANUEL GUYER, editor of the Daily Chronicle, to be accounted for in the settlement of his accounts.

The Convention having proceeded to the consideration of these resolutions, the first and second were read a second time, and agreed to.

Mr. INGERSOLL, of Philadelphia, asked for the yeas and nays on the adoption of the third resolution, and they were ordered accordingly.

Mr. STEVENS, of Adams, expressed his gratification that the yeas and nays had been ordered. A contract had been made ; and, under that contract, the work had been performed. He would like to see, after a contract thus made with an individual, what man would vote against paying for the work performed. He wished to see if such a contract was now to be violated with impunity.

Mr. STERIGERE, of Montgomery, said he had voted against taking this paper, in the first instance, and had subsequently voted in favor of repealing the order. But he would be the last man to refuse to pay for the labor which had been performed. We had employed the printer to deliver this work, at a specified price, and he would be the last man to refuse to pay the price stipulated.

Mr. M'SHERRY, of Adams, stated that he had voted against the order to take this work. He had been opposed to it, but as a contract had been made, we ought to pay for it. As the Chairman of the committee on accounts had said this sum was due, it would be wrong to refuse the payment.

Mr. HAYHURST, of Columbia, had also voted against this work, but that consideration would not weigh a feather with him. Was it possible that any gentleman would refuse to pay for the work, which had been performed under a specific contract ?

Mr. FORWARD, of Allegheny, asked if we were in any condition to be released from the contract ? He was opposed to the paying away of the public money in this way, but still he would not give his sanction to any violation of a contract.

Mr. FULLER, of Fayette, was decidedly in favor of paying the editor. The only question in his mind, was, whether it was intended by the Convention to continue the work in the same manner. To try the sense of the Convention on this point, he would move to amend the resolution, by

adding the words "and that the Daily Chronicle be discontinued after the 14th instant."

Mr. BELL stated, that a report had been prepared by the committee on this subject, and would be made as soon as this question was disposed of.

Mr. FULLER thought it would be more properly in place, if it were made now.

Mr. INGERSOLL expressed a hope that the gentleman from Fayette would withdraw his proposition, as it would compel him (Mr. I.) to vote in favor of the amended resolution.

Mr. FULLER withdrew his motion to amend.

The question was then taken on the adoption of the resolution, and decided in the affirmative, as follows :

YEAS—Messrs. Agnew, Ayres, Baldwin, Banks, Barclay, Barndollar, Barnitz, Bayne, Bedford, Bell, Biddle, Bonham, Brown, of Lancaster, Brown, of Northampton, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clapp, Clarke, of Beaver, Clark of Dauphin, Clarke, of Indiana, Cline, Cochran, Cope, Craig, Crain, Crawford, Crum, Cummin, Cunningham, Cull, Darlington, Darrah, Denny, Dickey, Dickerson, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Dauphin, Hiester, High, Hopkinson, Houpt, Hyde, Jenks, Kennedy, Kerr, Konigsmacher, Krebs, Long, M'Clay, Magee, M'Cahen, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Miller, Montgomery, Nevin, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Purviance, Reigart, Read, Ritter, Rogers, Russell, Saeger, Scott, Sellers, Serrill, Scheetz, Shelito, Sill, Smyth, Snively, Sterigere, Stevens, Stickel, Swetland, Taggart, Thomas, Todd, Weaver, Weidman, White, Woodward, Young, Sergeant, *President*—115.

NAY—Mr. Ingersoll—1.

Mr. PORTER from Northampton, from the select committee to whom was referred the subject of the curtailment of the expenses of the Convention, made the following report, which was laid on the table.

The committee appointed to inquire into the expediency of making arrangements for discontinuing the Daily Chronicle and Convention Journal, and to inquire what other expenses (if any,) of the Convention ought to be curtailed, and to whom was also referred the resolution offered yesterday, on the subject of dispensing with the Stenographers, the assistant Door-keepers, and the Sergeant-at-arms, at the next session of this body, report :

That they have had the subject under consideration; that they necessarily divide themselves into two heads.

FIRST—An inquiry into whether there is any needless expense incurred by this body for contingencies, or in payment of unnecessary officers, and

SECONDLY—Whether any such expense is incurred in relation to taking down the debates, and the printing of this body.

As to the first of these, it appears that this body elected or appointed, by resolution, shortly after the commencement of its labors, two Secretaries and two assistant Secretaries, a Sergeant-at-arms and assistant Sergeant-at-arms, a Door-keeper and assistant Door-keeper. That subsequently, the Secretaries employed two additional clerks to aid them in their labors, and who were discharged after the hurry of the business, which had required their employment, had passed. That the Door-keeper employed four assistants and two boys, as messengers. The former of

these were found necessary, and were kept in constant employment in the folding of documents and journals, &c., and in attending to other necessary labors in and about the Convention. The two boys employed as messengers have been found necessary in the Hall during the sessions of this body, and could not well have been dispensed with.

The labors of so many officers may not, however, as the deliberations of this body progress, be found necessary, and the committee recommend that the further services of the assistant Secretaries, the Sergeant-at-arms, assistant Sergeant-at-arms, Doorkeeper, assistant Doorkeeper and Messengers, be dispensed with, from and after the 14th instant, and that this body will, on re-assembling, determine whether and, any if any, which of those officers shall be required.

As to the second branch of inquiry, the expenses of taking down the debates and the printing generally, but more particularly the expense of printing and distributing the Daily Chronicle.

The Legislature felt the necessity of having an accurate report of the debates of this body, and they ordered the employment of a competent Stenographer for the purpose. This necessarily embraced the employment of such assistants to the person so employed, as would enable him to take down and write out the debates for publication, within a reasonable time. The wisdom of the Legislature, in making provision for a report of the debates, is manifest from the avidity with which works of this kind are sought after, by all who are desirous of informing themselves in relation to constitutional law, and the loss and difficulty under which this body and their constituents labor, for want of the views and feelings of the members of the Convention of 1790: a correct register of the debates of that body, if they could be had, would tend much to enlighten and inform the members of this body. For of the great and good men who were then assembled, but three yet survive—JAMES ROSS, ALBERT GALLATIN and THOMAS BULL; and of the doings of that body, no record remains, save their Journals and the fleeting reminiscences of the few surviving members, and of the few citizens who may have witnessed their proceedings, and are yet on the stage of action. The great object in having the debates taken and published, is to have the views of the members reported with accuracy. There are few men capable of doing this, and consequently, when found, they require and ought to receive a fair and full compensation for their labors. The gentleman in charge of the reporting, has a known and established character for capacity in the line of his profession; and the committee are of opinion, that under the provisions of the act of Assembly, authorizing the assembling of this body, his services could not, and if they could, ought not to be dispensed with.

The next branch of inquiry, in relation to this subject, is the subscription to the Daily Chronicle, and the distribution thereof. The subscription was made under the the following resolution of this body, passed on the 11th day of May last: "Resolved, That the Secretaries be directed to pay, as part of the expenses of this Convention the cost of two thousand seven hundred copies of the Daily Chronicle and Convention Journal, in the English language, and one thousand copies in the German language, to be furnished during the sitting of this body, and to be divided among the members, for distribution among their constituents."

In pursuance of this resolution, the committee agreed with the publisher

of that work, for two thousand seven hundred copies in English, to be furnished daily, at seventy-five cents per month, and for one thousand in German, to be published daily, at one dollar per copy per month. Thus far, the editor has published a sheet daily, containing nothing but the proceedings of this body, and the observations of the members on the various subjects under discussion. There has been published, most generally, abstracts of the debates, rather than full reports, and such was intended to be the course when the subscription was made. The work is about as accurate as works of the kind usually are.

The publisher of the paper states, that relying on the faith of this body, he has gone to considerable expense, in order to comply with the contract on his part, and having done so, is unwilling to forego the advantage which he may derive from its continuance. Ought this body to put an end to this contract? Morally, we have no right to do so, without the assent of the other contracting party, unless such party has, by his own act, authorized its rescision; for, if contracts bind individuals, and they are compelled by law to comply with them, it would be out of all character for the body convened to establish the fundamental law of the land, to assume an arbitrary power of violating a solemn contract with an individual. It might be, that the individual could have no legal redress, and that would only point out the greater grossness of the act. The effect of such an example on the community, could scarcely be anticipated; and not wishing to entail on this body, a character for worse than Punic faith, your committee are not willing to recommend any such course, more especially as the public money is well laid out in relation to this subject. It enables the delegates to keep their constituents, day by day, apprized of all our doings: it tends to enlighten, inform and instruct the good people of this great and growing Commonwealth, in the principles of Constitutional law: it calls their attention to the principles of Government—and will enable them, at the close of our labors, to come to a correct conclusion as to the result of our deliberations, so as to vote intelligently and understandingly on the question of adopting or rejecting the amendments we may propose. It is, in fact, day by day, rendering to those who sent us hither, an account of the manner in which we have executed the trust committed to our charge. Your committee cannot conceive that any reasonable amount of expense would be too great for such a purpose, or that money can be well mispent, which tends to disseminate accurate information among the public, in relation to the great and important principles on which the government of our country depends. Believing, as they do, that the people have a right to be kept well advised of all that is done, and that as the subscription has been made, and the expense incurred, solely for the benefit of the public, and not for the benefit of the individual members of this body, and as all information received, shows that the intelligence thus communicated, is sought for with avidity, your committee would not recommend a discontinuance of the subscription, even had they the power to do so.

Should the reporters for this paper and the editor, however, prostitute it to party purposes, or make it the vehicle for partial representations of the doings of this body, it would be our right and our duty at once to discontinue it; for it was only taken upon the express condition, that equal and exact justice should be done to the views of all the members.

The committee recommend the adoption of the following resolutions :

*Resolved*, That the services of the assistant Secretaries, Sergeant-at-arms, Doorkeeper, assistant Sergeant-at-arms, assistant Doorkeeper and Messengers, be dispensed with after the fourth instant.

*Resolved*, That the committee be discharged from the further consideration of the other subjects referred to them.

Mr. FRY, from the minority of the committee to whom was referred the subject of the curtailment of the expenses of the Convention, made the following report, which was laid on the table :

The minority of the committee to which was referred the resolution of the sixth instant, requiring them to inquire into the expediency of discontinuing the Daily Chronicle, and also what other expenses ought to be curtailed, report :

That they have had the subject under consideration, and recommend the following resolutions for the adoption of the Convention :

*Resolved*, That the Daily Chronicle be discontinued after the present session.

*Resolved*, That the Secretaries be directed to request the different printers to whom six months subscription has been paid for their papers, that they be discontinued until the 17th of October.

*Resolved*, That the two assistant Secretaries be discharged.

*Resolved*, That the Sergeant-at-arms and Doorkeepers and their assistants be discharged.

*Resolved*, That the two boys employed as carriers or runners be discharged.

JOSEPH FRY, Jr.

On motion of Mr. BELL,

The Convention proceeded to the second reading and consideration of the resolution reported by the committee appointed to ascertain and report the most eligible place for the meeting of the Convention, and this morning laid on the table.

Mr. BROWN, of Philadelphia, would merely state, that he did not attend the meeting of the committee, and consequently, he had not agreed to this report.

Mr. BELL called for the second reading, and consideration of the report; which was agreed to.

Mr. CLARK, of Dauphin, then moved to strike out all after the word resolved, and insert the following :

“That this Convention will re-assemble in the State Capitol, on the sixteenth day of October next.”

Mr. STEVENS then moved to amend the amendment, so as to rescind that part of the resolution of the 7th instant, which directs that the Convention shall re-assemble on the 16th of October, and to provide that the Convention shall meet on the 12th day of April next.

Mr. STERIGERE rose, to make an inquiry of the Chairman of the committee. He wished to know whether the communications of the Commissioners of Dauphin county, and the authorities of Philadelphia, had been considered by the committee, before they made their report.

Mr. BELL said, that it having been deemed advisable by the committee to make as early a report as possible, they had met, and entered into a correspondence with persons in Philadelphia, and other places, as to the accommodations which were to be obtained, and yesterday the committee directed him to make report to the Convention. They had given the matter due examination, and had taken into consideration all the information,

which they could obtain ; but, they had not had the communication referred to, before them, because, they were not, until this morning, laid before the Convention. They, however, had all the information contained in these communications, before them, unofficially.

Mr. STERIGERE said, it was due to the Convention, that its order should be taken into consideration. The communications of the authorities of Harrisburg, and Dauphin county, and the city of Philadelphia, had been referred to a committee, and it was due to the Convention, that these communications should be taken into consideration by this committee. He therefore moved, that the consideration of this subject be postponed until to-morrow, so that the committee might have the opportunity of examining and reporting upon these communications.

Mr. READ hoped, that this motion to postpone, might be agreed to, for two reasons. In the first place, the committee which had just reported, has had two or three communications referred to them, which they have not yet considered, as the committee could not sit during the session of the Convention. It ought, therefore, to be postponed, for the purpose of giving them the opportunity of considering this question in full. In the second place, he hoped this subject would be postponed, so that we might reach, and dispose of the section of the sixth article, which relates to the subject of Justices of the Peace. We ought not to separate, and leave that section in the unfinished state, in which it is now. If we should proceed to consider that subject immediately on its being reached, he would modify the section, so as to embrace three, and only three principles, about which he thought there was no difference of opinion here. Two of these principles have been fully debated, and in regard to the third, he did not believe there would be any difference of opinion in the Convention. He would modify it, so as in the first place, to provide for the election of Justices of the Peace ; in the second place, that they should hold their offices for the term of five years ; and in the third place, that they should be elected at the spring election for Constables ; leaving out all the other perplexed questions, so that if it be reached, we may dispose of it in half an hour, and give the people an opportunity of knowing what we intend to do in relation to this subject. If this was once effected, he should ask for no further consideration of the report of the committee, upon the sixth article of the Constitution, so as to allow time for the consideration of the reports and resolutions, which we have yet to dispose of, before we adjourn. He hoped, therefore, that the subject might now be postponed, because, if we proceeded in its consideration, he was of opinion that the amendment submitted by the gentleman, from Adams, would lead to a protracted debate.

Mr. R. then called for the yeas and nays on the question of postponement, which were ordered.

Mr. DUNLOP did not consider the reasons urged by the gentleman from Susquehanna, as very strong or cogent reasons for postponing this question. So far as regards the amendment of the gentleman from Adams, the gentleman says, it will introduce a protracted debate. Then, if this was the case, we ought to go at it immediately ; because, there will not be time to settle it, if we do not proceed with it now. This question, whether we will meet in the fall, or the spring, was a very important question, and if we put it off, and take up this other matter, in relation to Justices of

the Peace, it will get up a long debate, which will throw all these other questions aside. Then, when we are on the very eve of adjournment, this question ought to be set led: but the gentleman's matter about Justices of the Peace, can be as well postponed as not, until we meet again. There was no necessity for urging this matter on the Convention now. We have all the light before us, which we desired, to settle this question, which has been brought to the consideration of the committee, by the gentleman from Adams. If we are to meet in the spring, then a report from this committee will be of no sort of consequence, because we will meet in this place, if we meet in April next. If we refuse to meet in the spring, and determine to meet again in October, then it would be proper enough to postpone the subject, for the purpose of having a report from the committee on this subject. If we refuse to meet in the spring, we ought to take into consideration this proposal of the Commissioners of Dauphin county, and that of the authorities of Philadelphia city, and determine whether we were to meet again in this Hall, or in Philadelphia, or the Court-house, or Church. He hoped, therefore, that the subject would not be postponed, until the proposition of the gentleman from Adams, was considered and disposed of.

Mr. SCOTT said, the committee which had made this report, were appointed some four or five days ago, and within twenty-four hours after their appointment, a motion was made to discharge them from the further consideration of the subject submitted to them. A majority refused to discharge the committee. A motion was then made to postpone the further consideration of the subject, and the committee found it necessary to make their report this morning, or consider their duties as at an end. Then, under this state of the case, it was impossible that they should be able to consider the proposals from the authority of Philadelphia and Harrisburg, which had been only laid on the table to-day. He considered that they had all the lights before them, necessary to a correct understanding of the matter, and he hoped no postponement would take place. We can as well determine now what course we will take, in relation to this matter, as at any other time. The alternative, in his opinion, lay between re-assembling in Harrisburg, in the spring of the year, or assembling in the fall of the year, at some other place. He was indifferent as to which course the majority might take. If the majority evince a disposition to meet here in the spring of the coming year, he would not oppose it; for he did not know, upon the whole, but that it might be the most advisable course. He would first vote for re-assembling here in the spring of the year, and if that fail, he would vote for meeting in the fall, at Philadelphia.

Mr. KERR hoped the motion to postpone would not prevail. The gentleman from Susquehanna has offered, as a reason why we ought to postpone this question, that we ought to proceed to the consideration of the sixth article of the Constitution, in relation to Justices of the Peace.—Now, it will be recollected that that question was once decided by the Convention, and by a move made by the gentleman from Susquehanna himself, we have been thrown into confusion again, and all that was done on this subject, after a protracted debate, has been undone; therefore it seemed to him, that the question ought to be left lie as it is, until we meet again. We will then come back better prepared to decide this point, than

we are at this time. He was aware that some gentlemen were very anxious to show their love of the people, and they desire that this question should be decided out of mere love to the people, and to have the opportunity of showing their attachment to them. It was urged, as a reason why we should postpone this question, that the committee have not considered the propositions of the authorities of Harrisburg and Philadelphia. This he considered no objection, because these propositions are before the Convention, and when we come to take the matter into consideration, we can consider them, and make up our minds accordingly. He hoped that the motion to postpone would not be agreed to.

Mr. BELL hoped that the Convention would not agree to postpone the subject, as he considered that we had all the information before us, necessary to come to a correct understanding of the case.

Mr. STERIGERE then withdrew his motion to postpone.

The question then recurred on the motion of Mr. STEVENS.

Mr. EARLE called for the yeas and nays, which were ordered.

Mr. DUNLOP intended to vote for this amendment, and begged the attention of the Convention, for a few minutes, while he gave the reasons why he should give his vote. In the first place, if we meet again in October, at this place, it is most probable that our labors will not be concluded when the Legislature meets, and then it will be necessary for us to find some other Hall to hold our sessions in, because it is not to be expected that the Legislature will give us up this one, and go out in search of one themselves. This will be attended with great inconvenience. If we meet in the Church, we will be cramped up in little narrow seats without desks: and he presumed every gentleman would have to carry a shingle along to write upon. It was not to be expected that they will move the pews, and we will be shut up in narrow seats, with strait backs, which will be very uncomfortable to gentlemen who have been accustomed to sit here in fine armed chairs. He would put it to gentlemen how they would like to sit up there as straight as an old maid, fore-noon and afternoon, in these narrow church pews. For himself, he would rather be confined in the stocks, provided he could lie down. If we are to go there, the place would be fitted up by the authorities, and as it would be but a temporary matter, it was not to be expected that we could have good desks, and chairs, and such conveniences as we have in this Hall now. It would be asking too much, to expect this. He did not believe that the borough of Harrisburg would go to any great expense in fitting up this Church for our accommodation. If we go to the court house, it will be nearly as bad. It could not be put in any fit condition for our reception, unless the whole inside was taken out, and then it would be a cramped up, and confined place, in which we would not have room to turn round. In Philadelphia we might be well accommodated, and have access to all the books we might wish to see. We would also have a good audience there, which would make us more careful as to what we said, than we generally are.— But the people had a jealousy, though he believed an unreasonable one, of the influence of the city: and he was confident they would not assent to our sitting there. In fact, he saw no alternative, but to adjourn over to April, and re-assemble here. We could then go on in a favorable season of the year, and despatch our business. If we are forced to meet this fall, and have to meet in Philadelphia, it may be the means of bringing

the Convention into disrepute, as no one could shut his eyes to the fact that a great many of the people, of the country, were opposed to having bodies of this kind assemble there. There was no necessity for us to be in haste with our deliberations, as they cannot be submitted to the people at the fall elections, and no harm can be done by delaying the completion of our business; and there may be much good result from it. We have heard, from high authority, that a great change is taking place in the country, in relation to the subject of reform. The people are becoming more and more conservative. There was a great change taking place among the radicals, and agitators, themselves. In the county of Philadelphia, where all the reforms have been concocted, a great reaction had taken place. The people, at large, changed their opinions, as well as individuals. The public sentiment of the country was but little more stable, than were the sentiments of individuals. It was but the other day, that we were to have nothing in the country but hard money: and the whole cry was, that we were to have an exclusively metallic currency; but now he had understood that the course of certain politicians had been changed, and we have it from the Albany Regency, that they are not in favor of an exclusively metallic currency, and that they are willing to tolerate banking institutions.

Mr. PURVIANCE called the gentleman from Franklin to order. He considered the range of the gentleman too wide, and entirely irrelevant to the question.

Mr. DUNLOP: Perhaps the range was too wide for the gentleman's understanding, but other gentlemen will comprehend the argument. To show how frequent and sudden were the changes of sentiment and principle in individuals, he wished to refer to a few facts. There were now gentlemen on this floor, who had voted for a United States Bank, and held that it was a Constitutional and useful institution, who at the very sight of it now turned pale. There were gentlemen here who, a few years ago considered that institution a necessary official agent of the Government, and now they receive it as a deadly monster, or pretend to receive it as such, and perhaps it is only pretense. We have heard from all quarters of the country that great changes are taking place; and many gentlemen are becoming alarmed in relation to the subject of Constitutional reform. Many of the radicals are becoming alarmed in consequence of the information which has been received from the county of Philadelphia. He had heard some radicals say they would like to go home and consult their constituents in relation to some of the matter of reform here. Some of them would be glad to save the independence of the Judiciary. He considered that it was only necessary to refer the Convention to these constant changes in the public mind, to satisfy them that it would be right to give public opinion time to fix itself on something which it would stand to. There was a time when the radicals were likely to sweep from the face of the Commonwealth our most useful institutions; but we have seen these agitators, one after another, fall before the blast of popular indignation.—When we have seen these things take place within the last few days, can any one believe that there are not changes taking place in public opinion. The public mind was never steady. It was always agitated like the shifting sands of the desert of Arabia. He wished to let the people know how little we have done for the time and the money we have spent. He wished to let

the people know that we were spending a thousand dollars a day; and to tell the sober minded farmers that this reform of the Constitution was about to cost them a quarter of a million of dollars. He wished to let the reformers of Juniata county know that their reforms would cost the people of the State, two hundred and fifty thousand dollars. It had been said that the people cared nothing about these expenses, and that they were satisfied with our work, and anxious that we should go on and make changes. But he knew better than this, as there was nothing which attracts public attention quicker, than this matter of expenses; and he was satisfied that when these enormous expenses were laid before them, they would work radical changes in the public sentiment of this Commonwealth.—Public opinion had been regulated by the small township politicians, and little lying printers, and through them the representatives of the people had been elected. Public opinion had been manufactured by the bar-room and grog-shop politicians, who use all their efforts to carry men into the Legislature to carry out their views, and unfortunately for the country, they have been too successful. But the people of the country are rising in their indignation against them, and they will be put down. We are now at the flow of this tide of public opinion, and we shall be at its ebb when we meet again. He would give public opinion time, and it will work itself right.

Mr. CUMMIN rose for the purpose of replying to some of the remarks of the gentleman from Franklin, (Mr. DUNLOP). Mr. C. held in his hand the bill of expenses of the Convention, which the gentleman had read for the purpose of alarming the people. The gentleman had asserted that there had been a waste of time of this Convention by making long speeches, to the amount of some thousands, and yet this gentleman had made perhaps as many speeches as any other on this floor. For this inconsistency, Mr. C. had rebuked the gentleman, and it seemed to have some effect for a time. The gentleman however, had broken out again, without reserve, in support of an amendment of his friend from Adams, (Mr. STEVENS) but what that amendment was, he knew not, as that some gentlemen has bewildered us so with amendments, that there was no telling what it was. He supposed, however, it was the same amendment which the gentleman from Adams had offered six times—five times by himself, and once by his friend, without either addition or diminution. It was impossible for him to follow the gentleman in all his meanderings, his logic, sophistry, and other hard words, which being no scholar, he could not understand. The gentleman has given us a history and exposition of the United States Bank, as though the amendment of the gentleman from Adams, was a bill to re-charter that bank. What business has that gentleman to occupy the attention of this Convention at this time, with the subject of the United States Bank? There is no bill before us to re-charter that institution, nor have we any article before us respecting the bank. Then why did he waste so much time on a subject not before the Convention? This is the orator who sums up the expenses of the Convention, on account of long speeches; yet there is no gentleman in the Convention who wastes more of its time than this same logical gentleman. The gentleman appeared to be dissatisfied with every thing—nothing suited him. He was neither pleased with the city nor the country, the church nor the court house.—He was opposed to going to Philadelphia, for fear of the wrath of the peo-

ple ; and he would not sit in the German Church, as it was only fit for children or old maids—the backs of the seats were strait up, and you were confined as if you were in the stocks. The gentleman must at least have been to church once, or otherwise he could not describe so minutely the punishment which people endure there. Again, he condemns the court house, and says it is an unfit place to set in. Now, it would be recollected by many gentlemen here, that the Legislature sat in the court house for many years, and they found it a very commodious house. Mr. C. had been there himself, and he thought himself as good a man as the gentleman from Franklin. But in the gentleman's other denunciation, he has seen fit to use indecorous and unbecoming language towards the people of this Commonwealth, to use such language towards them as was unbecoming a gentleman on this floor.

The CHAIR called Mr. C. to order. It was not in order to indulge in personal remarks.

Mr. CUMMIN said he would bow to the admonition of the Chair. He came here with a disposition to give no offence to any member of the Convention ; yet there was abusive language thrown out frequently by the gentleman from Franklin, which it was necessary to repel. It was unbecoming the dignity of this honorable Convention, that such reproaches should be thrown upon members of this body, and their constituents, as we have heard, on more occasions than one, thrown upon them by the gentleman from Franklin.

Mr. BROWN, of Philadelphia, replied to the assertion of the gentleman from Franklin, (Mr. DUNLOP), that great changes had taken place in the county of Philadelphia on the subject of reform, denying it in any and every sense in which it was made. The people of the county were, by an overwhelming majority, in favor of amending the Constitution ; and, although they might have doubted, and may still doubt, whether such amendments as they desire will be made by what has been called a conservative Convention, yet, when the amendments he (Mr. B.) had no doubt would be made, were presented to their consideration, they would meet their full approbation. But the gentleman from Franklin said, that they were changing on the subject of limiting the tenure of the Judiciary. Now, Mr. B. would say, that not the least indication of any such change had been manifested ; on the contrary, the people of that county had too strong an evidence of the independence and integrity of a Judiciary of limited tenure in their District Court, not to be in favor of limiting all Judges. So far from the people of Philadelphia county changing against reform, he had letters, which were at the service of any gentleman, from some of the first men in the city of Philadelphia, belonging to the conservative party, approving of the reform proposed. Mr. B. then replied to Mr. Dunlop on the subject of the expenses of the Convention. He supposed that that gentleman did not mean this part of his remarks for the Convention, but for the people of Cumberland, Franklin and Adams, to whom he had told the Convention a few days before, he was speaking. He trusted that when that gentleman went before those people, he would tell them how much of that expense he had (Mr. D.) voted for. But, (said Mr. B.) who is it that is to be charged with the expenses of the Convention ? Certainly not the radicals. The conservatives had told them before we assembled, that they had a majority. Their first act proved that they had

a majority. The election of a President, certainly not a radical, placed the whole action of the Convention in the hands of the conservatives. Whatever was therefore of good or evil, was attributable to the conservatives. It all belonged to the conservatives. The radicals had no responsibility. He did not wish to attribute blame to any one, not even to the conservatives, on this subject. He did not believe the expenses of the Convention were worth the talk they had occasioned. These expenses were all predicated upon, and regulated by those of the Legislature; and he did not believe the people of Pennsylvania would regard the expense in improving their form of Government, in carrying on the great work of perfecting their free institutions, and making them conformable to the light and spirit of the age; and Mr. B. said he knew the gentleman from Franklin (Mr. DUNLOP), was too high-minded and honorable a man to appeal to the mere dollar-and-cent passion of the people of Cumberland, Franklin, and Adams, when he brought the subject of reform before them. He will tell them all the Convention have done, and all he believes, in his heart, they will do. He will show them his votes on this subject, and will appeal to their high and lofty patriotism in favor of reform. He will tell them that all the charges of jacobinism and agrarianism, which were made against us poor radicals, were false and unfounded; and will ask them to judge of the changes we make, without prejudice or passion, looking only at what is made, and forgetting who has made them, or what they may have cost. If we have acted wrong, he will tell the people who have so acted; but he will not ask the people to punish themselves for our fault, by rejecting good and wholesome reform. He will tell them that the Convention, conservative as it is, can do no harm, and may and will do much good. It will enlarge and liberalize the institutions of the State. On the subject of adjourning until April, (Mr. B.) said, the gentleman from Franklin says reform is at the flood now, and it will soon be at the ebb. When, (said Mr. B.), will be the greatest ebb, if not after the October election? Those opposed to all reform will then have had an opportunity to appeal to the people, and if they want no reform, that will be the time to determine; and Mr. B. said he, for one, was willing to meet the people in this Hall now, or in October; but he hoped it would not be deemed necessary to put it off longer than the period already fixed.

Mr. FLEMING, of Lycoming, said that if we adjourned over for three months, it was a longer time than our constituents would approve; but, to add six months more to the recess, was altogether out of the question. If we met here next spring, as soon as the warm weather commenced, we should meet the same objections, on the score of the unhealthiness of the place and season, that we have met at this session. Another adjournment would then be necessary to the next fall or spring, occasioning a degree of delay and expense which the public would never tolerate.— In the first place, it was his opinion that we ought not to have adjourned at all. This season of the year was the most pleasant for such an assembly that could be chosen; but, after adjourning for three months, without any substantial reason, he wished to know what reason could be given for deferring the whole business of the Convention for a year. In what situation would it place us with the people? Was it believed by any one, that they would sanction such a course?

He would ask the advocates of this resolution for an adjournment, why

the people should be kept in a state of suspense, as to the result of the labors of this Convention, during all that period, and also for three months after we assembled again? He contended, that if this adjournment was to take place, for the purpose of enabling a few gentlemen to return home and transact their business, it was time this Convention adjourned *sine die*. With regard to the place where we were to meet again, it was immaterial to him. He could find accommodation to satisfy him any where. But, he could see no good reason, why we should not meet in Harrisburg again. The town was healthy, and we could be as well accommodated here, as elsewhere. He regarded this adjournment, as altogether contrary to the wishes of the people. He confessed, that he had not heard a solitary good reason why we should adjourn for months to come. He should much like to be furnished with a good and substantial argument, with which he could satisfy the minds of his constituents. He had heard nothing that would convince those, whom he had the honor to represent on this floor.

Mr. CHANDLER, of Philadelphia said, he had heard with surprize that the gentleman from the county (Mr. BROWN) had received printed instructions from his constituents, in favor of the radical changes of the Constitution, which he (Mr. B.) had advocated here: whilst he, (Mr. CHANDLER) had, he confessed, within the last twenty-fours, received from his constituents information of quite a different character.

Mr. BROWN said, he had received letters, not instructions.

Mr. CHANDLER said, that he believed his friend (Mr. BROWN) belonged to a party, which professed to obey the instructions of the people. He (Mr. C.) had learned, last evening, that our friends and neighbors of the third district, were beginning to hold opinions, in regard to the Judiciary and other questions, entirely different from what they had professed to hold, when they desired to give instructions to members on this floor.

Mr. FORWARD, of Allegheny, rose to a point of order. With all respect for his friend, he felt himself bound to ask of the CHAIR, whether it was in order to introduce matters of this sort here, for he thought they were not relevant.

The CHAIR: If any connection at all, it was a very remote one.

Mr. CHANDLER did not see, that it was so remote, as the gentleman imagined. He had risen to answer the gentleman (Mr. BROWN) who had said that gentlemen of respectability, from the city of Philadelphia, had expressed their approbation, generally, of all the measures which had been proposed here. As he (Mr. C.) knew nothing of that matter, he could say nothing about it. He however, could not believe all that had been done, was approved of. And, as to what had been said, he thought, that must be much further from being approved.

Mr. BIDDLE, of Philadelphia, said, he believed that, after having spent so much time together, all party asperity had been much softened, and we should go home with the best feelings towards each other. As to the time of meeting, he asked what public harm could follow the postponement of our meeting till spring, when we should have the advantage of this best of Halls for our accommodation? The people were not so impatient as they had been represented, and would, he thought, be satisfied with the delay. There would be ample time given to submit the amendments to the people, at the following October elections. We would have the

use of this Hall, as he had before remarked, which would be a great saving of expense, although he deemed that an insignificant consideration. For, when the people of this Commonwealth met, to change all the foundations on which they rested all their institutions, and on which mainly depended the public happiness, he would say, that the question of dollars and cents, in a great Republic like this, was indeed insignificant. If, then, the Convention should adjourn to meet again in this place, they would have only about five weeks to sit, before the Legislature would meet, when, it would be necessary that the Convention should remove elsewhere. Well, if an adjournment should take place till the spring, this inconvenience would be entirely avoided. With regard to the place of meeting, he had but a single word to say. It became him not to select Philadelphia: it was for gentlemen from the country to say, whether they would go among the citizens of that place or not. He trusted that he would not be suspected of any design to influence any gentlemen in this body; he knew that they were incapable of being influenced. He trusted that he said nothing unworthy, when he said that the citizens of Philadelphia, united in strong regard for all the people of this Commonwealth, and nothing would be more delightful to them, than to take the gentlemen composing this body, by the hand, as brothers, indissolubly united, for weal, or for wo.

Mr. SMYTH, of Centre, remarked that, very early in the session, a disposition was manifested to adjourn; and the excuse that was offered, was, the accommodation of the farmers. Now, if the Convention adjourns over until the 12th of April, the warm weather would set in before we could possibly get through, and the same excuse would be urged again. The farmers would lose two seasons. If we meet in October, we shall have at least seven weeks before the meeting of the Legislature: he therefore, appealed to those, who were in favor of the best interests of the country, to oppose the motion of adjournment until April next. He should vote in favor of meeting again in October next.

Mr. FORWARD, of Allegheny, observed, that if he could reconcile his own interest, with what he conceived to be due to the public, he should be in favor of adjourning over till April next. But, one reason operated on his mind against it, and that was, the recollection of what we have done now, would be then almost gone. If, however, we returned in October next that would not be the case, and consequently, no necessity would exist for a re-discussion—a re-hearing, on the subjects which have been discussed, to enable us to come to a correct conclusion. Again—if we meet in April, the session might be prolonged till July. His opinion was, that if this Convention should meet after the election, next October, those political asperities incident to a political contest, would have passed away, and the Convention could then proceed to its business in a calm and dignified manner.

The reasons offered for the adjournment were, that the warm weather was coming on—that members were apprehensive of impairing their health, and that it was no time for deliberation. He thought that October was the best time, whether the Convention assembled in Harrisburg or Philadelphia.

Mr. STEVENS, of Adams, said that when he offered the amendment, he believed that the question was, whether the Convention should meet in

Philadelphia, or in this Hall, in October, or in some inconvenient place fitted up at a great expense by this county, and under an influence which a Legislature, coming fresh from the people, heated with politics, may have upon it. Being in favor of meeting in this Hall, he had moved the amendment; but, unwilling that a misconstruction should be put upon his motives, he would withdraw the amendment; and, as the question now would be, whether we shall meet in Harrisburg or Philadelphia, in October, he should vote for Philadelphia.

Mr. PORTER, of Northampton, would suggest to the gentleman from Dauphin, (Mr. CLARK) that he had better withdraw his amendment, so as to allow a direct vote to be taken on the resolution reported from the committee, fixing Philadelphia as the place of meeting; because, if that should be negative, we would meet here as a matter of course.

Mr. DICKEY, of Beaver, moved to amend the amendment by striking out all after the word "that", and inserting, "for the purpose of proposing amendments to the Constitution, to be submitted to the people for their ratification or rejection at the next general election. this Convention will prolong its session one month beyond the 14th instant, and as much longer as may be necessary".

Mr. D. remarked that the suggestions which had been thrown out by the gentleman from Lycoming, (Mr. FLEMING) had induced him (M. D.) to offer this amendment. The gentleman had asked what necessity there was for adjourning, but he had received no answer. He (Mr. DICKEY) believed that there were now only fifteen absentees—the place was healthy—and indeed we were at this moment as comfortable as we had been since we assembled. He did not know whether, when the resolution for an adjournment was offered a few days ago, it was warm weather, but, at any rate, it was cool enough now; then why, he would ask, should not gentlemen agree to remain; as we might get through with our labors in a month, or six weeks at most, and then the amendments could be submitted to the people at the next October election. No doubt the people expected that they would be laid before them at that time. He thought, that we had better remain here and finish our labors, than adjourn to meet in October next, for by doing so, much expense would be saved. He agreed with the gentleman from Adams, (Mr. STEVENS) that if we came back here after the excitement and heat of a contested election, we should be very unprepared to resume our labors in that tone and temper which ought to characterize our proceedings. He could not refrain from once more trying to bring the Convention back to its duty, and letting the people know who are opposed to submitting to them, in October, the necessary reforms of the Constitution. He would, therefore, ask for the yeas and nays.

The question was taken, and decided in the negative, as follows:

**YEAS**—Messrs. Agnew, Ayres, Barndollar, Barnitz, Bayn, Butler, Chinder, of Chester, Chandler, of Philadelphia, Clarke, of Beaver, Clark, of Dauphin, Clark, Cochran, Darrah, Denny, Dickey, Dickerson, Dillinger, Duran, Dunlop, Erle, Fleming, Gamble, Gearhart, Hayhurst, Henderson, of Dauphin, Hiester, Keck, Konigacher, M'Sterry, Meredith, Merrill, Merkel, Montgomery, Parviance, Scott, Sitzer, Sniely, Strigere, Stevens, Stickel, Taggart, Thomas, Weidman, White, Woodward, Young—46.

**NAYS**—Messrs. Baldwin, Banks, Barclay, Bedford, Bell, Bidle, Bonham, Brown, of Lancaster, Brown, of Northampton, Brown, of Philadelphia, Carey, Chambers, Chauncey, Clapp, Clarke, of Indiana, Cope, Craig, Crain, Crawford, Crum, Cummin, Cunningham, Curtl, Darlington, Farrelly, Forward, Fry, Fuller, Gilmore, Granel, Harris, Hastings, Helfenstein, High, Hopkinson, Haupt, Hyde, Ingersoll, Jenks, Keim,

Kennedy, Krebs, Long, Maclay, Magee, M'Cahen, M'Call, M'Dowell, Miller, Nevin, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Reizart, Read, Riter, Ritter, Rogers, Russell, Saeger, Sellers, Serrill, Scheetz, Shellito, Sill, Smyth, Swetland, Weaver, Sergeant, *President*—71.

The question being on the motion of Mr. CLARK, of Dauphin,

Mr. CLARK, of Dauphin, would merely state, he said, his confident hope, that, if the Convention met here in October, and pursued their labors with industry, they would accomplish them, and be ready to adjourn by the first of December. But if not, he had the assurance of the legally constituted borough and county authorities, that suitable accommodations should be provided. As to accommodations afforded for the members here, he believed the hotels of Harrisburg were admitted by every traveller to be equal to any in the Union. They were now not half full; but if there should be a great increase of the number of strangers here, the accommodations would be proportionably increased, and other houses would be opened. These considerations, taken together with the advantage afforded here in the facility of access to the public offices, and to the public records, would, he trusted, bring gentlemen to the conclusion that they ought to meet here in October.

Mr. CUNNINGHAM said, that as he was one of the committee on this subject, he would briefly state the reasons why he disagreed with the majority as to the expediency of going to Philadelphia. He knew too well the kindness and hospitality of the people of that city, to believe that we would transact our business there as well as here. He knew the hospitality of the citizens of Philadelphia so well, that he believed we should spend most of our time, while there, in social eating, drinking, and visiting. We, from the country, (said Mr. C.) cannot do business so well after drinking different kinds of fine wine, eating lobsters, &c., as without them, for we are not used to such things, and they would not agree well with us. As to the health of Harrisburg, he must be permitted to bear his very strong testimony on that subject. He should not do it justice if he did not say that he considered it as healthy as any part of the country.—Where could we find more perfect exhibitions of health than we every day witness here, in the rosy cheeks of the ladies who grace our galleries. He had himself resided here for some six years, and he could present his own corporation as an evidence that Harrisburg was a healthy place. He had never been sick here one hour. The air from the Susquehanna and the mountains was as pure and as healthy as any in the world. For the continuance of our labors, the summer would be more healthful than the winter, because, in the winter, we must sit with closed doors, and inhale hot and fetid air.

Mr. KERR said, there was one reason against going to Philadelphia, which had not been mentioned: that we should there be in the atmosphere of the Bank of the United States. We should not be there long, before every print of the party, from the great Globe downwards, would say that we were bribed by the Bank. He did not wish, in this way, to afford a topic for electioneering politicians.

Mr. BELL agreed with gentlemen as to the beauty, healthfulness and hospitality of Harrisburg, but the question was, whether it would be convenient and proper for us to come back here and infringe upon the duties of another and larger body, whose duties, in some measure, will also in-

fringe upon ours. If we now find ourselves crowded here, what should we do when another body, more numerous, and attended by an army of loafers and borers, should crowd themselves into this place? We can now scarcely enjoy the advantage of a moment's privacy without retiring to our chambers. Another consideration was, that since the commencement of the session, we have, whether rightfully or wrongfully, very frequently indulged in vituperative remarks upon the Legislative body, and they might feel disposed to retort upon us some of our own ill-nature. What, then, would be the situation of the two bodies? Suppose we were discussing a question of the power of that body, and they should pass a resolution declaring that this body was so constituted as not to be able to judge upon the matter. It would be easy to imagine that the two bodies might, in various ways, be brought into collision, that their duties clashed in some respects, and that any influence which they might exercise upon each other, would be of an unfavourable and improper character. Now that we had fixed upon October as the period of meeting, it was evident that we would not meet here. What objection was there to going to Philadelphia? The people, it was said, would never sanction the expense; but that objection was removed now that the city authorities had offered to fit up a Hall for us. But another objection was made. It was said that the people had a prejudice against the city: a prejudice against what? the pride and boast of our State—the city of Philadelphia? He had heard that something of the kind did exist, and that, on account of it the seat of Government had been removed. But what was the reason of that? Why, that the Legislature, holding the purse-strings, might be tempted to be too liberal to the city, and be too much under influence.—But that objection did not apply to us, who are not masters of the strong box. We were clothed with no other power than that of deliberation; and were not the people of Philadelphia as much interested in the result of our deliberations—in the formation of a Constitution which should secure perpetual prosperity and liberty to the State, as any other portion of our citizens? But it is said that the amusements and festivities of the city will withdraw our attention from our proper business. But, sir, most of us have passed the hey-day of our life, and many of us, indeed, are passing into the vale of years. What gentleman around him would be likely to be seduced by such amusements as the city could afford? It appeared to him a reflection on this body. The gentleman from Mercer, (Mr. CUNNINGHAM), had not told us what were the seductions which were so much to be dreaded by the members of this body. Eating terrapins and lobsters was not so dangerous a snare as to justify his apprehensions.—[Mr. PORTER, of Northampton. Drinking wine.] But, sir, said Mr. BELL, I should never imagine judging only from the countenance of the gentleman from Mercer, that he ever indulged in such things. He would undertake to pledge himself for the members, that not one of them would be the less qualified for the discharge of his duties, by the use of any of these things. Harrisburg itself afforded many inducements and amusements, for our power of relaxation; and our afternoon sessions had proved, that if it did not abound with lobsters, it did with wine; and surely it had not been objected to us, that a good dinner and a bottle of good wine unfitted us for the proper discharge of our duties here. But it was said that here we were not only surrounded with beautiful scenery, but with

all the facilities of knowledge. In Philadelphia, too, there were books on any and every subject. Our library was small in comparison with the libraries of Philadelphia. He did not imagine that the Halls of the library would be much frequented by gentlemen, but if they wished to resort to them, they might have free and unrestrained access to all the public libraries in Philadelphia.

Mr. REIGART had risen, he said, to state that he was a member of the Committee, but disagreed with the majority in this recommendation. At a proper time, he would move Lancaster and give his reasons in favor of that motion.

Mr. WEIDMAN asked why we should go to Philadelphia. Could we be better accommodated there than here? Was it a more healthy place than this? Had we not here better opportunities for obtaining books of reference, and of obtaining information from the Departments? Here we had every thing we wanted under the same roof. It was with surprise that he heard it urged against Harrisburg that it was unhealthy, when, at the same time, we find that one hundred and sixteen members, notwithstanding their absence from home, and change of habits, air, and diet, were here in good health and spirits. This was a circumstance that spoke more for the health of Harrisburg than could be said of any place in Pennsylvania; and the place was not only healthy, but its citizens were hospitable and polite. What, then, was the reason for moving? It was said that, by removing, we should get clear of the members of the Legislature, and the loafers and borers who follow at their heels. He was not afraid of being improperly influenced by the members of the Legislature, coming, as they did, from the people who were our constituents, and representing their sentiments. Were we afraid of being influenced by the will of the people? He had no doubt that suitable accommodations would be procured for us here. Some objected to sitting in a church, and compared it to sitting in the stocks. He was willing to sit there if it could be rendered commodious, or to sit in the Court House, which the Legislature once occupied. He had no doubt it would be so fitted up as to receive, in comfort, every member of this body. If we meet here in October, with the prospect before us of the meeting of the Legislature in six weeks, we should get through the whole business by that time.

Mr. KEIM regreted, he said, that there should be any doubt in the minds of gentlemen as to the place where the Convention ought to re-assemble. He regreted that it should be thought necessary, for a committee to go about seeking a place for this Convention to hold its session. He felt it his duty to say, that Harrisburg, as the State Capitol, was the only proper place for their meeting, even apart from its advantages of climate and situation. The Conventions of New-York and Virginia did not desert their Capitols. If the committee had consulted with the citizens of Harrisburg, they would have found ample accommodations ready for their acceptance, and there was no place where they would be treated with more kindness than here. Another consideration deserving of our attention was the expense of a removal to Philadelphia, and, assembled as we were, for the purpose of reform, expense was an object of some moment. It was necessary also that we should hold frequent communications with the public officers which were at Harrisburg. Mr. K. said we should not draw precedents from the Legislature which had

countenanced those abuses which we have assembled for the purpose of abolishing. We have heard of travelling cabinets and knew how unpopular they were, and have we not heard that wandering Arabs were always in disgrace. Why, he asked, should we leave Harrisburg? Was it not in the power of the citizens and the hotel keepers to afford every service and accommodation that we require? Where should we meet? At Philadelphia? Did not that city know how much she had been traduced here and would not that have some influence upon our welcome? But how were to go there? Should we go, in a body, as a travelling menagerie, under the conduct of our Sergeant-at-arms? What would become of our unchained animals? and where should we place the animal spoken of by the gentleman from the county, the other day?

Mr. PORTER, of Northampton, was in favor, he said, of meeting in Philadelphia, as to the mode of getting there, there would be no difficulty in it. He did not propose to go in a body, but when the place was fixed, it would be easy to find it, because all the streets of the city run at right angles. There was no danger of our being lost in our way. If his friend from Berks would place himself under his guidance he would lead him safely to the Hall. He should vote for Philadelphia for two reasons; and the first a selfish one,—that it was fifty miles nearer to his residence than Harrisburg. Another reason was that he apprehended it would be very crowded here. It was true that there are good hotel-keepers here who are as attentive to our wants as those in Philadelphia would be: but when we get one hundred and thirty-three more, and the army of disinterested gentlemen who usually follow them, all of whom were to be here all winter, while we were to remain here only for a part of it, he was afraid that all the best places would be given to them, and that we should have to make shift with indifferent quarters. He did not think there was any chance of our getting through before the meeting of the Legislature. If we were to go into the Court House he would at once say that there was not room. When the Legislature met there it was found very inconvenient and oppressive even for a hundred members. The Hall of Independence offered to us in Philadelphia was more commodious and larger than any we could get here. He referred to the act of Assembly for calling the Convention to show that it was in the contemplation of the law that the Convention might find it convenient to change the place of holding their session, after having organized the body here.

Mr. DUNLOP, of Franklin, said the question had now assumed a different aspect, and he had no hesitation to say, that we ought to meet in Philadelphia. It follows, inevitably, that the Convention will be in session when the Legislature is in session, and cannot, therefore, have the use of this Hall. They will be compelled to sit, either in the Church, or in the court house. The gentleman from Northampton (Mr. PORTER) has told us that the court house is too small to contain this body; and as to the Church, besides other inconveniences, the offer of it is coupled with a reservation for preaching. Would any gentleman be willing to suffer his desk and papers to be examined by the persons who would attend the Church on Sunday? He had no objection to a Church, *per se*, but he did object to being confined to inconvenient and annoying seats, which seem to have been constructed for the purpose of mortifying the flesh, while the spirit is engaged in prayer: and not for the use of a deliberative as-

sembly—all the wood butchers in Pennsylvania could not have made them worse. For that reason he should be compelled to exclude himself; he would be so much annoyed by the seats. Would they meet in this Hall? What would be their attitude here? They would assemble in the Hall, and then have to surrender it to the Legislature, and would thus render themselves obnoxious to ridicule. If they meet in the Church, it would be too inconvenient; if in the court house, it would be too small; for these reasons, as well as others which had been stated, he would be in favor of meeting in Philadelphia. We should be in no greater danger of temptation to evil in Philadelphia, as we could give the people nothing. What could the people expect from us, but good fellowship and good speeches? Suppose it to be taken for granted, that Philadelphia presents a field for intrigue. That would be a good reason for not sitting there in a legislative capacity, having power to pass on subjects concerning local interests. The people of the Commonwealth might then well be jealous of the influence of the city. But this is a mere dry Convention, having no such power; and our constituents would not object to our going there. Every gentleman, he thought, who would submit to the guidance of his own reasons, would vote for going to Philadelphia, because it would be impossible to sit here. It was the intention that we should go where our convenience required, and that we should move to some other place. The clause in the act implies that circumstances may render it necessary to change the place of sitting, and he could not tell what possible objection there could be to the removal. He called on gentlemen to look to their constituents at home, and to say to them how inconvenient would be our situation here, and how much better we may be accommodated some where else. He was not afraid to leave this place, lest his popularity should be injured. Let those who have it in their minds, that their constituents will not agree, reflect that if there should be a powerful vote of this Convention in favor of moving to Philadelphia, it would be a strong argument with the people in favor of the step. If they could unite in a unanimous vote, there would not be found any of the constituents of gentlemen who would urge a rational objection against it. He put it to gentlemen if it was not a question on which they were more competent to judge than their constituents: and asked if there was one gentleman, who, if the case was entirely his own, would hesitate to go to Philadelphia, and who did not now wish that the meeting should be there.

Mr. STERIGERE, of Montgomery, did not expect that any thing which he, or any one else, could say, would have any influence. It was a question which was more a matter of feeling, than of argument—no one could be influenced—not a vote could be changed. As he meant to go against the resolution, he desired to say a very few words. We do not apprehend that the people of Philadelphia will lead us astray; but there are to be found there many objects of amusement and curiosity, which would induce members from the country frequently to abstract themselves from the duties of the Convention; and the consequence would be an unnecessary prolongation of the session. He believed that a temporary adjournment would, in any case, prolong the sitting of the Convention for a month; and still longer if the meeting should be in Philadelphia. The objection against the court house was not well founded. He was in the Legislature which sat there, and he had suffered no inconvenience. It

was not so commodious as this Hall, but could be made sufficiently convenient. We have added thirty-three desks to the number used in this Hall by the Legislature; and we can make arrangements which will render the court house a convenient room. There are offices for Clerks, and for other purposes. The church, too, has contained six hundred persons, and is, therefore, sufficiently spacious for the purposes of the Convention. The objection to meeting there, he regarded as the slightest which could be conceived. Was not such an objection equally to be urged to the genteel auditory, who come to visit the Capitol on Sundays, and other days? In Congress it is the practice to have public preaching, and there is no complaint; and in the British Parliament, the members have no desks at all. He did not look upon the objections, as entitled to much consideration. The session would be unnecessarily extended by going to Philadelphia, and the attention of delegates would be too much distracted.

The question was then taken on the amendment offered by Mr. CLARK, of Dauphin, and decided in the affirmative—yeas, 66; nays, 50, as follows:

**YEAS**—Messrs. Ayres, Banks, Barndollar, Barnitz, Bayne, Bedford, Bonham, Brown, of Northampton, Butler, Chambers, Clapp, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Craig, Crain, Crawford, Cummin, Cunningham, Darrah, Denny, Dickey, Dickerson, Donnell, Doran, Farrelly, Fuller, Gamble, Gearhart, Gilmore, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Dauphin, High, Hyde, Ingersoll, Keim, Kerr, Krebs, Maclay, Magee, M'Call, Merkel, Miller, Montgomery, Nevin, Read, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Smyth, Snively, Sterigere, Stickel, Swetland, Taggart, Weaver, Weidman, Woodward, Young—66.

**NAYS**—Messrs. Agnew, Baldwin, Barclay, Bell, Biddle, Brown, of Lancaster, Brown, of Philadelphia, Carey, Chandler, of Chester, Chandler, of Philadelphia, Chauncy, Cahlan, Cope, Crum, Darlington, Dillinger, Dan'or, Earle, Fleming, Fry, Grenell, Hester, Hopkinson, Houpt, Jenks, Kennedy, Konigsmacher, Long, M'Cahen, M'Dowell, M'Sherry, Merdith, Merrill, Overfield, Pennypacker, Pollock, Porter, of Lancaster, Porter, of Northampton, Purvisance, Reigart, Ritter, Russell, Saeger, Scott, Serrill, Sill, Stevens, Thomas, White, Sergeant, *President*—50.

The resolution, as amended, was then agreed to, and

The Convention adjourned.

#### THURSDAY—JULY 13, 1837.

Mr. CHANDLER of Philadelphia, presented the memorial of the Pennsylvania Society for promoting the abolition of slavery, &c., praying for the extension of the right of trial by jury to all human beings.

Mr. CHANDLER of Chester, presented a memorial similar in its import and prayer, from citizens of Pennsylvania.

These memorials were laid on the table.

Mr. READ of Susquehanna, submitted the following resolution:

*Resolved*; That it is expedient to provide for the election of Justices of the Peace and Aldermen, at the time of the election of Constables, for a term not exceeding five years.

Mr. READ moved the second reading of the resolution.

Mr. **HIESTER** of Lancaster, asked for the yeas and nays on the motion, and they were ordered.

The question was then taken, and decided in the affirmative as follows :

**YEAS**—Messrs. Ayres, Banks, Barclay, Bayne, Bedford, Bell, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clark, of Dauphin, Clarke, of Indiana, Crain, Crawford, Cummin, Cunningham, Curll, Darrah, Denny, Dickey, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Grenell, Hastings, Hayhurst, Helffenstein, Henderson of Dauphin, High, Houpt, Hyde, Ingersoll, Keim, Kennedy, Krebs, Magee, M'Caheh, Miller, Montgomery, Nevin, Overfield, Purviance, Read, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Sill, Smyth, Stickel, Swetland, Taggart, Weaver, Woodward—64.

**NAYS**—Messrs. Agnew, Baldwin, Barndollar, Barnitz, Biddle, Carey, Chambers, Chandler, of Philadelphia, Chandler, of Chester, Chauncey, Cline, Cochran, Cope, Crum, Darlington, Dunlop, Harris, Hiest-r, Hopkinson, Jenks, Long, Maclay, M'Sherry, Meredith, Merrill, Merkel, Pennypacker, Pollock, Porter, of Lancaster, Reigart, Russell, Saegar, Scott, Serrill, Sterigere, Stevens, Thomas, Todd, Weidmaan, Young, Sergeant, *President*—41.

The resolution was then read a second time.

Mr. **COPE** requested the mover to withdraw the resolution for a moment, to enable him to make a report from the committee on accounts.

Mr. **STEVENS** considered it an extraordinary thing, at a moment when the committee on accounts wished to make a report, that those who needed their money might receive it, that a resolution should be introduced which might consume the balance of the expiring session. He moved that the further consideration of the resolution be postponed indefinitely.

Mr. **READ** asked for the yeas and nays on this motion, and they were ordered.

The question was then taken on the motion for indefinite postponement, and decided in the negative, by the following vote :

**YEAS**—Messrs. Agnew, Baldwin, Barndollar, Barnitz, Brown, of Lancaster, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clark, of Dauphin, Cline, Cochran, Cope, Crum, Cunningham, Darlington, Dunlop, Forward, Harris, Hiest-r, Hopkinson, Houpt, Jenks, Konigmacher, Long, Maclay, M'Sherry, Meredith, Merrill, Merkel, Pennypacker, Pollock, Porter, of Lancaster, Reigart, Russell, Saegar, Scott, Serrill, Sterigere, Stevens, Thomas, Todd, Young, Sergeant, *President*—45.

**NAYS**—Messrs. Ayres, Banks, Barclay, Bayne, Bedford, Bell, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke, of Indiana, Crain, Crawford, Cummin, Curll, Darrah, Denny, Dickey, Dillinger, Donnell, Doran, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Henderson, of Dauphin, High, Hyde, Ingersoll, Keim, Kennedy, Krebs, Kerr, M'Caheh, M'Dowell, Miller, Montgomery, Nevin, Overfield, Purviance, Read, Ritter, Rogers, Sellers, Seltzer, Scheetz, Shellito, Sill, Smyth, Stickel Swetland, Taggart, Weaver, Weidman, Woodward—64.

Mr. **KONIGMACHER** of Lancaster, moved to amend the resolution, by striking therefrom all after the word "resolved," and inserting in lieu thereof, the following, viz : "The Governor shall appoint such number of Justices of the Peace and Aldermen, in the respective townships, wards and boroughs, as are, or shall be, directed by law. They shall be commissioned for the term of seven years; but may be removed, on conviction of misbehaviour in office, or of any infamous crime, or on the address of both branches of the Legislature.

Mr. **KONIGMACHER** asked for the yeas and nays on his amendment, and they were ordered accordingly.

The question was then taken on the motion to amend, and decided in the negative, by the following vote :

**YEAS**—Messrs. Baldwin, Biddle, Brown, of Lancaster, Carey, Chandler, of Chester, Chauncey, Cochran, Cope, Darlington, Gearhart, Harris, Hæster, Hopkinson, Ingersoll, Jenks, Konigsmacher, M'Sherry, Meredith, Pennypacker, Reigart, Scott, Serrill, Thomas—23.

**NAYS**—Messrs. Agnew, Ayres, Banks, Barclay, Barndollar, Barnitz, Bedford, Bell, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Chandler, of Philadelphia, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Crain, Crawford, Crum, Cummin, Cunningham, Cull, Da rah, Denny, Dickey, Dillinger, Donnell, Duran, Dunlop, Erie, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gilmore, Grenell, Hastings, Hyhurst, Helffenstein, Henderson, of Dauphin, High, Hought, Hyde, Keim, Kennedy, Krebs, Long, Mac'ay, Magee, M'Chen, M'Dowell, Merrill, Merkel, Miller, Montgomery, Nevin, Overfield, Pollock, Porter, of Lancaster, Purvance, Read, Ritter, Rogers, Russell, Saeger, Sellers, Seltzer, Scheetz, Shelito, Sill, Smyth, Steigere, Stevens, Stickel, Sweland, Taggart, Todd, Weaver, Weidman, Woodward, Sergeant, *President*—85.

Mr. DUNLOP moved to amend the resolution, by inserting after the word "expedient", the words "to proceed to the consideration of the sixth article, and", so as that the resolution would read thus ;

*Resolved*, That it is expedient to proceed to the consideration of the sixth article, and to provide for the election of Justices of the Peace, and Aldermen, at the time of the election of the Constables, for a term not exceeding five years.

Mr. D. said he was in favor of the election of Justices of the Peace, in the manner proposed, but he wished the thing to be done in a proper manner.

Mr. READ moved to amend the amendment, by inserting the word "now" in the amendment. With that alteration, he would support the amendment.

Mr. DUNLOP accepted the amendment, as a modification of his amendment.

Mr. READ said, he would withdraw the declaration that he would support the amendment, after hearing it again read.

Mr. DUNLOP expressed a willingness to put it in any form the gentleman wished.

Mr. READ wished it to remain as it was.

Mr. FRY, of Lehigh, moved an amendment.

The PRESIDENT stated, that it was not in order as an amendment to the amendment, although it would have been, if offered to the original resolution.

Mr. DARLINGTON, of Chester, moved to postpone the further consideration of the amendment, together with the resolution, for the present.

Mr. EARLE, of Philadelphia, said he had heard many speeches about the useless consumption of time ; and it appears that gentlemen who had talked so much about the odium the Convention was in, wished to make it still more odious, by compelling it to adjourn without any decisive action on this important principle. Motion after motion was made here, by the minority, to prevent any decision of the question before the adjournment, so as to prevent that question from being submitted to the people. The question now, is, if the artifices of the minority shall put us down, and prevent this question from going to the people. To test the sense of the Convention on this subject, he would, if he could find

a sufficient number of gentlemen to sustain him, call for the previous question.

The call was sustained by the following gentlemen—**Messrs. GRENELL, SHELLITO, KENNEDY, OVERFIELD, MAGEE, GAMBLE, HAYHURST, CURLL, MONTGOMERY, FOULKROD, NEVIN, SMYTH, GILMORE, READ, RITTER, HASTINGS, DARRAH, BONHAM, CLARKE**, of Indiana, and **SELLERS**.

The yeas and nays were then ordered on the question—"Shall the main question be now put?" and it was decided in the affirmative—yeas, 58; nays, 50.

**Mr. M'CAHEN** asked the yeas and nays on the adoption of the resolution, and the question was taken and decided in the affirmative: yeas, 76; nays 30, as follows:

**YEAS**—**Messrs. Ayres, Banks, Barclay, Barnitz, Bedford, Bell, Bonham, Brown** of Lancaster, **Brown**, of Northampton, **Brown**, of Philadelphia, **Butler, Chambers, Clarke**, of Beaver, **Clark**, of Dauphin, **Clarke**, of Indiana, **Cline, Cochran, Crain, Crawford, Cummin, Cunningham, Curll, Darrah, Dickey, Dillinger, Donnell, Doran, Dunlop, Earle, Farrelly, Fleming, Forward, Foulkrod, Fry, Fuller, Gamble, Gilmore, Grenell, Hastings, Hayhurst, Helffenstein, Henderson**, of Dauphin, **High, Houpit, Hyde, Keim, Kennedy, Krebs, Maclay, Magee, M'CAHEN, M'Dowell, Merrill, Merkel, Miller, Montgomery, Nevin, Overfield, Pollock, Purviance, Read, Ritter, Rogers, Saeer, Sellers, Seltzer, Scheetz, Shellito, Sill, Smyth, Sterigere, Stickel, Swetland, Taggart, Weaver, White, Woodward**—76.

**NAYS**—**Messrs. Baldwin, Barndollar, Biddle, Carey, Chandler**, of Chester, **Chandler**, of Philadelphia, **Chauncey, Cope, Durlington, Denny, Gearhart, Harris, Hiestler, Hopkinson, Ingersoll, Jenks, Konigsmacher, M'Sherry, Meredith, Pennypacker, Porter**, of Lancaster, **Reigart, Russell, Scott, Serrill, Stevens, Thomas, Todd, Weidman, Sergeant, President**—30.

**Mr. FRY** offered the following resolutions:

*Resolved*, That in the opinion of this Convention, the Daily Chronicle and Convention Journal, does not furnish that full and correct information to the people to warrant such great expense, and that the committee of accounts be directed to make final settlement for the same.

*Resolved*, That the services of the assistant Secretaries, Sergeant-at-Arms, assistant Sergeant-at-Arms, Door-keeper, assistant Door-keeper, and Messengers, be dispensed with, after the 14th instant.

The question being on ordering the resolutions to be read a second time and considered,

**Mr. INGERSOLL** asked for the yeas and nays, and the question was decided in the affirmative, as follows:

**YEAS**—**Messrs. Banks, Barclay, Barndollar, Bedford, Bell, Bonham, Brown**, of Northampton, **Brown**, of Philadelphia, **Butler, Chambers, Chandler**, of Chester, **Clarke**, of Beaver, **Clark**, of Dauphin, **Clarke**, of Indiana, **Crain, Crawford, Cummin, Curll, Darrah, Dillinger, Donnell, Doran, Earle, Fleming, Foulkrod, Fry, Fuller, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helffenstein, Henderson**, of Dauphin, **Hiestler, High, Hopkinson, Houpit, Hyde, Ingersoll, Jenks, Keim, Kennedy, Konigsmacher, Krebs, Maclay, Magee, M'CAHEN, Merkel, Miller, Montgomery, Nevin, Overfield, Purviance, Read, Ritter, Rogers, Saeger, Sellers, Seltzer, Scheetz, Shellito, Sill, Smyth, Sterigere, Stickel, Swetland, Taggart, Weaver, White, Woodward, Young, Sergeant, President**—74.

**NAYS**—**Messrs. Agnew, Ayres, Baldwin, Biddle, Brown**, of Lancaster, **Chandler**, of Philadelphia, **Chauncey, Cline, Cochran, Cope, Cunningham, Durlington, Denny, Dickey, Dunlop, Farrelly, Forward, Gamble, Long, M'Dowell, M'Sherry, Meredith, Merrill, Pennypacker, Pollock, Porter**, of Lancaster, **Russell, Scott, Serrill, Stevens, Thomas, Todd, Weidman**—33.

**Mr. M'CAHEN** moved to amend the resolution by striking therefrom all

after the word "Resolved", and inserting in lieu thereof the following, viz: "That the committee of accounts be instructed to settle with the editor of the Daily Chronicle, and cause the same to be discontinued.

Mr. STEVENS moved to amend the amendment by adding the following, viz: "after the completion of the present volume". He said that this would be no more than strict justice, as the publisher had laid in the materials for the present volume.

Mr. M'CAHEN accepted the amendment as a modification.

Mr. STERIGERE suggested that it should be discontinued after the proceedings of the present session had been published, and he moved an amendment accordingly.

Mr. STEVENS expressed a hope that the amendment would not be adopted for the reason that the publisher had a large stock of materials procured for this work, on the faith of a contract with the Convention, and that they were applicable to no other purpose.

Mr. CLARKE, of Indiana, hoped, he said, that his friend from the county of Philadelphia would see the propriety of leaving his proposition in its original form.

Mr. CHAMBERS saw little difference, he said, between the original proposition and the amendment proposed by the gentleman from Montgomery (Mr. STERIGERE,) and he was in favor of the amendment, as making a proper division of the work. In regard to the materials on hand, the publisher would be entitled to reasonable indemnity. The paper, he said, had been conducted with great fidelity, and dispatch; but it had answered the purposes for which it was intended, and could now be dispensed with.

Mr. HIESTER was in favor of the amendment of the gentleman from Montgomery. If we went on till we met again there would be the same difficulty as now in getting rid of the work.

Mr. CUMMIN concurred with the gentleman from Franklin that the contract ought to be fulfilled, or reasonable indemnity allowed. He approved of the paper, he said though he had, at first, voted against it.

Mr. FRY accepted the amendment of the gentleman from Philadelphia as a modification of his resolution.

Mr. STERIGERE said he was opposed to permitting the paper to go on at the next session.

Mr. M'CAHEN accepted, as a modification of his proposition, the suggestion of the gentleman from Montgomery, and modified his amendment so as to settle for the paper "when the proceedings of the Convention to the 14th instant, inclusive, should be published".

Mr. STEVENS hoped, he said, it would be so modified as to allow the committee on accounts to pay for the expenses incurred in the purchase of materials for the work, and he moved to amend by adding the words "according to the principles of equity and justice".

Mr. DICKEY said he had heard of no complaints of the Daily Chronicle among the people. The complaints came from the members of the Convention, who, perhaps, were averse to seeing a faithful account of their proceedings there. The people were pleased with the work, and it afforded them an opportunity to see all our proceedings. They had not asked

us to discontinue it, and why should we deprive them of it. He should vote against the proposition and ask the yeas and nays upon it.

Mr. DARLINGTON was of the opinion, that if we were desirous of getting rid of the Daily Chronicle, prudence required that we should do it now. It would be no more expense to the publisher to discontinue it now than at the end of the month. We should compensate him equitably and fairly.

Mr. M'CAHEN said he would offer no opinion as to the merits of the Chronicle. He was satisfied with it. He would further modify his amendment by authorizing the committee on accounts to make an equitable and final settlement with the editor of the Daily Chronicle, and to discontinue the same after the 14th instant.

Mr. BROWN wished it to be understood, he said, that there should be no publication after we leave. He had nothing to complain of the Chronicle.

Mr. CLARKE, of Indiana, referred to the yeas and nays on the several questions relative to the Chronicle, and contended that it was not introduced by the democratic party.

Mr. CHANDLER, of Philadelphia, said that the Convention had launched out into a wide field of discussion, and until within a few minutes had entirely lost sight of that which concerned them most—their own honor. We have talked about the rights of individuals, and our own rights, and in the various debates on this subject, Mr. GUYER has been arraigned before us until we have given him an importance which he never had before. We have had “poor GUYER” over and over again; and for aught he knew, poor GUYER would go down to posterity alongside of the poor YORICK of STERNE. He, however, was only desirous that the Convention, after entering into a solemn contract, should carry it out. Even if it was but an implied obligation on us, we ought to pay the individual who had been at so great an expense. If a private individual received a newspaper without becoming a subscriber for it, he was held accountable for the amount of the subscription. Then, even if there was no contract between the Editor of this paper and the Convention, we have received the papers and are bound to pay for them. There may, however, be some here who would be unwilling to pay this sum which was justly due. If there was a majority of this Convention who should refuse to pay it, and he were GUYER, and thus a corporate body, he would attack it before a Magistrate, if he could find one who was not an elective Magistrate. This would be but carrying into effect the common law, and it would be but common honesty that it should be carried into effect. He must enter his solemn protest against this Convention violating any contract of any kind or nature whatever, because if we commence the violation of contracts, we will be setting an example shameful to ourselves, and shameful to the Convention.

Mr. STERIGERE did not consider that the imputation cast upon those who voted against this paper very fair. He had voted against it because our debates were authorized to be taken down by stenographers and published, and he considered it unnecessary to have two publications of this kind. He thought that the proper time for discontinuing this paper was at the end of the present session. If we continue it for two or three weeks into the next session when the time comes for stopping, we may be in the midst of an interesting discussion, and consequently the paper would be continued. He was opposed to the Convention subscribing to such a pa-

per, no matter by whom it was published. But the gentleman from **Beaver**, (**Mr. DICKEY**), has asserted that the resolution for the subscription to this paper was introduced by a Van Buren man. This he wished to correct, because the individual who introduced that resolution had avowed himself, on this floor, to be a Clay man.

**Mr. DICKEY** said, as the gentleman from **Montgomery** had denied that this proposition was introduced by a Van Buren man, it would be necessary for him to show who had introduced it. If gentlemen would turn to page 84. of the Journals, they would find that the resolution was introduced by **Mr. PORTER**, of **Northampton**.

**Mr. STERIGERE**. This is the very gentleman I alluded to.

**Mr. DICKEY**. Then I will go on to prove his Van Burenism.

The **CHAIR** said, it was not in order to go into an examination of the character of any member of the Convention.

**Mr. DICKEY** would then only add, that this same gentleman who introduced the resolution alluded to, was the candidate of the Van Buren party for President of this Convention, which he thought was sufficient evidence to satisfy any one of his Van Burenism.

**Mr. INGERSOLL** asked the indulgence of the Convention for a short time, while he gave the reasons which governed him in voting alone, on yesterday, against the resolution authorizing the payment of the editor of the **Chronicle**. From the beginning his opinion was, that we had no right to subscribe to this **Chronicle**, and he should endeavor to show why it was, that we had no right to make an appropriation of money to pay for this subscription. We came here under an act of the Legislature of **Pennsylvania**, and every man here knows, that it has been an agitating question from the first whether we were bound by this act of Assembly. He held, that we were not bound by it, but were at liberty to do what we think proper, except that we have no power over the resources of the Commonwealth. The Legislature is omnipotent in the distribution of the funds of the people. The Legislature had declared by the eleventh section of the act calling this Convention, that "the delegates to said Convention shall be entitled to the same pay and mileage to which members of the General Assembly are now entitled, which, together with the pay of a competent stenographer, to report the debates of the said Convention, and the contingent expenses of the Convention, shall be paid by the State Treasurer, on the warrant of the presiding officer of the Convention". Now, he always had entertained strong doubts whether this Convention was not under a contract with the people of the Commonwealth, and the Legislature representing that people, that the contingent expenses should be no more than the ordinary contingent expenses, and that we would have as good a right to add an addition to our per diem allowance to be paid out of the contingent expenses, as to pay for the publication of a paper of this kind, out of our contingent expenses. He had acted upon this principle from the first, and he had always doubted the power of the Convention to launch out into these extravagant expenditures. He had nothing further to say of the **Chronicle** than this, that if we had induced the editor to incur any expenditure—for we had certainly entered into no contract with him—let us remunerate him for that expenditure, and if the act of Assembly did not authorize us to pay it out of the contingent expenses of the body, as he contended it did not, he was willing to contribute a proportion of it out of his

own pocket. But gentlemen have argued that there is a solemn contract between the Convention and the editor of this paper, and that it is a shameful thing to think of breaking that contract. Now, he would ask the gentleman from the city, (Mr. CHANDLER) whether, if he took that gentleman's newspaper, and he found in it things which would be improper to introduce into his parlor, matter which his family ought not to read, whether he would be bound to continue it to the end of time, because there existed a contract, or an implied contract? He had always understood that where there were two parties to a contract, one of the contracting parties was paid only on condition of his fulfilling his engagements with the other contracting party. The report which we have had from the committee appointed on this subject—which he had heard read with a great deal of surprise, as it was, to say the least of it, a report countenancing the laying a heavy tax on the people—recognizes this doctrine. It says, that “should the reporters for this paper, and the editor, prostitute it to party purposes, or make it the vehicle for partial representations of the doings of this body it would be our right and duty at once to discontinue it; for it was only taken on the express condition that equal, and exact justice should be done to the views of all the members”. Therefore, this very report holds the doctrine that if there is any thing inserted in this paper which may be considered improper, it would not only be the right, but the duty of the Convention to discontinue it at once. He (Mr. L.) never intended to put an end to this contract, as it has been called, without full compensation. He had made some inquiry in relation to this matter, and he had been informed that the pay was liberal, and more than liberal, so that by discontinuing at the end of the present session, the editor of the paper will have made a very fair sum on the publication. He was not disposed to do any injury to the editor of this paper. He would treat him not only as HAMLET says, according to his deserts, but better than his deserts. This report itself, however, which argues so logically against the breaking of contracts, proposes to cut off the Assistant Secretaries, Door-keepers, &c. after the 14th instant. He would ask these gentlemen who stand so much upon vested rights, why it was that these Assistant Secretaries, Door-keepers, and boys were to be cut off? If their doctrines were to prevail, these officers should be retained. But he (Mr. L.) went further than this, and he would tell the gentleman from the city that a public contract was at all times to be put an end to, by paying the other party a fair compensation. He had deemed it proper to make these remarks in explanation of the vote he gave yesterday. He believed it was improper for the Convention to indulge in these idle expenses out of the public funds, because they were under a contract with the Legislature and the people not to expend more than the ordinary contingent expenses of the Legislative body. All these extra expenses should be paid out of our own private means.

Mr. STEVENS said, some gentlemen had urged that we ought to discontinue this paper, because it would be a benefit to the editor. Now, as to that, the editor was of age, and was a party to the contract, and he ought to have the right to speak for himself. He had nothing to say to those who think they are at liberty to violate contracts; but to those who believe that contracts ought to be regarded as sacred, he would ask if it was for them to say, that it was for the benefit of Mr. GUYER, that this contract

should be violated? Or was this Convention to say, we will violate this contract, because you cannot sue us? This was one of the strongest reasons why we should fulfil our engagements. The editor of the paper had purchased materials for the completion of the present volume, which will be of no use to him, if it is discontinued now: and all he asks, is that it may be continued until he works up this material. He agreed with the gentleman from Philadelphia, that the honor of the body was concerned in it, and he should feel, if he voted to rescind the contract, every time he thought of it, that he had done a mean and low act.

Mr. BANKS was as desirous as the gentleman from Adams, or any other gentleman, to do what was just and right, and he had as little inclination to violate contracts as any gentleman; but when the contract is fulfilled, and the bond is offered to be liquidated, he did not understand that we could be longer held accountable. When it has been ascertained that the Chronicle cannot disseminate a full and complete view of all the sayings and doings here; and when it has been paid for the whole time it was anticipated that the Convention would continue in session, he could not see what harm would be done to any one by discontinuing it. When the resolution, authorizing the publication of this paper, was passed, no one anticipated that the business of the Convention would keep the body in session longer than eight or ten weeks. Now, that the editor has had all the advantage of a ten or eleven weeks' session, he thought we might say we had continued the paper long enough, and might discontinue it without any cause of complaint. He was in favor of discontinuing this paper at the end of the present session, because if we take it two weeks into the next session, this matter of violation of contract, and all that sort of thing, will be again brought up, and efforts will be made to continue it. He would compensate the editor fully for the publication of the proceedings of the Convention, up to the end of the present session, but further than that he could not go.

Mr. BELL, of Chester, said, that as the hour of adjournment drew nigh, they were the more admonished to be brief. The question, then, for the consideration and decision of the Convention, was, whether we should discontinue the subscriptions to the Daily Chronicle, or whether it might be continued during the sittings of the body. He would ask, taking all the circumstances into consideration—that of the character of the paper—the pretended reports of our debates, &c. whether gentlemen were willing to take this paper longer, merely to flatter the vanity of members, who might be at the trouble of writing out their speeches? He said it in no unkind spirit.

Mr. B. then proceeded to say, that the character of the debates was not such as he had been led to expect, and under every aspect of the case, he could not but trust, that the proposition would be negated.

Mr. DUNLOP, of Franklin, gave it as his opinion, that more money had been spent in discussions relative to this matter, than would have settled the whole amount claimed. Mr. GUYER had all his materials by him, and if he were now compelled to dispose of them, it must be evident that he would sustain a considerable loss.

Mr. D. next referred to the report of the committee, for the purpose of showing, that the committee appointed on the subject, did consider it to be a contract. He entertained the opinion, that the gentleman from Indiana

would have no scape-goat to bear off the blunders of himself and his friends, if this paper were to be now discontinued.

Mr. DICKEY, of Beaver, was much obliged to the gentleman from Mifflin, (Mr. BANKS) for his remarks, so far as they were applicable to him, (Mr. D.) He then read from the prospectus of the Daily Chronicle, in order to show that Mr. GUYER did not agree to publish the speeches at length, but, merely sketches of the debates, and consequently, had faithfully fulfilled his contract. Gentlemen could not expect, that the speeches would be published at such great length, in the Chronicle, as they would be reported for the Convention, by those who were engaged for that purpose. He concluded from what had fallen from the gentleman from Mifflin, that that gentleman wished to get rid of the sayings and doings of the Convention, because they were not exactly suited to his taste, and he did not wish that the people should know what we had said and done. This, however, was what he (Mr. D.) wished that they should be informed of. A gentleman from the county of Chester, (Mr. BELL) had complained of the reports which appeared in the Daily Chronicle—that he had not been done justice to, &c. Why, that gentleman had had an opportunity of writing out his remarks, if he had chosen to take the trouble, as others had done. Mr. D. maintained, that this paper contained an honest chronicle of the proceedings, and remarked that if it was dispensed with, the proceedings of the Convention would be perverted by the party presses. Well had it been observed, by a gentleman, that it would cost the people not more than two-tenths of one mill, for each taxable of the State.

Mr. BELL, of Chester, briefly replied, and contended that Mr. GUYER, according to the prospectus which he had issued, had promised to do more than he had, as yet, fulfilled. Even if he (Mr. B.) were to take the trouble to write out his speeches, such was his hand-writing, that few would be able, if any, to read it; and if the stenographer could not take down what he had to say, it would be lost to posterity.

Mr. DICKEY, asked for the yeas and nays.

YEAS.—Messrs. Agnew, Ayres, Baldwin, Barclay, Barnitz, Biddle, Brown, of Lancaster, Carey, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clark, of Dauphin, Cline, Cochran, Cope, Cummin, Cunningham, Denny, Dickey, Doran, Dunlop, Harris, Henderson, of Dauphin, Hopkins, Konigsmacher, Long, Maclay, M'Dowell, M'Sherry, Merrill, Pollock, Porter, of Lancaster, Reigart, Russell, Scott, Serrill, Stevens, Weidman, Young, Sergeant, *President*—40.

NAYS.—Messrs. Banks, Barndollar, Bedford, Bell, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Chambers, Clarke, of Indiana, Crain, Crawford, Crum, Cull, Darlington, Darrah, Donnell, Earle, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hastings, Hayhurst, Helfenstein, Hiester, High, Houpt, Hyde, Ingersoll, Jenks, Keim, Krebs, Magee, M'Cahen, Merkel, Miller, Montgomery, Overfield, Pennypacker, Read, Ritter, Rogers, Saeger, Sellers, Seltzer, Scheetz, Shellito, Smyth, Sterigere, Sticckel, Swetland, Taggart, Thomas, Weaver, White, Woodward—61.

Mr. FRY proceeded to give an account of the conduct of the committee, when he was called to order by Mr. STEVENS, of Adams.

The PRESIDENT, also apprised the gentleman that he was out of order.

Mr. FRY sent a modification to the Chair, and after a suggestion or two from Mr. M'CAHEN,

The resolution was modified by adding to the end thereof, the words, "upon principles of equity and justice."

The question recurring on the resolution as amended, Mr. CURLL asked for the yeas and nays.

And the question being taken, the resolution, as amended, was agreed to.

YEAS.—Messrs. Baldwin, Banks, Barclay, Barndollar, Barnitz, Bedford, Bell, Bidle, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clarke, of Beaver, Clark, of Dauphin, Clarke, of Indiana, Cline, Cochran, Cope, Crain, Crawford, Crum, Cummin, Cunningham, Curil, Darrah, Denny, Donnell, Doran, Dunlop, Earle, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Harris, Hastings, Hayhurst, Helffenstein, Henderson, of Dauphin, Hiestar, High, Hopkinson, Hout, Hyde, Ingersoll, Jenks, Keim, Konigmacher, Krebs, Long, Magee, M'Cahen, M'Dowell, M'Sherry, Merkel, Miller, Montgomery, Overfield, Pennypacker, Porter, of Lancaster, Reigart, Read, Ritter, Rogers, Russell, Saeger, Scott, Sellers, Seltzer, Serrill, Scheetz, Shellito, Smyth, Sterigere, Stickle, Swetland, Taggart, Thomas, Todd, Weaver, Weidman, White, Woodward—92.

NAYS.—Messrs. Agnew, Ayres, Brown, of Lancaster, Darlington, Dickey, Maclay, Merrill, Pollock, Stevens, Sergeant, *President*—10.

The question then recurred on agreeing to the second resolution, relative to the Door-keepers, when

Mr. DARLINGTON moved to amend it, by striking out the words, “assistant Door-keepers.”

On motion of Mr. INGERSOLL, the further consideration of the resolution, was postponed indefinitely.

Mr. BROWN, of Philadelphia, offered a resolution, the object of which was to provide that the postages on all letters and documents sent to, or received from, members of the Convention, by the Stenographer, during the recess, should be defrayed out of the Treasury of the Commonwealth.

Mr. WOODWARD, of Luzerne, expressed himself altogether opposed to it.

On motion of Mr. DICKEY, the resolution was postponed indefinitely.

Mr. JENKS, moved that when the Convention adjourn, it adjourn to meet again at four o'clock to-morrow morning.

Mr. INGERSOLL moved to amend, by striking out the words “to-morrow morning”, and inserting “this afternoon”.

The question being taken on agreeing to the amendment, it was adopted, and the resolution, as amended, was negatived.

The Convention then adjourned.

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#### THURSDAY AFTERNOON—4 O'CLOCK.

Mr. COPE, from the committee on accounts, reported resolutions in reference to the expenditures of the Secretaries, &c., which were agreed to.

The PRESIDENT laid before the Convention, a communication from SAMUEL A. GILMORE, resigning his situation as one of the Secretaries of the Convention, which was laid on the table; and

On motion of Mr. WOODWARD,

*Resolved*, That the thanks of this Convention are due, to SAMUEL A. GILMORE, Esq., for his prompt and able discharge of the duties of Secretary.

The resolution was read twice, and unanimously adopted.

Mr. STERIGERE asked leave to introduce a resolution to rescind the order relative to the deposit of the volumes of the debates, in the office of the Secretary of the Commonwealth, but leave was refused.

Mr. HESTER moved, that when this Convention adjourn, it adjourn to meet at five o'clock to-morrow morning; when

On motion of Mr. STERIGERE,

The Convention adjourned.

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FRIDAY—JULY 14, 1837.

Mr. STERIGERE asked leave to offer a resolution, but

Mr. READ objecting, that no quorum was present,

The PRESIDENT proceeded to count the delegates present, when, it appearing that only sixty-one members were present.

On motion of Mr. MEREDITH,

The Convention adjourned till Tuesday, the 17th day of October next.

### ERRATA TO VOLUME III.

- Page 100**, 9th line from bottom, for "Chair" read "President".  
**176**, 11th line, for "wished" read "moved".  
**389**, 7th line from bottom, for "Crawford" read "Fayette".  
**544**, 7th line from bottom, for "Chair" read "President".

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