

PROCEEDINGS AND DEBATES

OF THE

CONVENTION HELD AT HARRISBURG.

TUESDAY, MAY 2, 1837.

A quorum of delegates having assembled in the Hall of the House of Representatives, in pursuance of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An act providing for the call of a Convention to propose amendments to the Constitution of this State, to be submitted to the people thereof, for their ratification or rejection", passed the 29th of March, 1836, at 12 o'clock,

Mr. CLARKE, of Indiana, rose and said: This being the day named in the act of the Legislature providing for the assembling of the Convention to propose amendments to the Constitution of this State, I move that the Convention now come to order, and that Gen. HENRY SCHEETZ be appointed to the chair, for the purpose of organizing the Convention.

Mr. M'SHERRY, of Adams, moved that Gen. THOMAS S. CUNNINGHAM be appointed to the chair.

On motion of STEVENS, of Adams, it was

Ordered, That tellers be appointed for the purpose of ascertaining which of the gentlemen named should take the chair.

Mr. BANKS, of Mifflin, nominated Mr. ROGERS, of Allegheny.

Mr. MERRILL, of Union, nominated Mr. CLARK, of Dauphin; and these gentlemen were declared the tellers.

The delegates then proceeded to the election of a President *pro tem*, when there appeared

For Gen. THOMAS S. CUNNINGHAM, - - - - 66

For Gen. HENRY SCHEETZ, - - - - 64

Gen. SCHEETZ voted for Mr. CLARKE.

Mr. CUNNINGHAM was excused from voting.

Mr. M'SHERRY, of Adams, then moved that J. C. BIDDLE, and CHARLES A. BARNITZ, be appointed Secretaries, *pro tem*.

Mr. BROWN, of Philadelphia, thought this motion premature, until it should be ascertained whether Gen. CUNNINGHAM was duly elected: As that gentleman had not received a majority of the votes of the members present, it seemed to him that he was not duly elected; at any rate, he hoped the question would be decided before any other motion was made.

Mr. BIDDLE, of Philadelphia, understood the report of the tellers to be for Gen. SCHEETZ 64; for Gen. CUNNINGHAM, 66; scattering 1, and one gentleman did not vote; consequently, Gen. CUNNINGHAM was elected, having received a majority of all the votes given.

Mr. BROWN, of Philadelphia, remarked that if it was to be understood that Gen. CUNNINGHAM was not present, he was elected; but on the contrary, if he was present, and he presumed his having asked to be excused from voting must be taken as evidence of his presence, then he was not elected by a majority of the members present.

Mr. STERIGERE considered that Mr. CUNNINGHAM was duly elected, and moved that he take the chair.

Mr. BROWN, of Philadelphia, inquired if any gentleman had the law providing for the call of the Convention.

Mr. STEVENS, of Adams, then read the law; but there appeared to be no provision to meet the case at issue.

Mr. CLARKE, of Indiana, said, according to his understanding of the question, he considered Mr. CUNNINGHAM duly elected, and thought, therefore, he ought to take the chair.

Mr. STERIGERE then put the question whether Mr. CUNNINGHAM should take the chair, which was carried without a division.

Mr. M'SHEERY, of Adams, moved that J. C. BIDDLE, of Philadelphia, and C. A. BARNITZ, of York, act as Secretaries *pro tem*.

Mr. BANKS, of Mifflin, moved that J. Y. BARCLAY, of Westmoreland, and T. EARLE, of the county of Philadelphia, act as Secretaries *pro tem*.

On the question being taken, Mr. BIDDLE and Mr. BARNITZ having received a majority of the votes present, were declared duly elected Secretaries *pro tem*.

The Secretary of the Commonwealth appeared, and presented a certified copy of the proclamation of the Governor containing a list of the delegates elected to this convention, as follows:

SENATORIAL DELEGATES.

Philadelphia city—JOHN SERGEANT, CHARLES CHAUNCEY. *Philadelphia county*—GEORGE W. RITER, CHARLES J. INGERSOLL, ABRAHAM HELFFENSTEIN. *Chester, Delaware and Montgomery*—THOMAS S. BELL, DAVID LYONS, HENRY SCHEETZ. *Bucks*—E. T. M'DOWELL. *Berks*—JOHN RITTER. *Lancaster and York*—WILLIAM HEESTER, CHARLES A. BARNITZ, JAMES PORTER. *Dauphin and Lebanon*—JACOB B. WEIDMAN. *Perry, Mifflin, Juniata, Union and Huntingdon*—JAMES MERRILL, WILLIAM P. MACLAY. *Columbia and Schuylkill*—GEORGE SMITH. *Lehigh and Northampton*—WILLIAM BROWN. *Luzerne, Monroe, Wayne and Pike*—GEORGE W. WOODWARD. *Lycoming, Centre and Northumberland*—ROBERT FLEMING. *Bradford and Susquehanna*—ALMON H. READ. *Franklin, Cumberland and Adams*—JAMES DUNLOP, LEVI MERKEL. *Bedford and Somerset*—JAMES M. RUSSELL. *Westmoreland*—JOHN Y. BARCLAY. *Washington*—JOSHUA DICKERSON. *Fayette and Greene*—JOHN FULLER. *Allegheny and Butler*—HARRAR DENNY, WILLIAM AYRES. *Beaver and Mercer*—JOHN CLARKE. *Crawford and Erie*—DANIEL SAEGER. *Jefferson, McKean, Potter, Tioga, Warren and Venango*—ORLO J. HAMLIN. *Indiana, Armstrong, Cambria and Clearfield*—JAMES CLARKE.

REPRESENTATIVE DELEGATES.

Adams—JAMES M'SHERRY, THADDEUS STEVENS. *Allegheny*—MATTHEW HENDERSON, ANDREW BAYNE, WALTER FORWARD, H. GOLD ROGERS. *Armstrong*—WILLIAM CURLL. *Bedford*—ANDREW J. CLINE, JACOB BARNDOLLAR. *Berks*—GEORGE M. KEIM, JAMES DONAGAN, WILLIAM HIGH, MARK DARRAH. *Beaver*—JOHN DICKEY, DANIEL AGNEW. *Bradford*—NATHANIEL CLAPP. *Bucks*—JOHN HOEPT, SAMUEL CAREY, PHINEAS JENKS. *Butler*—SAMUEL A. PURVIANCE. *Centre*—WILLIAM SMYTH. *Chester*—WILLIAM DARLINGTON, MORGAN J. THOMAS, MATTHIAS PENNYPACKER, JOHN CHANDLER. *Columbia*—EZRA S. HAYHURST. *Crawford*—DAVID M. FARRELLY, GEORGE SHELLITO. *Cumberland*—RICHARD M. CRAIN, DAVID NEVIN. *Delaware*—GEORGE SERRILL. *Dauphin*—WILLIAM HENDERSON, WILLIAM CLARK. *Erie*—JAMES POLLOCK, THOMAS H. SILL. *Fayette*—WILLIAM L. MILLER, DAVID GILMORE. *Franklin*—GEORGE CHAMBERS, JOSEPH SNIVELY. *Greene*—SAMUEL CLEAVINGER. *Huntingdon*—SAMUEL ROYER, CORNELIUS CRUM. *Indiana*—JAMES TODD. *Jefferson*, *Warren and McKean*—THOMAS HASTINGS. *Lancaster*—JEREMIAH BROWN, LINDLEY COATES, RICHARD E. COCHRAN, JOSEPH KONIGMACHER, HENRY G. LONG, EMANUEL C. REIGART. *Lebanon*—GEORGE SELTZER. *Lehigh*—JACOB DILLINGER, JOSEPH FRY, JR. *Luzerne*—WILLIAM SWETLAND, ANDREW BEDFORD. *Lycoming and Clearfield*—JOHN A. GAMBLE, THOMAS TAGGART. *Mercer*—THOMAS S. CUNNINGHAM, JAMES MONTGOMERY. *Montgomery*—JOHN B. STERIGERE, JOEL K. MANN, TOBIAS SELLERS. *Northumberland*—WILLIAM GEARHART. *Northampton and Monroe*—JAMES M. PORTER, WILLIAM OVERFIELD, JAMES KENNEDY. *Perry*—ALEXANDER MAGEE. *Philadelphia city*—THOMAS P. COPE, WILLIAM M. MEREDITH, JOHN M. SCOTT, JAMES C. BIDDLE, JOSEPH R. CHANDLER, MATTHIAS W. BALDWIN, JOSEPH HOPKINSON. *Philadelphia county*—CHARLES BROWN, JOSEPH M. DORAN, THOMAS WEAVER, JOHN J. M'CAHEN, JOHN FOULKROD, PIERCE BUTLER, BENJAMIN MARTIN, THOMAS EARLE. *Somerset and Cambria*—ROBERT YOUNG, JOSHUA F. COX. *Schuylkill*—JACOB KREBS. *Susquehanna*—JABEZ HYDE. *Tioga and Potter*—ROBERT G. WHITE. *Union, Mifflin and Juniata*—WILLIAM L. HARRIS, EPHRAIM BANKS, JOHN CUMMIN. *Venango*—CHRISTIAN MYERS. *Washington*—THOMAS M'CALL, WALTER CRAIG, AARON KERR. *Wayne and Pike*—VIRGIL GRENELL. *Westmoreland*—GEORGE T. CRAWFORD, LEBREUS L. BIGELOW. *York*—JOHN R. DONNELL, JACOB STICKEL, SAMUEL C. BONHAM.

The delegates were all present, with the exception of T. HASTINGS, of Jefferson.

Mr. HOPKINSON, of Philadelphia city, moved that the delegates present proceed to the election of a President.

Mr. EARLE, of Philadelphia, moved to postpone the further consideration of the motion, and that a committee be appointed to report what officers should be elected by the Convention.

Mr. CHANDLER, of Chester, called for a division of the question, and the question being taken on the first member of the motion, it was decided in the negative, after a brief discussion in which Mr. STEVENS, of Adams, Mr. MARTIN, of Philadelphia, and Mr. BELL, of Chester, participated.

Mr. BELL, of Chester, moved that the rules of the House of Repre-

sentatives be adopted for the government of the meeting, until otherwise ordered; which was decided in the negative.

Mr. DORAN, of Philadelphia, moved that the election for President be by ballot.

Mr. STEVENS, of Adams, moved to amend the motion, by striking out the words "by ballot", and inserting, in lieu thereof, the words "*viva voce*", and this amendment being agreed to, the motion, as amended, was adopted.

Mr. M'SHERRY, of Adams, then nominated JOHN SERGEANT, of Philadelphia, to be President of the Convention.

Mr. DILLINGER, of Lehigh, nominated JAMES M. PORTER, of Northampton, for the office of President.

The delegates present then proceeded to the election of a President, and the votes were taken as follows:

For JOHN SERGEANT—Messrs. Agnew, Ayres, Baldwin, Barndollar, Barnitz, Bayne, Biddle, Brown, of Lancaster, Carey, Chambers, Chandler, of Chester, Chandler, of Philadelphia, Chauncey, Clapp, Clarke, of Beaver, Clark, of Dauphin, Cline, Coates, Cochran, Cope, Cox, Craig, Crum, Cunningham, Darlington, Denny, Dickerson, Dickey, Dunlop, Forward, Harris, Henderson, of Allegheny, Henderson, of Dauphin, Hiester, Hopkinson, Houpt, Jenks, Kerr, Konigsmacher, Long, Maclay, M'Call, M'Dowell, M'Sherry, Meredith, Merrill, Merkel, Montgomery, Pennypacker, Pollock, Porter, of Lancaster, Purviance, Reigart, Royer, Russell, Saeger, Scott, Seltzer, Serrill, Sill, Snively, Stevens, Thomas, Todd, Weidman, Young.—66.

For JAMES M. PORTER—Messrs. Banks, Barclay, Bedford, Bell, Bigelow, Bonham, Brown, of Northampton, Brown, of Philadelphia, Butler, Clarke of Indiana, Cleavinger, Crain, Crawford, Cummin, Curll, Darrah, Dillinger, Donagan, Donnell, Doran, Earle, Farrelly, Fleming, Foulkrod, Fry, Fuller, Gamble, Gearhart, Gilmore, Grenell, Hamlin, Hayhurst, Helffenstein, High, Hyde, Ingersoll, Keim, Kennedy, Krebs, Lyons, Magee, Mann, Martin, M'Cahen, Miller, Myers, Nevin, Overfield, Read, Riter, Ritter, Rogers, Sellers, Scheetz, Shellito, Smith, Smyth, Stickle, Swetland, Taggart, Weaver, White, Woodward.—63.

For JAMES CLARKE, Mr. Porter, of Northampton,	-	-	-	-	1
For ALMON H. READ, Mr. Sterigere.	-	-	-	-	1

JOHN SERGEANT, having received a majority of the whole number of votes present, was declared duly elected President of the Convention, and was conducted to the chair by Mr. PORTER, of Northampton. After having taken the chair, the President addressed the Convention as follows:

"GENTLEMEN, *Delegates to this Convention*: The station you have called me to by your election, is one which, in this Commonwealth, and elsewhere in our country, has been occupied by the most eminent citizens. However unworthy I must feel myself, to be associated with the illustrious names which form the roll of Presidents of Conventions, it cannot but be felt as a high honour to have a place in the same list with them. It is deeply felt to be so, and I beg you to accept for it my most sincere acknowledgments.

"The subjects we are to deliberate upon, are of no ordinary character. It is not an exaggeration to say, that they are of transcendent importance. The Commonwealth of Pennsylvania was one of the first, if not the very first, to imitate the example of the whole people of the United States, in taking down the fabric of government which had been provided amidst the exigencies of a new and disturbed state of existence, and in replacing it by a solid structure, deliberately formed, and intended to give permanent se-