

DEBATES
OF THE
CONVENTION

TO AMEND THE
CONSTITUTION OF PENNSYLVANIA:

CONVENED AT
HARRISBURG, NOVEMBER 12, 1872;

ADJOURNED, NOVEMBER 27,

TO MEET AT
PHILADELPHIA, JANUARY 7, 1873.

HARRISBURG:
BENJAMIN SINGERLY, STATE PRINTER,
1873.

DEBATES

OF THE

Convention to Amend the Constitution.

FIRST DAY

TUESDAY, November 12, 1872.

This being the day fixed by the act of the General Assembly, entitled "An act to provide for calling a Convention to amend the Constitution," approved the eleventh day of April, Anno Domini one thousand eight hundred and seventy-two, for the persons chosen as delegates to assemble in Convention, a number of the said delegates, sufficient to constitute a quorum, being present, the Convention was called to order by the Secretary of the Commonwealth, Hon. Francis Jordan, who addressed the Convention as follows:

Gentlemen of the Convention:—The third section of the act of the General Assembly, approved the eleventh day of April, 1872, and entitled, "An act to provide for calling a Convention to amend the Constitution," imposes upon the Secretary of the Commonwealth the duty of calling the Convention to order at twelve o'clock, at noon, on the second Tuesday of November, 1872, of submitting the official returns of election, and of reading the proclamation of the Governor, declaring the names of the persons chosen as members of the Convention. The day and hour designated by law for these purposes having arrived, I am here to perform the duties imposed.

The other duties required of the Secretary of the Commonwealth by said act of Assembly have been discharged, and report thereof to the Convention will be made immediately after it shall have

chosen a President. In the meantime, I have designated my Chief Clerk, Thomas M'Camant, Jas. L. Selfridge, Clerk of the House of Representatives, and John A. Smull, Resident Clerk of the House of Representatives, as temporary clerks, and A. M. Martin and H. J. Mason as stenographic reporters, to act until the Convention shall supply their places.

The Convention will now please come to order.

These are the official returns of the election made to the Secretary of the Commonwealth, arranged according to counties, and of which the Convention will, from this time forth, have the legal and actual custody.

In accordance with the provisions of the act, I will now read the proclamation of the Governor.

The Secretary of the Commonwealth then read the said proclamation, as follows:

PENNSYLVANIA, ss:

In the Name and by the Authority of the Commonwealth of Pennsylvania, JOHN W. GEARY, Governor of the said Commonwealth.

A PROCLAMATION.

WHEREAS, It is provided in and by an act of the General Assembly of this Commonwealth, entitled "An Act to provide for calling a Convention to amend the Constitution," approved the eleventh day of April, A. D. 1872, "That the Secretary

of the Commonwealth shall, as soon as the returns of said election shall be received by him, and at all events within fifteen days after the election, in the presence of the Governor and Auditor General, open and compute all the returns received of votes given for members of the Convention; and the Governor shall forthwith issue his proclamation, declaring the names of the persons who have been chosen members of the Convention."

• *And whereas*, The Secretary of the Commonwealth did, on the twenty-first day of October, A. D. 1872, in the manner provided in the act of the General Assembly aforesaid, open and compute all the returns received of votes given for members of the Convention.

And whereas, It appears by the returns of the general election held on the second Tuesday of October, instant, being the eighth day of said month, that the names of the persons who have been chosen members of the Convention, are as follows, viz: Wm. M. Meredith, J. Gillingham Fell, Harry White, William Lilly, Linn Bartholomew, Hugh N. McAllister, William Davis, James L. Reynolds, Samuel E. Dimmick, George V. Lawrence, William H. Armstrong, David N. White, William H. Aincy, John H. Walker, George W. Woodward, Jeremiah S. Black, Andrew G. Curtin, William J. Baer, William H. Smith, Franklin B. Gowen, John H. Campbell, Samuel H. Reynolds, James Ellis, Samuel C. T. Dodd, George M. Dallas, Robert A. Lamberton, Andrew A. Purman and Wm. L. Corbett, delegates at large to said Convention.

Henry C. Carey, Edward C. Knight, John Price Wetherill, Lewis C. Cassidy, James H. Heverin and Theodore Cuyler, delegates at large from the city of Philadelphia.

From the First Senatorial district, in the city of Philadelphia, John Bardsley, Jas. W. M. Newlin and George W. Biddle.

From the Second Senatorial district, in the city of Philadelphia, John E. Addicks, William B. Hanna and John R. Read.

From the Third Senatorial district, in the city of Philadelphia, M. Hall Stanton and William E. Littleton; and in this district the official return made to the Secretary of the Commonwealth by the return judges shows the election of R. E. Shapley, by a majority of two hundred and forty-one, over Benjamin L. Temple, whilst the certified copy of the returns, filed in the office of the prothonotary, shows the election of Benjamin L. Temple, by a ma-

jority of two hundred and forty-one over R. E. Shapley, and hence I am unable to proclaim or declare either of these two persons elected.

From the Fourth Senatorial district, in the city of Philadelphia, William D. Baker, J. Alexander Simpson and Edward R. Worrell.

From the Fifth Senatorial district, composed of the counties of Chester and Delaware, John M. Broomall, William Darlington and Joseph Hemphill.

From the Sixth Senatorial district, composed of the county of Montgomery, James Boyd, Charles Hunsicker and George N. Corson.

From the Seventh Senatorial district, composed of the counties of Bucks and Northampton, Charles Brodhead, George Ross and George Lear.

From the Eighth Senatorial district, composed of the county of Berks, George G. Barclay, Henry W. Smith and Henry Van Reed.

From the Ninth Senatorial district, composed of the county of Lancaster, David W. Patterson, Henry Carter and Henry G. Smith.

From the Tenth Senatorial district, composed of the county of Schuylkill, Joel B. McCamant, John M. Wetherill and Thomas R. Bannan.

From the Eleventh Senatorial district, composed of the counties of Lehigh and Carbon, Charles M. Runk, Zachariah Long and Edward Harvey.

From the Twelfth Senatorial district, composed of the counties of Dauphin and Lebanon, Josiah Funck, Wayne Mac Veagh and Hamilton Alricks.

From the Thirteenth Senatorial district, composed of the counties of Luzerne, Monroe and Pike, Henry S. Mott, Gideon W. Palmer, Abraham B. Dunning, Daniel L. Rhone, Henry W. Palmer and Lewis Pughe.

From the Fourteenth Senatorial district, composed of the counties of Bradford, Susquehanna, Wayne and Wyoming, George F. Horton, William J. Turrell and Joseph G. Patton.

From the Fifteenth Senatorial district, composed of the counties of Columbia, Lycoming, Montour and Sullivan, John J. Metzger, John G. Freeze and Henry C. Parsons.

From the Sixteenth Senatorial district, composed of the counties of Cameron, McKean, Potter and Tioga, John S. Mann, Jerome B. Niles and Mortimer F. Elliott.

From the Seventeenth Senatorial district, composed of the counties of Snyder, Perry, Northumberland and Union, Joseph Bailly, Levi Rooke and John P. Cronmiller.

From the Eighteenth Senatorial district, composed of the counties of Clinton, Cambria, Clearfield and Elk, George Achenbach, John G. Hall and Ashel C. Finney.

From the Nineteenth Senatorial district, composed of the counties of Cumberland and Franklin, Samuel M. Wherry, J. M'Dowell Sharpe and John Stewart.

From the Twentieth Senatorial district, composed of the counties of Adams and York, William M'CLean, John Gibson and Thomas E. Cochran.

From the Twenty-first Senatorial district, composed of the counties of Bedford, Fulton, Blair and Somerset, Samuel L. Russell, James W. Curry and Augustus S. Landis.

From the Twenty-second Senatorial district, composed of the counties of Centre, Juniata, Mifflin and Huntingdon, John M. Bailey, Andrew Reed and John M'Culloch.

From the Twenty-third Senatorial district, composed of the county of Allegheny, Thomas MacConnell, Samuel A. Purviance, Thomas Ewing, John W. F. White, Matthew Edwards, Thomas Howard Malcolm Hay, John B. Guthrie and Thomas H. B. Patterson.

From the Twenty-fourth Senatorial district, composed of the counties of Indiana and Westmoreland, Daniel S. Porter, Andrew M. Fulton and Silas M. Clark.

From the Twenty-fifth Senatorial district, composed of the counties of Fayette and Greene, Daniel Kane, Charles A. Black and John Collins.

From the Twenty-sixth Senatorial district, composed of the counties of Beaver, Butler and Washington, John N. Purviance, Thomas R. Hazzard and William Hopkins.

From the Twenty-seventh Senatorial district, composed of the counties of Clarion, Armstrong, Jefferson and Forest, George W. Andrews, John M'Murray and John Gilpin.

From the Twenty-eighth Senatorial district, composed of the counties of Lawrence, Mercer and Venango, David Craig, Manly C. Beebe and Robert M. DeFrance.

From the Twenty-ninth Senatorial district, composed of the county of Crawford, Frank Mantor, Samuel Minor and Pearson Church.

From the Thirtieth Senatorial district, composed of the counties of Erie and War-

ren, Thomas Struthers, Charles O. Bowman and Rasselas Brown.

Now, therefore, I, JOHN W. GEARY, Governor as aforesaid, have issued this my proclamation, hereby publishing and declaring that the persons hereinbefore named have been returned as duly elected delegates from the State at large, delegates at large from the city of Philadelphia, and as delegates from the different Senatorial districts of the State as hereinbefore recited, and are the names of the persons who have been chosen members of the Convention, to assemble in the hall of the House of Representatives, at the State Capitol, in Harrisburg, on the second Tuesday, being the twelfth day of November, A. D. 1872, at twelve o'clock M., on that day, to revise and amend the Constitution of this State, in accordance with the provisions of the aforesaid act of the General Assembly of this Commonwealth.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-second day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the Commonwealth the ninety-seventh.

JNO. W. GEARY.

BY THE GOVERNOR :

FRANCIS JORDAN,

Secretary of the Commonwealth.

THE SECRETARY OF THE COMMONWEALTH. The next thing in order, I suppose, will be the calling of the roll, to ascertain whether or not these persons are present, or how many of them. The Clerk will please call the roll.

The Clerk then called the roll, and the following named members answered to their names:

DELEGATES AT LARGE IN THE STATE.—William H. Ainey, William H. Armstrong, William J. Baer, Linn Bartholomew, Jeremiah S. Black, John H. Campbell, William L. Corbett, Andrew G. Curtin, George M. Dallas, William Davis, Samuel E. Dimmick, Samuel C. T. Dodd, James Ellis, J. Gillingham Fell, Franklin B. Gowen, Robert A. Lamberton, George V. Lawrence, William Lilly, Hugh N. M'Allister, William M. Meredith, Andrew A. Purman, James L. Reynolds, Samuel H. Reynolds, William H. Smith, John H. Walker, David N. White, Harry White and George W. Woodward.

DELEGATES AT LARGE IN PHILADELPHIA CITY.—Henry C. Carey, Lewis C. Cassidy, Theodore Cuyler, James H. Heverin, Edward C. Knight and John Price Wetherill.

DISTRICT DELEGATES.—John E. Adicks, Hamilton Alricks, George W. Andrews, George A. Achenbach, John M. Bailey, (Huntingdon,) Joseph Baily, (Perry,) William D. Baker, Thomas R. Bannan, George G. Barclay, John Bardsley, Manly C. Beebe, George W. Biddle, Charles A. Black, Charles O. Bowman, James Boyd, Charles Brodhead, John M. Broomall, Rasselas Brown, Henry Carter, Pearson Church, Silas M. Clark, Thomas E. Cochran, John Collins, George N. Corson, David Craig, John P. Cronmiller, James W. Curry, William Darlington, Robt. M. DeFrance, Abraham B. Dunning, Matthew Edwards, Mortimer F. Elliott, Thomas Ewing, Ashel C. Finney, John G. Freeze, Andrew M. Fulton, Josiah Funck, John Gilpin, Jno. B. Guthrie, Jno. G. Hall, Wm. B. Hanna, Edward Harvey, Malcolm Hay, Thos. R. Hazzard, Joseph Hemphill, Wm. Hopkins, George F. Horton, Thomas Howard, Charles Hunsicker, Daniel Kaine, Augustus S. Landis, George Lear, William E. Littleton, Zachariah Long, Joel B. McCamant, William McClean, Thomas MacConnell, John McCulloch, John M. Murray, Wayne MacVeagh, John S. Mann, Frank Mantor, John J. Metzger, Samuel Minor, Henry S. Mott, James W. M. Newlin, Jerome B. Niles, Gideon W. Palmer, Henry W. Palmer, Henry C. Parsons, David W. Patterson, Thomas H. B. Patterson, Joseph G. Patton, Daniel S. Porter, Lewis Pughe, John N. Purviance, Samuel A. Purviance, John R. Read, Andrew Reed, Daniel L. Rhone, Levi Rooke, Geo. Ross, Charles M. Runk, Samuel L. Russell, J. McDowell Sharpe, J. Alexander Simpson, Henry G. Smith, Henry W. Smith, M. Hall Stanton, John Stewart, Thomas Struthers, William J. Turrell, Henry Van Reed, John M. Wetherill, Samuel M. Wherry, John W. F. White and Edward R. Worrell.

John Gibson, of the Twentieth Senatorial district, was absent.

The SECRETARY OF THE COMMONWEALTH. In conformity with precedent, and in recognition of the fact that this is a christian Commonwealth, it is deemed proper the Convention should be opened with prayer.

PRAYER.

Prayer was then offered by Rev. Dr. A. K. Strong, pastor of the Pine street Presbyterian church, of Harrisburg, as follows:

Almighty and all merciful God, in whom we live and move, and have our being, we bow ourselves in Thy most holy

presence, recognizing Thy presence, and humbly and gratefully make mention of Thy goodness and mercy, which have followed us all the days of our lives, even to this hour. We seek divine wisdom and divine guidance in the opening of the sessions of this Convention, praying that the Lord, in His infinite mercy, will be pleased to preside over the deliberation of this body. Be pleased to grant successful results to its deliberation, so that the best interests of this Commonwealth, and the greatest good to the greatest number of our citizens may thereby be secured. Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh, but in vain. So we gratefully and devoutly recognize our need of Thy guidance and of Thy aid, which Thou, the Father of our mercies, the Ruler of this universe, art pleased to give, and doth give, in answer to prayer. Be pleased, therefore, we beseech of Thee, to guide in the choice of the officers of this Convention; be pleased to guide in the rules which they may adopt; be pleased to guide in all that comes before them for decision, so that Thy name may be honored, and so that the interests of truth, and justice, and peace may be secured. These blessings we ask in the name of our divine Lord and Savior, Jesus Christ, who hath taught us to pray. Our Father which art in Heaven, hallowed be Thy name; Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors, and lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, and the power and the glory forever. Amen.

ELECTION OF PRESIDENT.

MR. DARLINGTON. Mr. Chairman: I presume, sir, the next business in order will be the election of officers for the Convention.

The SECRETARY OF THE COMMONWEALTH. The Chair is ready to receive any motion looking in that direction.

MR. DARLINGTON. Then, sir, in accordance with the suggestion of a number of friends, and quite in accordance with my own sentiments, I beg leave to nominate the Hon. Wm. M. Meredith as a candidate for the presiding officer of this Convention.

MR. PURVIANCE, (Allegheny.) Mr. Chairman: I rise, sir, to perform the pleasant duty of seconding the nomination of

the gentleman from Chester, which I now do, for the Hon. Wm. M. Meredith to be called to preside over the deliberations of this Convention.

The SECRETARY OF THE COMMONWEALTH. Mr. Meredith has been nominated, and the nomination seconded, for President of this Convention. Are there any other nominations? If not, the Clerk will proceed with the calling of the roll.

Mr. HAY. There having been no other nominations for the office of President of this Convention, I move that the calling of the roll be dispensed with, and that Mr. Meredith be elected unanimously.

The motion was unanimously carried.

Mr. MACVEAGH. Mr. Secretary: In remembrance of the labors of our predecessors last assembled for the same purpose for which we are gathered here, I move you that two of the surviving members of that Convention, Mr. Woodward, of Philadelphia, and Mr. Darlington, of Chester, be requested to conduct Mr. Meredith, the President elect, to the Chair.

The motion was unanimously carried.

The SECRETARY OF THE COMMONWEALTH. Mr. Woodward and Mr. Darlington will please perform the duty assigned them.

The President elect, Wm. M. Meredith, of Philadelphia, was then conducted to the Chair by George W. Woodward, of Philadelphia, and William Darlington, of Chester. Upon taking the Chair, the President addressed the Convention as follows:

Gentlemen: You have my hearty thanks for this mark of your confidence. I bespeak and shall need your kind aid in the discharge of my duty, and shall desire your forbearing consideration if I should fall, unintentionally into error. The Convention will come to order.

OATH ADMINISTERED TO THE PRESIDENT AND MEMBERS.

Mr. KAINE offered the following resolution, which was twice read and adopted:

Resolved, That the following oath be administered by the Secretary of the Commonwealth to the President and members of this Convention:

"You do swear (or affirm) that you will support the Constitution of the United States, and discharge your duties as a member of this Convention with fidelity."

The Secretary of the Commonwealth then administered the above oath to the President of the Convention.

Mr. HARRY WHITE. Mr. President: For the purpose of expediting the business of

swearing in the members, I suggest—I do not make a motion—but I suggest that the Clerk call the roll, commencing alphabetically at the head, and call as many as can conveniently stand around the Clerk's desk, and then let the Secretary of the Commonwealth administer to them the oath. When they are through let them retire, and another class come up.

Mr. KAINE. Mr. President: There is some difficulty in that suggestion. I think the usual manner of swearing the members of the Legislature here is to first call those who swear by the uplifted hand, and those who swear by the book, and then those who affirm. In calling the names alphabetically, as suggested by the gentleman from Indiana, members may assemble to be sworn in the respective ways named, either to affirm or swear by the uplifted hand, or the book. I would suggest that the members who swear by the book be first called, and then those who swear by the uplifted hand, and then those who affirm.

The PRESIDENT. The plan the Chair has adopted, and the one that will be pursued, unless otherwise ordered, is to call, first, those who swear by the book; second, those who swear by the uplifted hand; and third, those who affirm. A slight delay has been occasioned by the unfortunate fact that bibles are not, it seems, very common here, and it was necessary to send out to get some. [Laughter.]

The President then directed the calling of the roll, and those who swore by the book came forward, and the following oath was administered to them:

"You and each of you do severally swear that you will support the Constitution of the United States, and that you will perform your duties as Delegates to this Convention with fidelity, so help you God."

Those who swore by the uplifted hand then came forward, and the following oath was administered to them:

"You and each of you do swear by Almighty God, the searcher of all hearts, that you will support the Constitution of the United States, and that you will perform your duties as members of this Convention with fidelity, and that as you shall answer to God at the great day."

Those who affirmed then came forward, and were qualified as follows:

"You and each of you do solemnly, sincerely and truthfully declare and affirm that you will support the Constitution of

the United States, and perform your duties as members of this Constitutional Convention with fidelity, and so you affirm."

COMMUNICATION FROM THE SECRETARY
OF THE COMMONWEALTH.

The President then laid before the Convention a communication from the Secretary of the Commonwealth, which was read. [See Journal.]

RULES FOR THE CONVENTION.

Mr. HOPKINS offered the following resolution, which was twice read:

Resolved, That the rules of the House of Representatives of this Commonwealth, so far as applicable, be adopted for the government of this Convention.

Mr. DARLINGTON moved to amend, by striking out all after the word "Resolved," and inserting in lieu thereof the following:

"That the Rules of the Convention of 1837, until otherwise ordered, be adopted for the government of this Convention."

Mr. MANN. I second that motion.

Mr. HOPKINS accepted the amendment.

Mr. DARLINGTON. Mr. President: I wish to say merely that those rules were carefully considered and adopted by a committee of the Convention, and then by the whole body, and answered for the government of that Convention. They are much more appropriate, I presume, for the government of this Convention than the rules of the House of Representatives. They are easily accessible in the first volume of the Debates of that Convention.

Mr. KATNE. I would inquire of the gentleman from Chester (Mr. Darlington) where those rules are to be found?

Mr. DARLINGTON. In the first volume of the Debates and in the Journal.

Mr. MANN. On page 23. I move to amend, by requesting the Clerk to have printed 200 copies of these rules, for the use of the members of the Convention.

Mr. JNO. PRICE WETHERILL. I hope not. We may not use those rules but a day.

Mr. MANN. The reason why I desire them printed is that members can see what they are—whether they will have them continued. They are the rules adopted by the Convention of 1837.

Mr. HOPKINS. I accept that, also, as a modification of my resolution.

The resolution, as modified, was then read, as follows:

Resolved, That the rules of the Conven-

tion of 1837, until otherwise ordered, be adopted for the government of this Convention, and that two hundred copies of the same be printed for the use of the members.

Mr. HARRY WHITE. So far as applicable.

Mr. DALLAS. I move to amend, by adding the following: "But so much of said rules as refer to the appointment of standing committees shall not be included as part of the rules of this Convention."

Mr. HOPKINS. I should like to know what it is proposed to strike out. I have never seen the rules, that I remember, of the Convention of 1837.

Mr. DALLAS. I see that a member in front of me has a copy. I ask that it be sent to the Clerk's desk and read for information.

Mr. MACVEAGH. They are not long, and I ask that they be all read.

The Clerk read that part of the rules of the Convention of 1837, which it was proposed to strike out.

Mr. DALLAS. I propose to amend, by striking out all that portion which provides for the appointment and duties of the several standing committees which can have no status here.

Mr. CLARK. Mr. President: The rules which have been read, if I am not mistaken, were rules which were reported by a committee, but I am not certain whether they were made the rules of the Convention of 1837. They were subsequently discussed, and, I think, modified.

Mr. WHITE, (Indiana.) Mr. President: I believe but one amendment to this resolution is before the Convention. I offer the following as an amendment to the amendment, to come in at the close.

The amendment was sent to the Clerk's desk.

Mr. HOPKINS. I suppose the pending question is on the amendment offered by the gentleman on my left, (Mr. Dallas,) which is an amendment to the resolution as modified by myself. The gentleman from Indiana (Mr. White) proposes to amend that amendment.

Mr. CUYLER. Mr. President: Would it not be better for us to adopt the rules of order of the Senate of Pennsylvania, leaving the rules for future consideration? Is it not premature at this time to discuss the organization of committees? All we want now is the laws of parliamentary practice.

Mr. MACVEAGH. Mr. President: I concur most cordially in that view, with the

exception that I do not see the necessity for the adoption of any rules. The common law of parliamentary bodies, as administered by the Chair, is sufficient until we have a committee to present rules. I submit that it is entirely unnecessary to adopt the rules of the House or Senate, or of the old Convention, but simply to rely upon the common law of deliberative assemblies, as administered by the Chair, until a committee can consider the matter and present a carefully digested report; and I trust, therefore, that the motion as amended will be voted down, and that we will proceed with the organization.

The amendment to the amendment (offered by Mr. White (Indiana) was then read, as follows:

"And the Chair shall appoint a committee of seven to report to the Convention rules for the government of its proceedings."

Mr. BOYD moved that the whole subject be laid on the table for the present.

The motion was agreed to.

APPOINTMENT OF CHIEF CLERK.

Mr. HARRY WHITE offered the following resolution, which was read:

Resolved, That D. L. Imbrie, Esq., be and is hereby declared to be the Chief Clerk of this Convention.

The PRESIDENT. The Convention not having yet come to any order upon the subject of officers, the Chair is in doubt as to whether it is in order to offer such a resolution at this time, and will submit that question to the consideration of the Convention.

The decision of the Chair was sustained.

CONTESTED SEAT.

Mr. SIMPSON. Mr. President: I rise to a question of privilege. The Convention is aware of the fact that the Governor, in his proclamation, has declared the election of but two persons from the Third Senatorial district of Philadelphia, and has declared his inability to say which of two other persons was elected. I offer the following resolution.

The resolution was read, as follows:

Resolved, That a committee of five be appointed to inquire into and report to this Convention whether R. E. Shapley or Benjamin L. Temple is entitled to a seat in the Convention from the Third Senatorial district.

Mr. DALLAS. Mr. President: I happen to reside in the same district in which this question arises, and therefore have some

little interest in its proper disposition. I do not represent that district in any part, but represent the State at large. I happen, however, to reside there, and I am extremely anxious that whatever is done by this Convention in that matter shall be done with due deliberation. Neither of these gentlemen are personal intimate friends of mine. The result is of no consequence to me, but it is of consequence to every member of this Convention, and it is of consequence to the people of that district that this question should be very carefully considered before it is decided. The motion to refer this to a committee of five, if carried, will result probably in a divided committee as to its political complexion.

The PRESIDENT remarked that reference to the political predilections of members was not in order.

Mr. DALLAS. If I am in error I ask pardon. The law under which we are organized provides that in the case of a vacancy in a district, the vacancy shall be filled by the delegates at large who were voted for by the same class of voters who voted for the person whose resignation or death has made a vacancy.

It is clear that one or the other of the gentlemen named has been elected. I do not suppose there is a vacancy. I think there is no doubt about the class of voters who voted for these gentlemen, and I move to amend the resolution so that the question be referred to the fourteen delegates at large who were chosen to this Convention by the minority party of the State.

Mr. SIMPSON. It is a matter in which I have no personal interest, except as a matter of right. I accept the amendment. I am requested by some members to say that the two gentlemen between whom the seat is in controversy are of the same political party as the delegates to whom it is proposed to refer this question.

Mr. MACVEAGH. Mr. President: If in order, I would state, in reference to this subject, that I am entirely unable to understand how the eighth section is to be applied.

The PRESIDENT. The resolution, as modified, has not been read.

The resolution, as modified, was read, as follows:

Resolved, That the delegates at large last named in the Governor's proclamation be appointed to inquire into and report to this Convention, whether R. E. Shapley.

or Benjamin L. Temple is entitled to the seat in the Convention from the Third Senatorial district.

Mr. MACVEAGH. Mr. President: It occurred to me to ask whether the gentleman from Philadelphia had any definite understanding how we were to apply the eighth section of the act to this case. I cannot understand how I am to know who voted for Mr. Temple or for Mr. Shapley, and especially how I am to know that the same people voted for Mr. Dallas that voted either for Mr. Temple or Mr. Shapley. I know nothing of who voted for any of them. Possibly the President does. I am sure I am not in a condition to vote upon it, unless I accept the statement of somebody else. We have been sworn to discharge these duties. I have no desire to make captious opposition, or to interfere in any way in this matter; but here is a section that says, that "those members at large of the Convention who shall have been voted for by the same, or by a majority of the voters who shall have voted for such district or city member, shall fill such vacancy." While it is the merest surmise, if it is even a surmise, as to who voted for those men, we are asked upon our oaths to assume the fact; and as the gentleman from Philadelphia (Mr. Dallas) seems to have information, I thought perhaps he would give it. I do not know as anybody else has the same trouble that I have; but unless somebody will show that Mr. Temple and the other gentlemen were voted for by the same people, or a majority of the same people who voted for the delegates that were elected upon the ticket with Mr. Dallas, I do not see why this matter should be referred to them.

Mr. DALLAS. Mr. President: I have no desire to waste the time of the Convention unnecessarily over a matter of this kind, but I cannot hesitate to reply to the gentleman's call for information. I did not say that we were within the letter of that provision of the eighth section of the act of Assembly, because I distinctly stated my belief to be that we have no vacancy in that district. I do not suppose there is a vacancy. But I suppose the spirit of that section was this, that in case any seat that should be filled is vacant—that is, if any district entitled to three, has but two delegates—then in that case the same voters who, under the spirit of the law, would be entitled to fill that vacancy, are entitled to have it filled by the delegates at large whom they voted for.

The resolution as modified was then adopted.

ADJOURNMENT TO PHILADELPHIA.

Mr. LITTLETON. Mr. President: I desire, at this time, to present to the Convention resolutions unanimously adopted by the councils of Philadelphia, asking this Convention to hold its sessions in that city. I present them to the Convention for its action.

The resolutions were read as follows:

CLERK'S OFFICE, SELECT COUNCIL,
Philadelphia, Nov. 5, 1872. }

To President of Constitutional Convention of Pennsylvania:

SIR:—This is to certify that the following is a true and correct copy of the original resolutions approved by his Honor, the Mayor, the twenty-sixth day of October, A. D. 1872, entitled "Resolution in reference to the Constitutional Convention."

Resolved by the Select and Common Councils of the city of Philadelphia, That the Convention to assemble on the second Tuesday of November next to revise the Constitution of this Commonwealth, be and is hereby respectfully and cordially invited to hold its sessions in this city, and a hearty welcome is hereby tendered to its members and officers.

Resolved, That upon fifteen days' notice of the intention of said Convention to meet and remain in Philadelphia a suitable hall, properly furnished and arranged, will be provided for the use of the Convention, at the expense of this city.

Resolved, That a copy of the foregoing resolutions be delivered to the President of the Convention immediately upon its organization.

Attest:

JOSEPH H. PAIST,
Assistant Clerk Select Council.

Mr. BARTHOLOMEW. Mr. President: I desire, in connection with this communication, if it be in order, to offer the following resolution:

Resolved, That the invitation of Philadelphia to this Convention to hold its permanent sessions in that city, be accepted, and that its councils be forthwith notified hereof, and that the "permanent sessions" of the Convention will be held in such hall in that city as its authorities may provide for the purpose.

Mr. KAINE. I move that this Convention do now adjourn, to meet to-morrow morning at ten o'clock, and that that be

the standing hour of meeting until otherwise ordered.

The PRESIDENT. That motion will have to be divided. The motion to adjourn is a simple motion, and nothing can be attached to it.

Mr. KAINE. I move, then, that when the Convention adjourns, it adjourns to meet to-morrow morning at ten o'clock.

The motion of Mr. Kaine was not agreed to.

Mr. COCHRAN. I hope that resolution will not be pressed to an immediate vote, but that time will be taken to consider it before action is taken upon it. I think this body is not prepared to decide that question now, and without discussing it, or indicating my own personal views upon the subject. I move that the further consideration of the resolution be postponed for the present.

On the question of agreeing to the motion of Mr. Cochran, the yeas and nays were called.

Mr. KAINE. I understand the question is upon the motion to postpone the resolution for the present, offered by the gentleman on my left.

The PRESIDENT. Discussion is not in order. Nothing is in order but to take the vote.

Mr. WHITE, (Indiana.) I move to amend, by making the motion to postpone indefinite, for the purpose of bringing the matter before the House for discussion.

The PRESIDENT. Nothing is in order but to take the vote.

On the question,

Will the Convention agree to the motion of Mr. Cochran?

The yeas and nays were required by Mr. D. N. White and Mr. Stanton, and were as follows, viz:

Y E A S.

Messrs. Armstrong, Alricks, Achenbach, Baer, Baily, (Perry,) Black, (Greene,) Curtin, Cochran, Craig, Cronmiller, Darlington, DeFrance, Elliott, Freeze, Fulton, Funk, Hall, Hazzard, Hopkins, Howard, Kaine, Lamberton, Lawrence, Landis, M'Allister, M'Clean, M'Culloch, MacVeagh, Mann, Mantor, Metzger, Minor, Mott, Niles, Purman, Patterson, (Allegheny,) Patterson, (Lancaster,) Porter, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Reed, (Mifflin,) Rooke, Runk, Russell, Smith, (Berks,) Smith, (Lancaster,) Struthers, VanReed, Walker, White, (Indiana,) White, David N., Wherry and White, J. W. F.—54.

N A Y S.

Messrs. Ainey, Andrews, Bartholomew, Black, (York,) Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Beebe, Biddle, Bowman, Boyd, Brodhead, Broomall, Brown, Barclay, Campbell, Corbett, Carey, Carter, Cassidy, Church, Clark, Collins, Corson, Curry, Cuyler, Davis, Dinmick, Dodd, Dallas, Dunning, Ellis, Edwards, Ewing, Fell, Finney, Gowen, Gilpin, Guthrie, Hanna, Harvey, Hay, Hemp-hill, Heverin, Horton, Hunsicker, Knight, Lilly, Lear, Littleton, Long, M'Camant, M'Connell, M'Murray, Newlin, Palmer, H. W., Palmer, G. W., Parsons, Patton, Pughe, Reynolds, S. H., Read, (Philadelphia,) Rhone, Ross, Smith, (Allegheny,) Sharpe, Simpson, Stanton, Stewart, Turrell, Woodward, Wetherill, (Philadelphia,) Wetherill, (Schuylkill,) Worrell and Meredith, *President*.—77.

So the question was determined in the negative.

The question then recurred on agreeing to the resolution of Mr. Bartholomew.

Mr. HOPKINS. I move that this Convention do now adjourn.

The motion was not agreed to.

Mr. WHITE, (Indiana.) I offer the following resolution upon this subject.

The PRESIDENT. A resolution is already before the House. The resolution will now be again read.

The resolution of Mr. Bartholomew was read by the Clerk.

Mr. WOODWARD. I would inquire of the mover of this resolution what he means by "permanent sessions" of this Convention? When are these "permanent sessions" to commence? What does he mean by that expression? Does he mean that we are to take our hats and coats now and march to Philadelphia, or does he mean that we are to remove there at some future time? The only defining words are "permanent sessions." This session is just as permanent as any we are to have. I hope the gentleman will inform us what he means by that resolution.

I wish to say that at the proper time I shall be decidedly in favor of adjourning this Convention to meet in Philadelphia. But I shall not be in favor of such an adjournment until the Convention shall have appointed one or several committees for the purpose of preparing amendments for our future action. Those committees will need considerable time in preparing the amendments they will probably submit. Meanwhile, the Convention will have no-

thing to do. If the Convention should take that course, which it seems likely to do, I should move that, after appointing one or more committees to refer to the questions of amendment to the Constitution, this body should adjourn to meet after the holidays in the city of Philadelphia, in such hall as the Councils might provide for it. That, sir, would be a definite time for meeting in Philadelphia, for when the next session is held after adjournment it would be held there. But to adopt this resolution in its present phraseology is to resolve what I confess, for one, I cannot comprehend. If the gentleman means that we are now, instantler, to transfer the sessions of this body to Philadelphia, I am opposed to the resolution. But if it be that after our work is apportioned to appropriate committees this body is to adjourn to Philadelphia, I shall support the resolution with great pleasure.

Mr. ALRICKS. I move to strike out all after the word "resolved," and insert the following: "That when this Convention adjourn, it adjourn to meet in this place to-morrow morning at 10 o'clock."

Mr. CUYLER. I would inquire if that amendment is in order—if it is germane to the original resolution. The one provides for the permanent sittings of the Convention in Philadelphia, and the other for a temporary adjournment.

The PRESIDENT. If the gentleman desires it, the Chair will submit the question to the House.

On the question, will the Convention agree to the amendment of Mr. Alricks?

The yeas and nays were required by Mr. Hopkins and Mr. Alricks, and were as follows, viz:

YEAS.

Messrs. Alricks, Baer, Black, (York,) Baily, (Perry,) Black, (Greene,) Bowman, Church, Cochran, Cronmiller, Dimmick, Dodd, De France, Elliott, Finney, Freeze, Fulton, Funck, Hall, Hazzard, Hopkins, Howard, Kaine, Lamberton, Lawrence, Landis, M'Allister, M'Clean, M'Connell, M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Metzger, Minor, Mott, Niles, Patterson, (Allegheny,) Patterson, (Lancaster,) Porter, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Reed, (Mifflin,) Rooke, Russell, Sharpe, Smith, (Berks,) Smith, (Lancaster,) Stewart, Walker, White, (Indiana,) White, David N., Woodward, Wherry and White, J. W. F.—56.

NAYS.

Messrs. Armstrong, Ainey, Andrews, Addicks, Achenbach, Bartholomew, Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Beebe, Biddle, Boyd, Brodhead, Brown, Broomall, Barclay, Curtin, Campbell, Corbett, Carey, Carter, Cassidy, Clark, Collins, Corson, Craig, Curry, Cuyler, Davis, Dallas, Darlington, Dunning, Ellis, Edwards, Ewing, Fell, Gowen, Gilpin, Guthrie, Hanna, Harvey, Hay, Hemphill, Heverin, Horton, Hunsicker, Knight, Lilly, Lear, Littleton, Long, M'Camant, Newlin, Purman, Palmer, H. W., Palmer, G. W., Parsons, Patton, Pughe, Reynolds, S. H., Read, (Philadelphia,) Rhone, Ross, Runk, Smith, (Allegheny,) Simpson, Stanton, Struthers, Turrell, Wetherill, (Philadelphia,) Wetherill, (Schuylkill,) Worrell and Meredith, *President*—73.

So the question was determined in the negative.

The question recurred on agreeing to the resolution of Mr. Bartholomew.

Mr. MACVEAGH. I move to amend, by striking out all after the word "resolved," and inserting the following:

"That the communication be received, and that it be taken into consideration next Tuesday, the 19th instant, upon the assembling of the Convention."

I desire simply to say in reference to, and in elucidation of what Judge Woodward stated partially, that whatever be the will of the Convention it will undoubtedly be carried out, and that in as brief a time as possible. Just now it is utterly impossible, as it seems to me, and I know many other members think the same way, to decide this matter without some further organization of the Convention, and without some further distribution of its labors, and until we have an outline of what we are to do, and possibly until we may adjourn a short time. Certainly next week all that will be ascertained. The amendment fixes a definite time, and within a very brief time for the full consideration of the matter, when the Convention will be in possession of very much fuller information of the probable duration of its sessions, and of the probability of its early adjournment than it can be now. It seems to me that this resolution decides the matter by "snap" judgment, as it were, for, until we know what course the Convention will take in its business, we are not in a condition to decide upon sitting anywhere. Therefore what is the immediate necessity for fixing a place for the perma-

ment sessions of the Convention? If the course Judge Woodward suggests is adopted, undoubtedly there will be no necessity for permanent sessions after a week or ten days. It seems to me that in all fairness to everybody, we will be far better prepared to decide upon the matter in a week from now, or even less time after the Convention has had a full view of what will be the probable course of its business.

MR. SIMPSON. I move to amend the amendment, by striking out the word "permanent," and inserting in lieu thereof the words, "from and after the 9th day of December next." That is, that from and after the 9th day of December next, the sessions of this Convention will be held in Philadelphia.

The PRESIDENT ruled the amendment out of order.

MR. WETHERILL (Philadelphia.) It seems to me that it would be impossible for us to fix any definite time. We may be ready to adjourn this day week, or we may be ready before. If this Convention will simply accept the invitations of the councils of the city of Philadelphia, and fix the time hereafter, it seems to me that will cover the whole ground. I move you, therefore, that the amendment offered by the gentleman from Dauphin (Mr. MacVeagh) be amended, by striking out all after the word "resolved," and inserting the following:

"That the invitation be accepted, and the time of adjournment thereto be hereafter determined."

MR. WOODWARD. Mr. President: Let me say that, in my humble opinion, this whole discussion is premature. I do not believe we are in a condition to decide when we will go to Philadelphia, or where we shall meet, until we have appointed the committees to do the work of this body. We are here, as I understand, for the purpose of proposing amendments to the Constitution, to be submitted to the people of Pennsylvania. Those amendments must be carefully considered and carefully framed, and that can only be done through committees. Those committees must have time to do their work properly. There is no proposition, at present, before this body for the appointment of those committees, and until we shall have appointed one committee—which I believe would be the better way—or several committees, to take up the subjects we came here to Harrisburg to consider, to prepare our amendments, I submit we

are not in a condition to decide when or where we shall adjourn to. It is our duty to lay out our work and get it into the hands of the proper committees. When we shall have done that, I hope the Convention will adjourn for a time long enough to enable those committees to do their work most carefully. A week, sir, is not long enough; nor is a month. And, in my judgment, it would be a great mistake for us to meet this side of the holidays when we do adjourn. Then the Legislature will be in session here, and obviously then will be the time to accept this polite invitation from the city of Philadelphia. Now, it seems to me that it would be the better way to lay all these resolutions on the table for the present, and address ourselves to the question whether we shall have one committee or several committees to consider these amendments. Let those committees be appointed, then we will consider when to adjourn, and whether we shall adjourn to Philadelphia. I very much hope ample time will be given to these committees, and it cannot be given unless we adjourn until after the holidays. I drew up a resolution on this subject, which I do not mean to offer; but that it may place the thought in my mind before the convention, I will ask the Clerk to read it. It expresses my whole thought on the subject. I ask that it may be read as a part of my speech.

The resolution was read, as follows:

Be it resolved, That all the articles, sections and clauses of the Constitution of Pennsylvania, including the schedule, together with all propositions that may be submitted to the Convention for the alteration or amendment of said Constitution, be and the same are hereby referred to a committee of — members, to be appointed by the Chair, whereof the President of the Convention shall be chairman, whose duty it shall be to consider, frame and report such alterations and amendments of the said Constitution as they may deem necessary and expedient. And to enable the said committee the better to prepare their report, the Convention, before considering any constitutional amendment, will adjourn to meet on the — day of January, A. D. 1873, in the city of Philadelphia, in such hall as the mayor and councils of said city shall furnish, and the report of the committee shall be submitted to the Convention for its consideration, directly the body re-assembles in pursuance of such adjournment.

Mr. BARTHOLOMEW. Mr. President: I desire to say that the adoption of the original resolution, in my judgment, does not interfere with the object which my friend Judge Woodward desires to accomplish. In the resolution I offered, time is carefully avoided. The time for the adjournment of this body and its re-assembling in permanent session is not referred to; but I thought it eminently proper when the communication was received from the city of Philadelphia, making this offer, that some action should be taken upon it, that we should either accept or reject it, and that the acceptance should be signified to them that they might be enabled to make such preparations as would necessarily be involved in our adjournment or removal from here to that city. Now I take it that under that resolution all the necessary business of this Convention can be gone through with. It can be thoroughly accomplished, and then it is for the Convention to say that they have so completed their organization as to be ready to adjourn for the purpose either of re-assembling here or elsewhere. There is no necessity for having the time inserted in the resolution; leave that for the future action of the Convention. When they have accomplished what they desire here, have perfected their organization and got into working trim, then they can adjourn for the Convention to re-assemble in the city of Philadelphia or here. That an adjournment over the holidays is necessary, I think we all acquiesce in and agree to.

Now, Mr. President, I do think that the resolution as offered was certainly offered, not with any design for an immediate adjournment, but that the business of this body should be gone into so far as to place it in a condition to do the work devolving upon it, to wit: By the appointment of its committees, the committees to put it in shape for effective operations, then for the Convention to fix the time. Now, the word "permanent" is used in that resolution. My friend objects to the word. I think it is proper, for when we refer to the act we find that we are to assemble here at Harrisburg, that we are here to organize, and that the power is vested in us to adjourn at such time and to such place as we may deem proper. It certainly uses language conveying at least the idea to the mind that this is not to be our permanent location, because the Legislature no doubt contemplated the fact, which is a fact, that the Legislature is to assemble in these halls, and that it is to be occupied, so that it

would be impossible for us to be in session at one and the same time. Therefore, I take it that we have yet to fix the permanent place for the working of this Convention—that this is not its permanent location, that that is not yet decided upon. It seems to me that the language of the resolution is proper. As I said before, it does not interfere with the business of the Convention. We have this communication laid before us, and why not act upon it? Certainly it is no more than courtesy, and no more than right, that we should give it immediate action, such as its generosity and liberality demands of us. It was in this spirit I offered the resolution, and I hope it will be acted upon before the adjournment of this body.

Mr. D. N. WHITE. Mr. President: I hope this resolution will not be pressed upon us to-day. We gentlemen who live in the far west want time to think about this. We do not want to be driven into a measure of this kind, which affects us so seriously. Besides I am informed the councils of the city of Pittsburg have passed a similar resolution, which will probably be here to-morrow. Let us wait and have that here before we jump so hastily to a conclusion in this matter. It may be, and I suppose we are, in the hands of those in favor of going to Philadelphia; that is very evident. But do not hurry us gentlemen; give us time to think about it. You require us to go one hundred miles further from our homes, put us to more expense, more time is lost to us, and I hope the Convention will not hurry this matter. There can be no harm in letting it lie over a day or two until we can think about it and look over the ground. I hope, therefore, the resolution will not be adopted.

Mr. LANDIS. Mr. Speaker: I move you that the further consideration of this subject be indefinitely postponed.

The motion of Mr. Landis was not agreed to.

Mr. DARLINGTON. Mr. Speaker: I am decidedly in favor of removing from this place, because it is perfectly apparent we cannot get through here in time for the Legislature to occupy these halls. No man, who has thought at all upon this subject, I presume, supposes we can perform our duty in that time. We must provide another place. That place, I think, in the minds of a majority of the Convention, manifestly is Philadelphia. I shall vote for it. I shall vote for accepting the invitation of the councils of the city of Phila-

delphia, with a modification, to wit: That not the city, but the State, shall pay the expense, which I propose to vote for at the proper time. But, sir, I would also have a committee appointed. I accept the idea of my friend (Judge Woodward) to some extent, that a committee of this Convention be appointed, who shall inquire into the matter, visit the city of Philadelphia, and, in concert with the councils, decide upon a proper place and a proper time. This also should be done early, because it would take sometime to fit up a hall. But we are not yet organized. Our organization is not yet completed. We require a Chief Clerk or a Secretary to be elected. We ought also to further inquire what other officers, if any, are necessary to discharge the duties appertaining to this body. In order that we may get at the proper business of to-day, to wit: The election of a Secretary, and the appointment of a committee to ascertain what other officers we should have beside, I move to postpone the further consideration of the resolution and its amendments for the present.

MR. GOWEN. Mr. President: I would suggest the following as an amendment to the original resolution, and I think, from what I have heard in this hall, it will meet with the views of a large number of the delegates: Strike out all after the word "resolved" and insert the following:

"That the invitation of the councils of the city of Philadelphia be accepted, and that all the sessions of this body, after January 1, 1873, be held in that city."

MR. WETHERILL (Philadelphia) withdrew his amendment.

MR. H. W. SMITH. Mr. President: The organization of the Convention is provided for in the third section of the act of April 11, 1872, and it authorizes the election of one of their number as President, and, after the members are sworn in, such other officers as may be needed in the transaction of its business. That provision of the section has not yet been fully complied with; and I submit that the paper presented to the Convention by the councils of the city of Philadelphia, and the resolutions that followed, are entirely out of order, and that the Convention must be fully organized under the third section of the act of Assembly before anything of that kind can be done, or before the Convention can proceed to business. Now, after providing for the meeting of the Convention on this day, and the reading of the proclamation of the Governor, it is provided that, "there-

upon said Convention shall proceed to organize by electing one of their number as President, and, after the members are sworn in, such other officers as may be needed in the transaction of business."

Now, I do contend, under this law, the plain letter of the law and the spirit of it, that the Convention can do no business until they are fully organized, as provided by this third section of the law, and that the reception of the paper, and the resolution and amendments following, are entirely out of order. We are scarcely warm in our seats before an attempt is made to take this Convention to Philadelphia, when there are other places that are equally desirable, where the same or better accommodations can be had. Let us organize the Convention fully, and let something be done, as has been suggested by Judge Woodward, and proceed as far as we can, and then, if the majority of the Convention decide in favor of going to Philadelphia, we can go there.

THE PRESIDENT. Does the gentleman submit that as a question of order?

MR. H. W. SMITH. I do.

THE PRESIDENT. The Chair will submit that question to the Convention. The question now is, is any other business in order except the election of a Clerk and officers?

On the question, is the point of order well taken?

The yeas and nays were required by Mr. Smith (Berks) and Mr. MacVeagh, and were as follow, viz:

YEAS.

Messrs. Alricks, Achenbach, Baily, (Perry,) Beebe, Bowman, Broomall, Barclay, Church, Craig, Dimmick, Darlington, De France, Dunning, Elliott, Fell, Finney, Freeze, Fulton, Funck, Guthrie, Hazzard, Hopkins, Howard, Kaine, Lamberton, Lawrence, Landis, M'Culloch, M'Murray, MacVeagh, Metzger, Mott, Niles, Patterson, (Allegheny,) Patterson, (Lancaster,) Purviance, (Butler,) Reynolds, James L., Rooke, Russell, Sharpe, Smith, (Berks,) Stewart, Struthers, Van Reed, Woodward, Wetherill, (Schuylkill,) Wherry and White, J. W. F.—48.

NAYS.

Messrs. Armstrong, Ainey, Andrews, Ad-dicks, Bartholomew, Baer, Black, (York,) Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Biddle, Black, (Greene,) Boyd, Brodhead, Brown, Curtin, Campbell, Corbett, Carey, Carter, Cassidy, Clark, Cochran, Collins, Corson, Cronmiller, Curry,

Cuyler, Davis, Dodd, Dallas, Ellis, Edwards, Ewing, Gowen, Gilpin, Hall, Hanna, Harvey, Hay, Hemphill, Heverin, Horton, Hunsicker, Knight, Lilly, Lear, Littleton, Long, M'Allister, M'Camant, M'Clean, M'Connell, Mann, Mantor, Minor, Newlin, Purman, Palmer, H. W., Palmer, G. W., Parsons, Patton, Porter, Pughe, Purviance, (Allegheny,) Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rhone, Ross, Runk, Simpson, Smith, (Allegheny,) Smith, (Lancaster,) Stanton, Turrell, Walker, White, (Indiana,) White, David N., Wetherill, (Philadelphia,) Worrell and Meredith, *President*—\$3.

So the question was determined in the negative.

The question recurring on the amendment offered by Mr. MacVeagh,

Mr. TURRELL moved to amend the same, by striking out the words proposed to be inserted, and inserting in lieu thereof the following:

Resolved, That the invitation of Philadelphia to hold our sessions in that city be accepted, and that upon information that a suitable hall is in readiness, this Convention will appoint a committee to examine the same, and report thereon to this body, and upon such report the Convention will then determine the time or date of removal thither, and notify the authorities of Philadelphia accordingly.

Mr. J. R. READ. Mr. President: It is unnecessary for me to say that I am in favor of the resolution offered by my friend from Schuylkill (Mr. Bartholomew.) It occurs to me that the passage of all these amendments is only postponing a decision that had better be made now. It occurs to me, that as a matter of courtesy, we should accept or decline the invitation of the municipal authorities of Philadelphia. I understand that the amendment offered leaves the time of adjournment entirely in the hands of the Convention, and I concede that that is the proper place for it to be. I can hardly agree in some views expressed by gentlemen of the Convention, that it is necessary for us to name the time. It may not be necessary for us to remain here until the first of January. The question of its permanent sessions is one that the Convention can decide at any time; and as that power is so entirely in the hands of this Convention, I see no impropriety in coming to a vote upon the question of accepting or refusing the invitation of the councils of Philadelphia.

Mr. JOHN PRICE WETHERILL. Mr. President: It seems to me this resolution is rather indefinite, and that it would require a considerable amount of time, as well as a considerable sum of money, to place a suitable hall in readiness for a committee to say whether they will take it or not, and therefore it is rather an indefinite resolution. My idea is, that if this Convention see fit, a committee should be appointed to meet with a like committee from Philadelphia, and they together select a suitable hall. The city of Philadelphia has agreed to place that hall in a condition that will be entirely acceptable to every member of this Convention, they paying the cost of the same. It seems to me if we simply accept the invitation, and fix the time, that we will, after the first of January, hold our meetings in Philadelphia. The councils of Philadelphia will have ample time to prepare the hall, and there will be no more trouble about it. It seems to me the amendment of the gentleman from Philadelphia covers the whole ground; therefore, I withdrew my amendment to give room for his.

Mr. MACVEAGH. Mr. President: This question ought not to be put upon the ground of the courtesy due to the councils of Philadelphia, for courtesy does not require an immediate answer; and at least that courtesy would be equally due to the Councils of the city of Pittsburg, to wait for the reception of their invitation before we formally close upon the proposition; and it seems to me equally due to the authorities of this city, who have been preparing themselves to make a proposition of this character to the Convention. Nothing of that kind was expected to be decided to-day, I venture to say, by a very large majority of this Convention, and it is, therefore, it seems to me, not acting with special courtesy to Philadelphia, but with a lack of it to other places. While it is defensible, perhaps, upon other grounds, I do not think it is upon the ground of courtesy, without affording the city of Harrisburg and other cities mentioned, an opportunity to present communications upon the subject.

Mr. TURRELL's amendment to the amendment of Mr. MacVeagh was not agreed to.

The amendment proposed by Mr. Gowen was then offered as an amendment to the amendment of Mr. MacVeagh, and read as follows:

Resolved, That the invitation of the councils of Philadelphia be accepted, and

that all the sessions of this Convention after the first day of January, 1873, be held in the city of Philadelphia.

The amendment of Mr. Gowen was agreed to, and the amendment of Mr. MacVeagh as amended was agreed to.

Mr. D. W. PATTERSON. I had hoped, Mr. President, to have avoided saying anything upon this question; but now, on its final motion, I would beg to say that I had hoped this Convention had met for the purpose of performing the duties imposed upon it, and that in the most expeditious way. I had hoped that the member from Schuylkill would have answered some of those very practical questions put to him by the honorable gentleman from Philadelphia, which were certainly wise suggestions, it seems to me, for promoting the organization of this Convention and facilitating its work. I did not hear any very intelligent answer to those questions put to the original mover of that resolution. I do not think any intelligent answer can be made to them, because certainly the resolution offered by that gentleman was inconsistent with itself. No member has denied but what we are in our permanent sittings now, and will be to-morrow, just as much as at any time, and therefore the original resolution was inconsistent with itself.

But I see the thing is fixed, Mr. President, and we are not to give the city of Harrisburg or the city of Pittsburg any opportunity of making the same very kind invitation which the city of Philadelphia made to this Convention. It is certainly a very kind invitation; and I know a great many of the gentlemen there, as well as many gentlemen who are in this Convention, and I am certainly very much obliged to them for that invitation.

But I am astonished—no, I am not astonished—but I will say, Mr. President, that I have seen to-day in this Convention what I apprehend no members of this Convention have ever seen before; I have seen a united vote by every gentleman residing in the city of Philadelphia or its surroundings. It is a strong team to get over; but it is something, I apprehend, that we will never see again after this question is settled.

It might be that in this Convention, after we deliberate coolly, and perfect our reports, we might have, probably, a united vote from that section, but I think it is very doubtful that we will ever hear such a vote again as has been given here this

morning. The thing is fixed, and I merely rise to protest against it so far as I am able, for the reason that I believe it will prolong the sessions of this Convention; for the reason that I believe the business of this Convention will not be so well digested and so well considered.

The last Convention, of which you, Mr. President, had the honor of being a member, adjourned from this place to Philadelphia, and I heard many of your colleagues say that it was with the greatest difficulty that they could at any time get a full house; that their Philadelphia friends were so good, and kind, and friendly, and wined them and dined them every day, that many of them were totally unfit for business. [Laughter.] Now, while I admire their kindness and humanity, I don't want to put myself in the way of temptation. You know there is an old prayer, "Lead us not into temptation," and I believe every member of this Convention will work just twice as much in Harrisburg as in Philadelphia. Such has been the experience of many experienced men in reference to legislation.

Now, my friend from Chester (Mr. Darlington) said he was in favor of going away from Harrisburg because it was manifest that we could not finish our business in this place. Why is that so manifest to my friend or any other gentleman? We have a library room up here, 105 feet by 55, light, pleasant, comfortable, sufficient to hold every member of this Convention. We have the books of the library there—the machinery by which we do our business right at hand; and the city of Harrisburg proposes to fix that room up at its own expense for this Convention. Why should we go to the expense of having a hall in Philadelphia?—because I have heard nothing in regard to the payment for a hall except one word from my friend from the city, and he got over it very quickly. He said that the councils had proposed to furnish a hall and pay for it. Those were the only words I heard about payment.

Now, Mr. President, when we have this hall here better in order, acoustics and comfort, than any hall—notwithstanding the greatness of Philadelphia—they can produce there, why should we make this effort to remove this Convention away from this place, where we are all removed from our business, with nothing to do but attend to the legitimate duties of this Convention? I think our friends who have voted for this resolution, or design

to vote for it, have the power to adjourn to Philadelphia at any time they see proper. Why is this pressed upon us now before the Convention is organized, and before we have any committees? If we were organized and had our committees we could very properly meet and consult about it. But why they insist upon this now I cannot imagine, unless it is to get clear of work.

For one, I protest against it. I am in favor of sitting here until the Legislature meets, and then I am in favor of having a fair consultation upon the propriety of occupying the library hall for the meetings of this Convention. I challenge members to say, after consulting the members of the Convention of 1837-8, whether they will not discharge their duties and get home three, or four or five months earlier if they stay in Harrisburg than if they go to Philadelphia. I have not conversed with you, Mr. President, but I have conversed with a number of the members of that Convention, and they expressed regret that they went to Philadelphia, at least men who were actively engaged in business and wanted to be at home to attend to their duties there, and at the same time to be present in the Convention and represent their constituents faithfully there. Now, you know, Mr. President, that that Convention sat nine months and eighteen days from the time they commenced until they adjourned. I think they did adjourn about a month or a month and a half at one time, but the most of that time the members spent in Philadelphia, notwithstanding that adjournment.

Now, I hope to see this Convention go to work and do all the business required in the period of three or four months. The committees can take up the business delegated to them, and if they can do it at all, they can do it in that time, unless we adjourn to a place where a large proportion of the members of those committees will be at home in the midst of their business, and will not attend upon those committees much of the time they are in session. And that is another danger in adjourning to the city of Philadelphia. I know it from experience. Their business and their homes are right where their public duties are. You will often, not desirously, but from compulsion, attend to your individual duties before you attend to your public ones. Look at the mass of representatives from that city. If they attend to their individual duties—as I hope they

will not if we have to adjourn there—many of the committees will be without a quorum, and it will prolong the sittings of this Convention, and retard everything in relation to it.

But I see there is no remedy. I see the die is cast. But I want to raise my voice against a removal from the city of Harrisburg, either now or at any other time, if we want to perform the duties of this Convention in the most expeditious manner.

On agreeing to the resolution as amended the yeas and nays were required by Mr. Patterson (Lancaster) and Mr. D. N. White, and were as follow, viz:

Y E A S .

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Baer, Black, (York,) Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Beebe, Biddle, Black, (Greene,) Bowman, Boyd, Brodhead, Broomall, Brown, Barclay, Curtin, Campbell, Corbett, Carey, Carter, Cassidy, Church, Clark, Collins, Corson, Cronmiller, Curry, Cuyler, Davis, Dodd, Dallas, Darlington, Ellis, Edwards, Elliott, Ewing, Fell, Finney, Freeze, Gowen, Gilpin, Guthrie, Hall, Hanna, Harvey, Hay, Hemphill, Heverin, Horton, Hunsicker, Knight, Lilly, Landis, Lear, Littleton, Long, M'Camant, MacConnell, M'Murray, Mantor, Minor, Mott, Newlin, Purman, Palmer, H. W., Palmer, G. W., Parsons, Patterson, (Allegheny,) Patton, Porter, Pughe, Reynolds, S. H., Read, (Philadelphia,) Rhone, Rooke, Ross, Runk, Smith, (Allegheny,) Sharpe, Simpson, Stanton, Stewart, Turrell, Woodward, Wetherill, (Philadelphia,) Wetherill, (Schuylkill,) Worrell and Meredith *President*—93.

N A Y S .

Messrs. Alricks, Achenbach, Bailly, (Perry,) Cochran, Craig, De France, Fulton, Funck, Hazzard, Hopkins, Howard, Kaine, Lamberton, Lawrence, M'Allister, M'Clean, M'Culloch, MacVeagh, Mann, Metzger, Niles, Patterson, (Lancaster,) Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Reed, (Mifflin,) Russell, Smith, (Berks,) Smith, (Lancaster,) Struthers, Van Reed, Walker, White, (Indiana,) White, David N., Wherry and White, J. W. F.—36.

So the question was determined in the affirmative.

NUMBER AND COMPENSATION OF OFFICERS.

Mr. MACVEAGH offered the following resolution, which was twice read:

Resolved, That a committee of nine be appointed to consider and report to the Convention what other officers are necessary to transact the business of the Convention, and what compensation it is proper for them to receive.

Mr. GOWEN moved to amend, by striking out all after the word "resolved," and inserting the following:

"That the President appoint a committee of ten, of which he shall be one, and be the chairman, to report the designation and number of such officers as in their opinion are needed in the transaction of the business of the Convention, and to report the names of persons to fill such offices, with the amounts of the respective salaries to be paid to each.

Mr. GOWEN. Mr. President: I desire it to be understood, if my amendment is adopted, that I desire to be excused from serving on the committee.

Mr. MACVEAGH. Mr. President: Of course the Convention thoroughly understands the difference. This amendment refers to a committee the duty of nominating officers, which I think belongs to the Convention as a body. I think it is an undesirable duty to impose upon a committee, and certainly one that the Convention ought to reserve to itself. It gets us into a needless trouble. What we want, I think, is to ascertain what officers are necessary and what salaries should be

allowed them; then if the Convention accepts it, we go into nominations to fill the places. But to ask a committee to go out in that way and name the gentlemen to fill these places, I think is taking the duty from the Convention to which it properly belongs, and referring it to a committee. Therefore I trust most sincerely that the amendment will be voted down.

The amendment was not agreed to.

The original resolution was then agreed to, and the President appointed Messrs. MacVeagh, Black, (York,) Armstrong, Hopkins, White, (Indiana,) Kaine, Dimmick, Alricks and Stanton as the committee.

HOOR OF MEETING.

Mr. LAMBERTON moved that when this Convention adjourns, it will adjourn to meet to-morrow morning at ten o'clock.

The motion was agreed to.

NOMINATION OF CHIEF CLERK.

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

Resolved, That we do now proceed to nominate candidates for Chief Clerk of the Convention.

On the question, shall the resolution be read the second time?

It was determined in the negative.

On motion of Mr. Woodward, the President adjourned the Convention until to-morrow morning at ten o'clock.

SECOND DAY.

WEDNESDAY, November 13, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, and was called to order by the President, William M. Meredith.

PRAYER.

Prayer was offered by Rev. Dr. T. H. Robinson, pastor of the First Presbyterian church of Harrisburg, as follows:

Holy and ever blessed God, we come to Thy presence with holy reverence. Thou art all in all, the great and glorious God; we are Thy creatures and subjects. We bless Thee, O God, that Thou has permitted us to draw near to Thee through Jesus Christ, Thy dear son, and praise Thee for Thy unnumbered mercies, and we invoke upon us Thy benediction; Thou art the God of all grace and strength; upon these, Thy servants, this day, great God, bestow wisdom, that in all they do and think, they may be guided by Thy spirit which cometh down from above; fill their hearts, we pray Thee, with love, and wilt Thou fill their minds with intelligence; give them broad, clear and comprehensive views of all the duties they have to do, and so wilt Thou direct them that Thy name shall be glorified and the welfare of this Commonwealth subserved, and unto Thy name, through Jesus Christ, we will give credit and everlasting glory. Amen.

The Journal of yesterday's proceedings was read and approved.

ADMINISTERING OATH OF OFFICE.

Mr. COCHRAN. Mr. President: I respectfully announce the presence of John Gibson, Esq., delegate from the Twentieth Senatorial district, who was not present at the meeting of the Convention yesterday, and ask that the oath of office be administered to him.

The PRESIDENT. Mr. Gibson will please come forward. If there are any other members present who desire to have the oath of office administered to them they will please come forward also.

Mr. KAINE. Mr. President: I imagine this oath will have to be administered by the Secretary of the Commonwealth, in

accordance with the resolution passed yesterday.

The PRESIDENT. If the House is of that opinion it will be necessary to take an appeal from the decision of the Chair. The Chair does not conceive that the Secretary of the Commonwealth has any functions here whatever.

Mr. JOHN GIBSON then presented himself in front of the Clerk's desk, and the oath of office was administered to him by the President.

Mr. WOODWARD. Mr. President: The Convention yesterday referred to a committee of the delegates at large, who were elected by a certain class of voters, the question that has arisen in the Third Senatorial district of the city of Philadelphia. I now present the report of those delegates, and ask that it be read.

The report was read as follows:

To the Constitutional Convention of Pennsylvania:

The undersigned, the committee to whom was referred the claims of Benjamin L. Temple and Rufus E. Shapley, respectively, to a seat in this Convention, from the Third Senatorial district, respectfully report: That having examined the returns and accompanying documents submitted to them, and having heard the statements of the parties interested, they offer the following:

Resolved, That Benjamin L. Temple is *prima facie* entitled to a seat in this Convention from the Third Senatorial district, without prejudice to the right of Rufus E. Shapley to contest.

(Signed) GEO. W. WOODWARD,
SAM'L H. REYNOLDS,
R. A. LAMBERTON,
FRANKLIN B. GOWEN,
GEO. M. DALLAS,
WM. L. CORBETT,
S. C. T. DODD,
JAMES ELLIS,
J. S. BLACK,
A. G. CURTIN,
ANDREW A. PURMAN,
JOHN H. CAMPBELL,
WM. J. BAER.

On motion of Mr. Woodward the report and the resolution were adopted.

Mr. Benjamin L. Temple then came forward, and the oath of office was administered to him by the President.

COMMUNICATION FROM COUNCILS OF
PITTSBURG.

Mr. D. N. WHITE. Mr. President: I hold in my hand a communication from the city of Pittsburg, which I desire to have read.

The communication was read as follows:

PITTSBURG, Nov. 12, 1872.

At a meeting of the select and common councils, held November 11, 1872, the following resolutions were read three times and finally passed:

Resolved, By the select and common councils of the city of Pittsburg, that the delegates to the Constitutional Convention, from Allegheny county, be and they are hereby requested and authorized to extend an invitation to that body to hold its sessions, or any portion of them, in the city of Pittsburg.

Resolved, That in the event of the acceptance of this invitation by the Constitutional Convention, the committee on city property be directed to make arrangements for a hall in which the Convention may hold its sessions, and for the proper committee rooms for the use of the delegates.

From the record.

Attest:

E. S. MONNON,
Clerk.

Mr. DARLINGTON. I move that the thanks of this Convention be returned to the councils of the city of Pittsburg for their generous offer.

Mr. MACVEAGH. And that the offer be entered on the Journal.

Mr. DARLINGTON. Yes, and entered on the Journal.

The PRESIDENT. It will be entered on the Journal.

Mr. MANN. I would ask if it be in order to move that after the first day of February, this Convention will meet in Pittsburg?

The PRESIDENT. Does the gentleman make that motion?

Mr. MANN. If in order, I would like to make that motion.

Mr. GOWEN. I move to amend the resolution, by inserting after the word "resolved," the following:

"That the thanks of the Convention be tendered to the city of Pittsburg, with the

regret of the Convention that the previous acceptance of an invitation from the city of Philadelphia precludes its acceptance."

Mr. MANN. With all due deference to my friend, I submit that his amendment is not true in point of fact. I take it that because, as a matter of compliment to the village of Philadelphia, we agreed to meet in that place, in January, it does not preclude us, after paying our respects to them, from going in February to the city of Pittsburg; so that in point of fact his amendment is not true.

Mr. GOWEN. The resolution as adopted is to this effect: That all the sessions of this Convention held after the first of January shall be held in Philadelphia. Now, I take it, that according to parliamentary usage, no resolution can be offered affecting that without first re-considering that resolution.

The PRESIDENT. The Clerk will read the resolution adopted yesterday.

The Clerk read as follows:

Resolved, That the invitation of the councils of the city of Philadelphia be accepted, and that all the sessions of this Convention, after the first day of January, A. D. 1873, be held in the city of Philadelphia.

The PRESIDENT. The motion to amend is therefore not in order. The question is on the original motion, that the thanks of the Convention be returned to the councils of the city of Pittsburg for their generous offer and invitation.

The motion was carried.

NUMBER AND COMPENSATION OF OFFICERS.

Mr. MACVEAGH, from the select committee upon the subject, made report, which was read as follows:

The committee appointed to consider and report to this Convention what other officers are necessary to transact its business, and what compensation it is proper for them to receive, beg leave to report that they have given as mature deliberation as the adjournment of the Convention permitted to the subject committed to them, and they are unanimously of opinion that the following list of officers embraces all that are necessary to transact the business of this Convention, and the sums set opposite their respective names represent the compensation it would be proper for them to receive for their services during the sessions of this Convention:

| | |
|---|---------|
| One Chief Clerk..... | \$1,500 |
| One First Assistant Clerk..... | 1,200 |
| One Second Assistant Clerk..... | 1,200 |
| Two Transcribing Clerks, who shall be designated to act as clerks to committees, by the Chief Clerk, as occasion demands, or to perform any other clerical services required, each..... | 1,000 |
| One Sergeant-at-Arms..... | 8 50 |
| One Assistant Sergeant-at-Arms..... | 6 00 |
| One Door-keeper..... | 6 00 |
| One Assistant Door-keeper..... | 5 00 |
| One Postmaster..... | 8 00 |
| One Assistant Postmaster, who shall also act as Messenger..... | 6 00 |

And the Chief Clerk shall be authorized to appoint one Fireman, at \$3 50 per day; two Janitors, at \$3 00 per day, each; and five Pages, at \$1 50 per day, while actually engaged in the discharge of their duties.

Your committee endeavored to restrict the number of officers to the narrowest limits compatible with the prompt and efficient discharge of the duties of the Convention, and to assign only such compensation as would be a reasonable payment for attention and industry in the offices designated. In considering these questions the committee had, as the Convention knows, the advantage of the experience of several of its members in the legislative bodies of the State and nation, and they believe they were thus enabled to secure that efficiency, with economy, which they felt sure the Convention desired to attain.

Upon the subject of its proceedings, the committee beg leave to report, as its opinion, that its proceedings should be accurately reported and printed for distribution among the people; but whether this end would be more economically attained by a contract embracing the reporting and the printing, or by separate contracts for these purposes, this committee is not prepared, at present, to decide; but recommends either that the entire subject be re-committed to it, or, what would perhaps be better, the appointment of a new committee on the subject.

(Signed) WAYNE MACVEAGH,
J. S. BLACK,
WM. HOPKINS,
D. KAINE,
HAMILTON ALRICKS,
HARRY WHITE,
M. HALL STANTON,
WM. H. ARMSTRONG,
SAMUEL E. DIMMICK.

Mr. MANN. Mr. President: I move the adoption of the report.

The PRESIDENT. Let the motion be in the form of a resolution.

Mr. HARRY WHITE offered the following resolution, which was twice read and adopted:

Resolved, That the foregoing report of the Committee be adopted by this Convention.

RESOLUTION OF THANKS.

Mr. M'ALLISTER offered the following resolution, which was twice read and adopted:

Resolved, That the report of Francis Jordan, Secretary of the Commonwealth, be accepted and approved, and that the thanks of the Convention are hereby tendered to him for the faithful and satisfactory manner in which he has performed the duties devolved upon him by the act of the 11th day of April, 1872.

ELECTION OF OFFICERS.

Mr. GOWEN offered the following resolution, which was twice read:

Resolved, That the President appoint a committee of ten, of which he shall be one and the chairman, to report the names of proper persons to fill the permanent offices of this Convention.

Mr. GOWEN. I offer that resolution for the purpose, at the very outset of the deliberations of this Convention, of excluding from these halls anything like a partizan scramble for office. I read in the Harrisburg papers of this morning that the officers to preside over this body have been selected by a portion of its members without consultation with the others. I think it is beneath the dignity of a reform Convention to permit any person engaged in a scramble for office to apply for a caucus nomination for office in the Convention. I think the design of those who voted in favor of calling this Convention was to exclude partizanship from its deliberations. I therefore ask that this Convention shall agree to the appointment of a committee of ten, of which the President shall be chairman, to select the several gentlemen who shall preside over the deliberations of this body without regard to any other qualification than that of fitness for the position. I trust the Convention will adopt the resolution.

Mr. LILLY moved to amend, by striking out all after the word "resolved," and inserting the following:

"That this Convention proceed to the nomination and election of a Chief Clerk."

Mr. M'ALLISTER. Mr. President: I hope this amendment will not pass. I concur most heartily in the spirit of the resolution. It is beneath the dignity of this body assembled here to establish the organic law, to succumb to any man or party of men outside the Convention itself. I have read with surprise this morning, also, the distribution of the offices which we appointed a committee last evening to create. I do hope that we will take measures for the appointment of these officers within ourselves, and how can we do it better than by the appointment of a committee? The mode of appointing that committee is not indicated, but let it be appointed as committees are ordinarily appointed in this Convention. Who can complain of that? Surely it will be done in fairness; surely the offices will be distributed aright, and the committee should be appointed to inquire into the qualification of the persons. It is by merit they are to be distributed to those who can perform their duties best. Let the committee take that into consideration. Let nominations be made as many as you please, and let the committee select from those nominations. I hope this amendment will not be adopted, and that the original resolution will be passed.

Mr. WOODWARD. Mr. President: I rise to support the resolution of my friend from Philadelphia, and I concur in what has been said in support of that resolution. Mr. President, if I read aright the legislation that led to the convening of this body, and the public opinion which called it into existence, it was that the fundamental law of Pennsylvania should be revised without the slightest reference to the partisan politics of the day. I believe that was the general desire of the people of Pennsylvania. They sent us here for that purpose. How a portion of this body has been impressed with that sentiment was shown by the fact that when the time came for the election of a presiding officer no other name was offered in competition with that of the distinguished gentleman who presides over our deliberations. By common consent he was accepted without a dissenting vote, and without the suggestion of any other name. Now, that seemed to me to be in accordance with the spirit that I suppose had animated everybody concerned in calling this Convention into existence; but, sir, we had not deliberated long before I heard that presiding officer calling a member on this floor to order for alluding to an instance of partisan distinc-

tion in this house. It was an intimation from the highest source that we are to have no political discussions, and no political factions, and no political tricks in this body. Well, now, sir, the manner in which this body was elected shows that the people of Pennsylvania intended that in everything done by this body the minority should be represented. There are three hundred and thirty-five thousand tax-payers in Pennsylvania who are called the minority, and they are represented by a body of men upon this floor. Is it in accordance with the spirit of these measures for a portion of this body to assemble in a tavern in secret caucus, and there decide that no representative of those three hundred and thirty-five thousand tax-payers shall be represented in the official action of this body? That no man shall be made secretary of this body, who may be the fittest man in the Commonwealth, and much fitter than any one—any caucus—may offer to us; that he is to be excluded even from an election because of a midnight caucus of violent partisans, and animated by that spirit that characterizes their narrow, nasty politics, they decide that nobody but their pets shall be admitted within the ring. Sir, is that the spirit in which we are to start out in the deliberations of this body? I say it is a departure, a gross departure, from what has already occurred in our midst, and which augurs badly for the future, if this is to be tolerated. Now, the resolution offered by my friend from Philadelphia (Mr. Gowen) is catholic; it is comprehensive. It proposes that you, sir, shall appoint a committee of ten from this body, over whose deliberations you shall preside, and to that committee the whole question of officering this Convention is to be submitted. It seems to me that it would be in accordance with the spirit which manifestly animated the people of Pennsylvania in calling this Convention into existence. Now, for our own sake, as well as for the sake of the people of Pennsylvania, I trust we are not to make a gross and arbitrary departure from that good spirit which seems thus far to have animated us. On the contrary, I should hope that by the common consent which elevated you appropriately to the chair you occupy, this resolution might be adopted; and to the committee presided over by yourself, I, for one, am willing to commit entirely and without question all these individual appointees. I pledge myself to vote for the report of that committee, whoever may be

the individuals named. For these reasons I support the resolution, and hope it may be adopted.

Mr. MACVEAGH. Mr. President: It is certainly not desirable that the position of any gentlemen, who will support General Lilly's amendment, should be misunderstood, and their position would certainly be wholly misunderstood if it was assumed that that position was correctly stated by the gentleman from Philadelphia, who offered the resolution, or the distinguished gentleman who has just supported it. We are as anxious, at least I am as anxious, and I am very sure that General Lilly and the gentlemen who will support his amendment are as anxious as any gentleman here, to proceed to the graver labors of this Convention absolutely free from any spirit of partisanship, confining ourselves, in the most liberal and catholic interpretation of our duties, to those duties in their fullest scope; but, whether rightly or wrongly, there are some of us who believe that upon those gentlemen who were elected by the majority of the voters of this Commonwealth, devolves the simple and unimportant duty of selecting officers who are to do the work of this Convention as its employees. We are capable of that process known as detachment; we can look at this branch of our duty as a duty devolving upon us, a responsibility upon us, and when that is discharged we can go forward to the remaining duties of this Convention, and propose to do so precisely in the spirit the gentleman has indicated; and even now, for my part, I decline Judge Woodward's challenge; I shall not call the party with which he is associated a "ring;" I shall not insinuate that the majority of the voters of this State are not an honest majority of its voters; I scorn the imputation for that party with which I am known to be associated; I do not propose to attempt to assign it to gentlemen who differ from me; I have no words of unkindness or feelings of bitterness towards anybody; I propose to know no lines of distinction in the work of this Convention; but, the very act which calls us together contemplates that certain gentlemen of this Convention are elected by one class of voters, and certain other members of this Convention are elected by another class of voters; I would have been very glad, if that was the only consideration, to have had this duty shifted to the minority from the majority, if the voters had so decided,

but the voters have decided otherwise; then, I think, it is a shrinking from duty and avoidance of proper responsibility, when candidates are presented for an office who are equally qualified, equally fitted, for they are presumed so, that I should vote alternately; first, for a gentleman who voted for me, and then for a gentleman who voted against me, but that, in this small matter of appointing the employees of this Convention, through the various grades of limited salary which have been reported and adopted here this morning, other things being equal, I should vote for a person who belongs to the class of voters who sent me to this Convention; that is all, as I understand, that there is in it; therefore, I shall support General Lilly's amendment.

On agreeing to the amendment offered by Mr. Lilly, the yeas and nays were required by Mr. Hanna and Mr. Lamberton, and were as follow, viz:

YEAS.

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Baily, (Perry,) Baker, Bannan, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly, Lear, Littleton, MacConnell, McCulloch, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, (Lancaster,) Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Wetherill, (Philadelphia) and White, J. W. F.—67.

NAYS.

Messrs. Alricks, Achenbach, Baer, Black, (York,) Bailey, (Huntingdon,) Black, (Greene,) Boyd, Brodhead, Brown, Barclay, Curtin, Campbell, Corbett, Cassidy, Church, Clark, Cronmiller, Cuyler, Dodd, Dallas, DeFrance, Dunning, Ellis, Elliott, Freeze, Gowen, Gibson, Gilpin, Guthrie, Hall, Harvey, Hay, Hemphill, Heverin, Hopkins, Hunsicker, Kaine, Lamberton, Landis, Long, M'Allister, M'Camant, M'Clean, M'Murray, Metzger, Mott, Purman, Palmer, G. W., Patterson, (Allegheny,) Patton, Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rhone, Ross, Smith, (Allegheny,) Sharpe, Smith, (Berks,) Smith, (Lancaster,) Temple,

Woodward, Wetherill, (Schuylkill,) Wherry, Worrell and Meredith, *President*—66.

So the question was determined in the affirmative.

Mr. KAINE moved to further amend by adding the following:

"That the officers of this Convention be elected in the following manner: The Chief Clerk and two Assistants be elected at one and the same ballot by each delegate voting for two candidates, and the highest in vote be the Chief Clerk and the two next highest the Assistants; that each delegate vote for one candidate for each of the other classes of officers, and the highest in vote be declared the principal officer and the next highest the Assistant."

Mr. HARRY WHITE. Mr. President: I raise the question of order as to this amendment, that the amendment is incompatible with the amendment which the House has just adopted. I call the attention of the House to the fact. I will merely state that my understanding is that the House has just adopted a simple resolution that we now proceed to nominate and elect a Chief Clerk. The motion of the gentlemen from Fayette (Mr. KAINE) is to amend that by providing for the manner of the election of the other officers. I think it incompatible with the amendment just adopted by the House.

Mr. KAINE. Mr. President: I take it that the motion made by myself is strictly in order. The amendment just passed by this House is, that this House will proceed to the election of a Clerk. My amendment provides the manner in which that Clerk shall be elected, as well as the other officers of this House. Is there anything inconsistent in that? It is carrying out the very spirit of the resolution which has just been adopted by this House, and I hope the House will adopt my amendment, and that the election of officers will take place in accordance with that resolution.

The PRESIDENT. The Chair is of the opinion that the amendment is in order.

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. Kaine and Mr. Brodhead, and were as follow, viz:

Y E A S.

Messrs. Alricks, Achenbach, Baer, Black, (York,) Bailey, (Huntingdon,) Biddle, Black, (Greene,) Boyd, Brodhead,

Brown, Barclay, Curtin, Campbell, Corbett, Cassidy, Church, Clark, Cronmiller, Cuyler, Dodd, Dallas, DeFrance, Dunning, Ellis, Elliott, Freeze, Gowen, Gibson, Gilpin, Guthrie, Hall, Harvey, Hay, Hemphill, Heverin, Hopkins, Hunsicker, Kaine, Lamberton, Landis, Long, M'Alister, M'Camant, M'Clean, M'Murray, Metzger, Mott, Purman, Palmer, G. W., Patterson, (Allegheny,) Patton, Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rhone, Ross, Smith, (Allegheny,) Sharpe, Smith, (Berks,) Smith, (Lancaster,) Temple, Woodward, Wetherill, (Schuylkill,) Wherry and Worrell—35.

N A Y S.

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Baily, (Perry,) Baker, Bannan, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly, Lear, Littleton, MacConnell, M'Culloch, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, (Lancaster,) Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Wetherill, (Philadelphia,) White J. W. F. and Meredith, *President*—68.

So the question was determined in the negative.

The resolution, as amended by Mr. Lilly, was then adopted.

Mr. WHITE (Indiana.) Mr. President: I nominate, as candidate for Chief Clerk, D. L. Imbrie, Esq., of Beaver county, Pa.

On motion of Mr. Lilly, the nominations closed.

Mr. LITTLETON moved that the gentleman nominated be elected by acclamation.

Several MEMBERS. No, no.

The PRESIDENT. The Clerk will call the roll. It would, perhaps, be more convenient to call the yeas and nays, and those in favor of Mr. Imbrie can vote "aye," and those opposed "no."

Mr. MACVEAGH moved that D. L. Imbrie be elected Chief Clerk of the Convention.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. Hopkins and Mr. MacVeagh, and were as follow, viz :

Y E A S .

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Baily, (Perry,) Baker, Bannan, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Darlington, De France, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly, Lear, Littleton, M'Allister, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, (Lancaster,) Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Whetherill, (Philadelphia,) White, J. W. F. and Meredith, *President*—71.

N A Y S .

Messrs. Black, (York,) Ellis, Freezo, McCamant, Purman and Rhone.—6

Mr. BAER (when his name was called) said : Mr. President : I have not occupied the time of this Convention hitherto—

The PRESIDENT. Debate is not in order.

Mr. BAER. I wish to explain the reason for the vote I shall give.

The PRESIDENT. It is not in order now.

Mr. BAER. I therefore, sir, decline to vote.

Mr. HOPKINS (when his name was called) said : I desire to ask of the Chair a question. [Cries of "order, order."]

Mr. HOPKINS. Is it not in order to ask the Chair a question ?

The PRESIDENT. Certainly, the gentleman is in order.

Mr. HOPKINS. The question I desire to ask is this : Whether, under parliamentary law, a member has not a right to give the reasons for his vote when he is called upon to vote ? I ask that question of the Chair.

The PRESIDENT. The Chair is of opinion that on the call of the ayes and noes no member can make any answer but "aye" or "no." If the Chair is mistaken in that opinion, we will submit the question to the House, if the gentlemen desire it.

A delegate inquired if it was in order to

move that the gentleman have leave to state his reasons for his vote.

The PRESIDENT ruled that no debate was in order during the call of the yeas and nays, except that a member might ask to be excused from voting.

Mr. M'CLEAN (when his name was called) asked to be excused from voting.

The PRESIDENT announced the vote, and declared D. L. Imbrie elected as Chief Clerk of the Convention.

Mr. SIMPSON offered the following resolution, which was twice read :

Resolved, That the Convention will now proceed to the nomination and election of the remaining officers designated in the report of the Committee, in the order named in said report.

Mr. GOWEN. Mr. President : I understand that one serious objection to the resolution I offered before was, that the committee to be appointed was to be an even number, and therefore, according to parliamentary usage, did not give the majority of the committee to the majority of the House. I did not have any intention of doing so at the time, and therefore, in order to relieve us of this voting, which will occupy the whole day, I offer the following as an amendment to the resolution just offered : Strike out all after the word "resolved" and insert as follows : "That the President appoint a committee of nine, of which he shall be one, and be the chairman, to report the names of suitable persons to fill the remaining offices of the Convention."

Mr. WHITE (Indiana.) Mr. President : I have but one remark to make in connection with the amendment of the gentleman from Philadelphia (Mr. Gowen.) It occurs to me that it will result in a procrastination of our proceedings, and delay us from entering upon the performance of that legitimate duty for which the people have elected us.

Something has been said about politics here. It occurs to me that the sooner we perform the function of electing, or selecting, if you please, the officers that have been designated by the resolution which this Convention passed this morning, the sooner we will be relieved from a subject which must necessarily annoy everybody in a body of this kind at the threshold of its organization. I am, therefore, opposed to the amendment of the gentleman from Philadelphia, (Mr. Gowen,) and I trust, inasmuch as we have just elected a Chief Clerk without any party vote in this Convention, that we will proceed to com-

plete our organization immediately by the election of the balance of the officers.

The PRESIDENT. The President would be much obliged to the gentleman offering this amendment if he will strike out the name of the President.

Mr. GOWEN so modified his amendment.

Mr. M'ALLISTER. Mr. President: I desire to say a word, and only a word, in reference to this resolution. I can indulge in no delusive hope that anything I can say will prevent the passage of this resolution. I believe its passage is ordained by a power higher than reason, higher than judgment, higher than the consciences of gentlemen—even by the power of party. I listened to the words from the lips of the gentleman who introduced the resolution for the election of a Chief Clerk of this House, and the train of reasoning which should have led him to precisely the opposite conclusion to the one to which he did arrive. I understood him to allude to the act which created this body, and to point to the fact that the people of this State had ordained that the Convention should recognize the existence of different parties. If that were the fact, then the organization of this Convention should be in harmony with the organic law by which it was elected. If it was the object of the people of this State to prevent a partisan body, and secure a body which would represent the opinions of all parties in the Commonwealth, then throughout the organization of the House the same doctrine should be recognized, and the same method of election pursued. If it was not intended by the people of this Commonwealth that one political party should control the action of this Convention, and that the instrument proposed to be produced should not represent the views of one particular party, then should the will of the people, in the method of organizing the Convention, be recognized and carried out.

Let us observe where this will lead us. This Convention is very nearly equally balanced, or supposed to be so, so far as its political proclivities are concerned. Let me suppose that little more than half of this body belongs to the dominant party, then by power of party caucus, one-fourth of the body would control its organization, because of the dominant party representing but one more than half of this body, it might as well control the entire policy and legislation of this

Convention, as the selection and election of its subordinate officers. Thus you come to this result, that when the people of this Commonwealth had diligently sought by an act thoroughly discussed, and carefully framed to prevent the existence of party politics in the action of this Convention, we would be brought down to the result that one-fourth of the body would control its organization. As a citizen of this Commonwealth, and as a member of this body, I protest against the application of any such doctrine.

I have no choice of individuals. I can say nothing against the gentleman named as Chief Clerk, and nothing against the list of names printed in the morning papers, indecently, I thought, before it ever reached this House. It is from no preference to any individual, but it is because that now, at the very threshold of our deliberations, is the time for gentlemen to record their solemn protest against the introduction of party predilections into this House.

Mr. SIMPSON. Mr. President: I take it for granted that this body will be governed by the rule of all deliberative bodies, and that is that the majority of its members shall govern it. The votes of this body can elect its officers just as well, in my judgment, as a committee of nine, or any other number less than the whole. For one, I object to and protest against the appointment of a committee of nine, or of any number less than the whole number of members, to determine for me who shall be the employees of this Convention. We are just as competent to sit in our seats and elect the proper persons as any committee selected from this body. I take it that, if we proceed to vote down the amendment and adopt the resolution, we will save time in the operation, for the majority can select officers now, without the necessity of having a committee appointed, to have a wrangle, perhaps, over every individual officer.

Mr. WOODWARD. Mr. President: One word. In the Convention of 1837-8, of which you and I were members, the party—I speak with all reverence—I do not know what name they had at that time, but I think they answered to the party that now rule this House—the dominant party of that Convention, whatever they were called, elected Mr. John Sargeant, President, and Mr. Samuel Shocch, Secretary of the Convention; and then, sir, that party, that dominant party, elected Mr. Francis R. Shunch, Assistant

Secretary. I mention that, sir, for the purpose of showing gentlemen how their ancestors acted under similar circumstances to those in which we are placed to-day. They did not go into a tavern, with a secret caucus, and attempt to exclude the most competent man in the Commonwealth from the Clerk's desk, but they elected Mr. Shunck, and he declined to accept it. Then the same people elected Judge Gilmore, a good democrat, and he occupied that seat during the whole session. I mention this as an historical reminiscence.

Mr. MANTOR. Mr. President: I have kept very cool while listening to this line of discussion, and in listening to these arguments, this morning, one would naturally think we are remarkably cool men; that our fathers were not partizans, and therefore, their sons, in 1872, are not partizans. I understand, sir, that the Convention of 1837-8 elected its President in a strict partizan light or manner. Now I do not come before you this morning urging any partizan spirit, because this resolution that calls for the election of the officers here is one of those fair resolutions which is always brought out before a body of this kind to act upon. And it is our duty here, in my opinion, to proceed to the election of officers of this Convention in the usual way. I presume there is not a gentleman in this hall this morning who would venture his reputation by stating that it is an unusual thing for gentlemen outside of the Convention to have their party predilections in a caucus, though that caucus might be held in some hotel in the city of Harrisburg. But we are here to elect officers to this Convention, and gentlemen have a right to vote *pro* or *con* on these matters that are before us. It seems to me that we are taking up much time in varying from the general usage that all Conventions, for some time past, at least, have pursued in the selection of their officers. I hope the proceedings of the Convention will not be delayed any further, but that we shall go on and elect officers in the usual manner.

The amendment was not agreed to, and the question recurred on the original resolution.

Mr. HAY moved to amend, by striking out all after the word "resolved," and inserting the following:

"That in the election of the two Assistant Clerks each member shall vote for only one person, and the one receiving the highest number of votes shall be the First

Assistant Clerk, and the one receiving the next highest number of votes shall be the Second Assistant Clerk."

On the question, will the Convention agree to the amendment of Mr. Hay?

The yeas and nays were required by Mr. Hay and Mr. Mann, and were as follow, viz:

Y E A S.

Messrs. Alricks, Achenbach, Baer, Black, (York,) Bailey, (Huntingdon,) Biddle, Black, (Greene,) Boyd, Brodhead, Brown, Barclay, Curtin, Campbell, Corbett, Cassidy, Church, Clark, Cronmiller, Cuyler, Dodd, Dallas, De France, Dunning, Ellis, Elliott, Freeze, Gowen, Gibson, Gilpin, Guthrie, Hall, Harvey, Hay, Hemphill, Heverin, Hopkins, Hunsicker, Kaine, Lamberton, Landis, Long, M'Allister, M'Camant, M'Clean, M'Murray, Metzger, Mott, Purman, Palmer, G. W., Patterson, (Allegheny,) Patton, Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rhone, Ross, Smith, (Allegheny,) Sharpe, Smith, (Berks,) Smith, (Lancaster,) Temple, Woodward, Wetherill, (Schuylkill,) Wherry and Worrell—65.

N A Y S.

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Baily, (Perry,) Baker, Bannan, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly, Lear, Littleton, MacConnell, M'Culloch, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, (Lancaster,) Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Wetherill, (Philadelphia,) White, J. W. F. and Meredith, *President*—68.

So the question was determined in the negative.

The original resolution then passed.

Mr. HARRY WHITE. I nominate for First Assistant Clerk, Lucius Rogers, Esq., of M'Kean county.

Mr. BOYD. I nominate William Viel, of Montgomery county.

Mr. CASSIDY. I desire to place in nomination a gentleman for this office, and before doing so I desire to say a few words on the subject, referring to placing that gentleman upon the list; I trust in nomi-

nating the gentleman I am about to name, I will have in the election the support of our friends who represent the majority of this Convention. You are about to elect assistant clerks; the majority have already elected the Chief Clerk. It would, therefore, seem but fair that those who are in the minority here should have a representative at the desk; while we have no doubt that whoever may be selected will look after the proper interest of the Convention; in order to relieve any doubt from the mind of any one, or any doubt about it at all, it seems to me to be but fair that those who are in the minority should have, at least, the small office given to them of Assistant Clerk, and following the precedent you are so familiar with, Mr. President, and mentioned by Judge Woodward as having occurred in the Convention of 1837-8, I trust we will have a representative at the desk. For the purpose of enabling our friends of the majority to assist us in getting such a place, I nominate Albert W. Fletcher, of Philadelphia, for Assistant Clerk.

Mr. CAMPBELL. I nominate S. W. Buck, of Bradford county.

Mr. BARCLAY. Mr. President: I would take the liberty, sir, of nominating a candidate from democratic Berks. I nominate William M. Rightmyer. He is a young lawyer, and has eminent fitness for the position to which I have nominated him.

Mr. HOPKINS. I have no doubt that the gentleman named by my two friends from Philadelphia, and my other friend, are all very deserving men, I take it for granted, or their names would not be proposed; but, after what has transpired in this hall this morning, and over and over again, it must be apparent to those gentlemen, as it is to myself, that there is no disposition on the part of the majority of this House to concede any officers to the minority; I hope, therefore, that the gentlemen will withdraw their nominations; I do not like to be put in the attitude of voting against anybody named, but I shall not record my vote in favor of any man, unless I see a disposition upon the part of the majority to make some concessions; I think every member is satisfied that those concessions will not be made, and I hope the nominations will be withdrawn.

Mr. BOYD withdrew the name of Wm. Viel.

Mr. STANTON moved that the nominations close.

The motion was agreed to.

Mr. HARRY WHITE. I call the attention of the Clerks and the Chair to the fact that the resolution contemplates the nomination at one time of all the officers to be elected by the Convention.

Mr. HAY. I see no reason then why the suggestion of the gentleman from Indiana (Mr. White) should not prevail, and why all these nominations should not be made now and carried through without further delay. Of course it is not necessary to take a vote upon each separate case. Let the whole list be made out and voted upon at once.

Mr. BARCLAY. I will withdraw the name of Mr. Rightmyer for the present, and when nominations for Second Assistant Clerk are in order I will present the name of that gentleman.

The Convention then proceeded to the election of First Assistant Clerk, and the vote being taken, was as follows:

The following named members voted for Lucius Rogers:

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Bailly, (Perry,) Baker, Bannan, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly, Lear, Littleton, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, D. W., Porter, Pughe, Purviance, John N., Purviance, Sam'l A., Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, Harry, White, David N., Wetherill, John Price and White, J. W. F.—67 votes.

The following named members voted for S. W. Buck:

Messrs. Black, (York,) Corbett, Campbell, Freeze and Meredith, *President*—5 votes.

Mr. BARCLAY voted for A. W. Fletcher.

During the calling of the roll, when his name was reached, Mr. Cassidy withdrew the name of Mr. Fletcher, and Mr. Campbell withdrew the name of Mr. Buck.

Lucius Rogers having received the highest number of votes, was declared duly elected First Assistant Clerk.

Mr. DARLINGTON. Mr. President: In order to save time to the Convention, and at the suggestion of some of our friends on the other side, I offer the following resolution:

Resolved, That the following officers be elected:

A. D. Harlan, Second Assistant Clerk; John L. Linton and A. T. Parker, Transcribing Clerks; James Onslow, Sergeant-at-Arms; Cassius M. Brown, Assistant Sergeant-at-Arms; Clement Evans, Door-keeper; Frank Bentley, Assistant Door-keeper; Henry B. Price, Postmaster; B. Frank Major, Assistant Postmaster.

The resolution was read a second time.

Mr. HOPKINS moved to amend, by inserting after the word "officers," the words "by the majority of the Convention."

The amendment was agreed to.

Mr. KAINE. I would suggest to the mover of that resolution that he insert the word "persons" in place of "officers" after "following." Now, we have already provided by resolution that such and such persons shall be elected. If he will put in the word "persons" I think it will be better.

Mr. DARLINGTON. I think the language is right, "That the following officers."

Mr. KAINE. I think the gentleman is in error. We elect "persons" to offices. They are "officers" after they are elected.

The amendment suggested by Mr. Kaine was agreed to, and the question recurred on the original resolution.

Mr. BAILY (Perry.) Mr. President: Before you put the question I wish to say that I think that amendment is improper. Let us not trifle with this subject and make asses of ourselves. I think if the Convention had properly understood it, they would have voted it down. I move to re-consider the vote on the amendment. We all very well know, who have had experience in this kind of business, that it is improper. We know that the officers are elected by the majority of a body, or they could not be elected at all. Such an amendment as that is improper to go upon the Journal. I hope it will be re-considered and voted down.

The motion to re-consider was agreed to.

The amendment being again before the Convention, it was not agreed to.

Mr. HAY. Mr. President: I have an amendment to propose. I will state what the object is before offering it. Perhaps it may obviate the necessity of offering the amendment. I voted against the adoption of that report, and therefore was not able to move its re-consideration. I desire to know some necessity for appoint-

ing a Postmaster and Assistant Postmaster of this Convention. I confess that I can see no necessity for such officers being appointed. I would like to inquire why the Convention should appoint two officers, at an expense of \$1,400, for work that I don't know anything about.

Mr. D. N. PATTERSON raised the point of order that the report had been adopted, and the Convention had agreed to elect those officers.

Mr. HAY. I rose to propose an amendment—that we should strike out the names of the persons proposed to be elected Postmaster and Assistant Postmaster.

Mr. MACVEAGH. Mr. President: I wish to give the gentleman the explanation which was given to us by the gentlemen of our committee who had had Congressional and legislative experience. In their judgment the mass of mail matter to be distributed among the members of the Convention would be so large, and the private correspondence and correspondence of members with their constituents would be so important, that it should be put into the custody of responsible persons, who would distribute it in the post-office annexed to the House of Representatives, so that each member could come here at any time and get his mail matter from the postmaster of the body, and take it to his desk and attend to his correspondence, or do with it as he chooses. Then the postmaster would come and gather up all the mail matter the members have to send away; and that those duties could not be discharged with safety and convenience to the body, and to the convenience of the constituents of the body, without an officer of this character. The Assistant Postmaster was considered to be necessary to bring this considerable mail matter from the office of the city here and take it back, and to be on hand and act as general messenger also for the body. I can only say that Mr. Hopkins, Mr. Armstrong, Mr. White (Indiana) and Mr. Kaine have had very considerable experience in these matters, and I believe I cannot be mistaken in saying that to them the other members of the committee deferred their united judgment in this matter.

Mr. HAY. Mr. President: My object in proposing an amendment of that character was to elicit this information, and inform myself of the necessity of such officers. We desire to have no more officers than is absolutely necessary for the proper performance of the duties of this body, and I

think the members of this body ought not to provide for their own convenience at the expense of the State. I do not see why the postal matter of members could not be delivered to them as well as to the residents here—at their residences or at the postoffice. I object to putting this expense upon the State of Pennsylvania, and I therefore move to amend by striking out from the list of officers the names proposed for Postmaster and Assistant Postmaster.

The amendment was not agreed to.

Mr. DALLAS. Mr. President: I move to amend, by striking from the list of offices to be filled, the office of Assistant Sergeant-at-Arms. I cannot see any necessity, in a body of this kind, for two Sergeants-at-Arms.

Mr. MACVEAGH. That question was also considered. It was stated that the Sergeant-at-Arms was the executive officer of the body, subject to the order of the President, obliged to be away at different times in executing those orders. Gentlemen who have been associated with such bodies told us it was absolutely necessary for him to have such assistance to execute his orders, so that he might be present in the Convention to keep order under direction of the Chair. I can only repeat that this is the information that the gentlemen upon the committee, of all shades of opinion, gave upon this question.

Mr. DALLAS. There are two Sergeants-at-Arms and two Door-keepers, four executive officers, upon the floor of the House. I insist upon my amendment, that one of those officers be dispensed with, and that it should be the Assistant Sergeant-at-Arms.

Mr. MACVEAGH called attention to the fact that there were two doors to be attended to.

Mr. EWING. Mr. President: I would ask if the motion is in order? The Convention this morning determined what officers we would have for the Convention. Is not this equivalent to a re-consideration and change of the resolution passed this morning? Is it not an indirect way of getting at a re-consideration of the resolution adopted by the Convention?

The PRESIDENT. The resolution this morning provided that certain officers should be elected. The proposition now is to elect them. It is in order, in the opinion of the Chair, to move to strike out any one of the officers, the effect of which will be that he will not be elected at this time.

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. Dallas and Mr. Boyd, and were follow, viz:

Y E A S.

Messrs. Achenbach, Baer, Bailey, (Huntingdon,) Boyd, Brodhead, Barclay, Curtin, Campbell, Corbett, Church, Clark, Cronmiller, Cuyler, Dodd, Dallas, DeFrance, Ellis, Freeze, Gibson, Gilpin, Guthrie, Harvey, Hay, Hemphill, Heverin, Hunsicker, Long, M'Camant, Patterson (Allegheny,) Reynolds, S. H., Reed, (Mifflin,) Ross, Smith, (Allegheny,) Smith, (Berks,) Smith, (Lancaster,) Temple, Wetherill, (Schuylkill,) Wherry and Worrell—39.

N A Y S.

Messrs. Armstrong, Ainey, Alricks, Andrews, Addicks, Bartholomew, Black, (York,) Bailey, (Perry,) Baker, Bannan, Bardsley, Beebe, Biddle, Bowman, Broomall, Brown, Carey, Cassidy, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Elliott, Ewing, Fell, Finney, Fulton, Funck, Gowen, Hall, Hanna, Hazzard, Hopkins, Horton, Howard, Kaine, Knight, Lambertson, Lawrence, Lilly, Landis, Lear, Littleton, M'Allister, M'Connell, M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Metzger, Minor, Newlin, Niles, Purman, Palmer, H. W., Parsons, Patterson, (Lancaster,) Patton, Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rhone, Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Woodward, Wetherill, (Philadelphia,) White, J. W. F. and Meredith, *President*.—86.

So the question was determined in the negative.

On the question, will the Convention agree to the resolution as amended?

The yeas and nays were required by Mr. Wetherill (Schuylkill) and Mr. Smith, (Berks,) and were as follow, viz:

Y E A S.

Messrs. Armstrong, Ainey, Andrews, Addicks, Bartholomew, Bailey, (Perry,) Baker, Bardsley, Beebe, Bowman, Broomall, Carey, Carter, Cochran, Collins, Craig, Curry, Davis, Dimmick, Darlington, Edwards, Ewing, Fell, Finney, Fulton, Funck, Hanna, Hazzard, Horton, Howard, Knight, Lawrence, Lilly,

Lear, Littleton, M'Allister, MacConnell, M'Culloch, MacVeagh, Mann, Mantor, Minor, Newlin, Niles, Palmer, H. W., Parsons, Patterson, (Lancaster,) Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Runk, Russell, Simpson, Stanton, Stewart, Struthers, Turrell, Van Reed, Walker, White, (Indiana,) White, David N., Wetherill, (Philadelphia,) White, J. W. F. and Meredith, *President*—67.

N A Y S.

Messrs. Baer, Barclay, Hemphill, Hunsicker, M'Camant, Ross, Smith (Berks) and Smith (Lancaster.)—8.

So the question was determined in the affirmative.

RULES AND STANDING COMMITTEES.

Mr. NEWLIN offered the following resolution, which was twice read :

Resolved, That a committee of seven be appointed by the Chair, to report to the Convention to-morrow morning, what standing committees should be formed.

Mr. TURRELL moved to amend, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That a committee of eleven be appointed by the Chair, to mature and report a code of rules for the government of this body."

THE PRESIDENT. The Chair will observe that this is not pertinent to the subject of the resolution, and therefore not in order.

Mr. SIMPSON. Mr. President: I would suggest to the mover of this resolution that he had better increase the number of the members of the committee. It seems to me there should be eleven, or thirteen, or fifteen, to determine and report. I move to amend by making it fifteen.

Mr. NEWLIN accepted the amendment.

Mr. DARLINGTON. Mr. President: I think we are advancing a little too fast. I propose to offer the following as a substitute:

Resolved, That a committee be appointed to consider and report rules for the government of the Convention."

Let the number be fixed by the Convention. I beg leave to suggest that those who had charge of the matter in the former Convention were only five in number.

Mr. CASSIDY moved to amend the resolution, by adding "and rules adopted for the government of this body."

Mr. NEWLIN accepted the amendment.

The resolution, as modified, was then read as follows:

Resolved, That a committee of fifteen be appointed by the Chair, to report to the Convention to-morrow morning, what standing committees should be formed and rules adopted for the government of this body.

Mr. DARLINGTON thought that a committee of fifteen, or any committee above seven in number, would be unwieldy, and the smaller the number the better.

The amendment offered by Mr. Darlington was read.

Mr. KAINE. Mr. President: I don't know whether the recollection of the gentleman from Chester, (Mr. Darlington,) who was a member of the Convention of 1837-8, is correct or not. I thought there were two committees on those subjects appointed by the Convention of 1837-8—that there was a committee appointed to determine what standing committees there should be in that Convention, and that there was also a committee on rules. The gentleman, I think, said, yesterday, that the rules as adopted by that Convention were to be found in the Debates of the Convention or the Journal.

Mr. DARLINGTON. In the Journal.

Mr. KAINE. I thought then he was mistaken, and now I know he was. A report of a set of rules for the government of that Convention was made by the committee, and it is to be found somewhere in the first volume of the debates.

Mr. DARLINGTON. Page 75, of the Journal.

Mr. KAINE. Those rules were not adopted at that time at all, but they were discussed and modified, and altered from day to day; and you will find, I think on page 131, of the Debates—not of the Journal, but of the Debates—where a motion was made and carried, that 200 copies of those rules be printed for the use of the Convention. If those rules are to be found as adopted by that Convention, and as printed under that order, I should be very glad if the gentleman from Chester would point me to the page. I understand there is not a copy of the Journals of that Convention in this library, and I am perfectly satisfied there is not a copy of those rules as adopted by the Convention.

Now, Mr. President, to prepare a set of rules for the government of this body, or any body like this, will require considerable labor, considerable examination, and it will be utterly impossible for any committee to make that examination and re-

port those rules by to-morrow morning. I think, sir, there ought to be two committees, as was first proposed. If any gentleman will offer a resolution that a committee of nine or eleven be appointed to prepare and report to-morrow what standing committees are necessary for the regulation of this body I would vote for it, and then I would vote for a separate committee to prepare rules for the government of this body.

Mr. DARLINGTON. I refer the gentleman to the Debates of the Convention, where the report of the committee was made, providing, among other things, for certain standing committees. On another page of the Debates he will find that the number is fixed at nine for each committee. On pages 30 and 31, of the first volume of the Debates, will be found the names of the standing committees. All this is embraced in the report of the Committee on Rules, and all of which will come before the Committee on Rules here.

Mr. KAINE. Do I understand the gentleman to say that that report and the rules are to be found at that place in the Debates?

Mr. DARLINGTON. They will be found in the report of the committee. You will find that the number was fixed at nine.

Mr. KAINE. I am very well aware of that. On page 31 you will find that the rules for the government of the Convention were ordered to be printed; I asked the gentleman, and I ask him now, and would be glad if he would point to the page anywhere in the Journals where those rules are printed; I undertake to say they were never published, either in the debates or in the Journal, *seriatim*; I suppose by hunting through, from page to page, they can be found; but, if you can get a copy of the rules as they were ordered to be printed, of course they were complete.

Now, sir, I repeat, that I think there ought to be two committees—a committee to say what standing committees are necessary for this body, and a committee to prepare rules for its government.

Mr. JOHN PRICE WETHERILL. Mr. President: I am opposed to the amendment, as offered by the gentleman from Chester, (Mr. Darlington,) for this reason: It seems to me that one committee can frame rules, and also give us the information in regard to standing committees; as I understand it, the gentleman from Chester wants a committee on rules alone.

Mr. DARLINGTON. That is my motion.

Mr. JOHN PRICE WETHERILL. I understand you want two committees?

Mr. DARLINGTON. No, sir.

Mr. JOHN PRICE WETHERILL. Then I favor your idea.

It has been said that it will take a great deal of time to prepare rules. I contend that the rules governing other bodies similarly constituted will govern ours, and that they can be prepared with little or no amendment, and that a committee of seven, therefore, can, in a little time, give us just what rules we want; but the important part of the matter in my mind is, that we, by passing this resolution, commit this Convention to standing committees, and not to one committee. It was suggested by a gentleman from Philadelphia yesterday that perhaps it would be just as well for us to form one large committee, and give the duties of the committee work of this Convention to that committee. I oppose any such proposition as that, and I am glad this resolution is offered, because it commits the work of this Convention to several standing committees, and I hope that will prevail. I hope the committees will be so large that a place will be found on some of them for every member of this Convention, and for that reason I hope the resolution offered by the gentleman from Philadelphia (Mr. Newlin) will pass.

Mr. HARRY WHITE. Mr. President: It occurs to me that this raises a very ordinary question of parliamentary law, and to avoid confusion let us see where we are for a moment. The gentleman from Philadelphia (Mr. Newlin) offered a resolution that a committee be appointed to report the number of standing committees necessary for the business of this body. The gentleman from Philadelphia (Mr. Cassidy) offered an amendment providing for rules for the government of this body; that was accepted, and that is the resolution now of the gentleman from Philadelphia (Mr. Newlin) who first offered it, and that the number be increased to fifteen. Then the gentleman, from Chester (Mr. Darlington) offers an amendment that a committee be appointed to report rules for this body. Now, the Convention will observe, that this is accomplishing the same result in different ways. The resolution first offered, and upon the Clerk's desk, contemplates as part of the duty of the committee that rules be re-

ported. The gentleman's resolution is simply the resolution of the gentleman following; simply that they are to name the number of the committees. It seems to me we ought to avoid confusion by taking up the resolution of the gentleman from Philadelphia (Mr. Newlin.) It is the experience of every gentleman who is at all familiar with the rules governing legislative bodies, that the rules of the body indicate the number and character of the committees, and the manner of their appointment. Take up our rules in Congress; you will observe that that provision prevails there. Take up the rules of either branch of the Legislature, and you will observe that the names of the committees are mentioned *seriatim* and embodied in the rules. It seems to me if you have two committees—a committee on rules and a committee on the number of committees—it will occasion confusion. One committee, it seems to me, ought to be empowered to report a series of rules, and let it be understood as the duty of that committee to report the number of committees also. If you want a precedent, the rules of the Convention of 1837 indicate the number of the standing committees of that body, and, if I mistake not, the committees were appointed accordingly. Refer to the Debates of the Illinois Convention, and you will discover the same thing; the Committee on Rules reported also the number of committees. I know the distinguished gentleman from Chester (Mr. Darlington) will see, if he reflects a moment, that this is just about the same thing as proposed by the member from Philadelphia (Mr. Newlin.) I trust, therefore, the resolution first offered will be considered by the Convention, and not the amendment.

MR. DARLINGTON. Mr. President: I wish it perfectly understood, that in any motion I make I am for the same thing, if I understand it as the gentleman who offered the resolution. The precedent I followed, however, is the precedent adopted by the former Convention, when Judge Champneys, chairman of the committee, proposed the same resolution. I care not how it is done. I do not want one committee; I want a dozen of them.

MR. DARLINGTON'S amendment was not agreed to.

The original resolution, as modified, was then adopted.

It was ordered that Messrs. Newlin, Woodward, Darlington, Hopkins, Turrell, Black, (York,) Armstrong, Kaine, S. A.

Purviance, Guthrie, White, (Indiana,) Gowen, Lawrence, S. M. Clark and Mann be the said committee.

SESSIONS OF THE CONVENTION.

MR. DALLAS offered the following resolution, which was twice read:

Resolved, That until otherwise ordered, this Convention will hereafter meet at ten A. M., and adjourn at one P. M., of each day.

MR. JOHN PRICE WETHERILL moved to amend, by striking out the word "one," and inserting in lieu thereof the word "three."

The amendment was not agreed to.

MR. LANDIS moved to amend, by striking out the word "one," and inserting in lieu thereof the word "two."

The amendment was agreed to, and the resolution as amended was adopted.

SESSIONS TO BE OPENED WITH PRAYER.

MR. M'ALLISTER offered the following resolution, which was twice read:

Resolved, That the President of the Convention invite the clergy of the city of Harrisburg, by an arrangement among themselves, to open the sessions each morning with prayer.

MR. LILLY moved to amend, by adding "during its sessions in Harrisburg."

The amendment was accepted.

MR. CAMPBELL moved to strike out the words "by an arrangement among themselves."

The motion was not seconded.

MR. LANDIS. I move to amend, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the President of the Convention be requested to invite a minister of the city to open the sessions of the Convention daily with prayer."

That will apply as well to Philadelphia as Harrisburg.

MR. MACVEAGH. That is copied almost verbatim from the resolution of 1837, and is in the language of the usual resolution on such occasions.

MR. CASSIDY. I would suggest to the gentleman who offered the amendment to strike out the word "minister" and insert "clergyman," because it might be open to the objection that it does not apply to Catholic priests and the Jewish Rabbi.

MR. LANDIS. I accept that.

MR. BOYD moved to amend the amendment, by adding the following words:

"And that no compensation be allowed for such services."

Mr. COCHRAN. Mr. President: I hope that in inviting the clergymen to open the sessions of this Convention with prayer we will not introduce the subject of compensation into the resolution at all. It would be a very uncourteous thing, even for us, to indicate a suspicion that those distinguished gentlemen would want compensation for their services. I hope the amendment will not be adopted, but that we will leave the question open.

Mr. BOYD. It was because I had such suspicion that I offered the amendment.

Mr. SIMPSON. Mr. President: I would suggest to my friend from Montgomery (Mr. Boyd) that he had better insert the word "pecuniary" before the word "compensation," because the Lord may allow them compensation.

The amendment to the amendment was not agreed to, and the amendment was not agreed to.

The resolution was then adopted.

REPORTING AND PUBLISHING OF THE PROCEEDINGS.

Mr. HARRY WHITE offered the following resolution, which was twice read:

Resolved, That a committee of seven be appointed to contract for the reporting and publishing of the proceedings of this Convention, and to report such contract to the Convention for its action thereon.

Mr. MACVEAGH moved to amend, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That a committee of nine be appointed to take into consideration all methods which may be presented to them for the reporting and printing of the proceedings of this Convention, and to report to the Convention the method which, in their judgment, is most likely to secure efficiency and economy in such publication."

Mr. HARRY WHITE. Mr. President: One word of explanation as to the original resolution and the amendment offered by the gentleman from Dauphin (Mr. MacVeagh.) I cannot say that I am particular which resolution, the original or the amendment offered by the gentleman from Dauphin, is adopted. Either one of them will comprehend the object I have in view. The Convention will observe that the language of the original resolution is for the appointment of a committee to contract for the reporting and printing of the proceedings, and to report such contract to the Convention for its action. This is a comprehensive resolu-

tion. You appoint your committee; that committee is clothed with the power to fully negotiate and report to this body a contract, not empowering them, however, to conclude any contract to bind this body, but to devise such ways and means, and to embody those ways and means in a contract which will best effect the ends in view.

Mr. MACVEAGH. Mr. President: The only object of my amendment is to bring before the Convention the condition in which this matter stands. Certain reporters are here who have applied for the reporting of the Convention. I have seen one or two of them. Certain other gentlemen want to contract for the printing, and including the reporting, and then the printers to hire the reporters and do the entire work. All we desire is, that it should be brought to the attention of the Convention, so that the Convention may decide whether they prefer the one method or the other—to give it out as a job to a printer, under a contract, or to appoint the reporters themselves, and contract with the reporters for reporting and with the printers for printing.

Mr. WHITE (Indiana.) I will accept the amendment of the gentleman from Dauphin. He and I have in contemplation precisely the same object.

Mr. JOHN PRICE WETHERILL. Mr. President: I move to amend, by striking out all after the word "resolved," and inserting the following:

"That a committee of seven be appointed, to be called a Committee on Printing, and that their duty shall be to receive proposals for the printing needed by this body; said committee to open said proposals, and report to this body the lowest responsible bidder, and to attend to such other business as shall be referred to them."

If this amendment is adopted, and we see fit to take off the subject of reporting and refer it to them, we can do so.

Mr. DALLAS. I move that the further consideration of the resolution and the amendment be postponed for the present.

Mr. JOHN PRICE WETHERILL. I hope not. It seems to me that this is a very important matter, and should be fixed at the outset. The reporting and printing of this Convention will probably be the largest item of expense.

Mr. KAINE. Mr. President: I call the gentleman to order. A motion to postpone is not in order.

The PRESIDENT. The Chair does not concur in that opinion.

Mr. JNO. PRICE WETHERILL. It behooves us to see that this money is properly expended. I therefore say that this is the most important item before this Convention. Now, sir, I have no doubt that the item of reporting and printing the proceedings of a Convention like this will not be short of twenty-five thousand dollars; therefore, if it does amount to that, it behooves us to give the work out by contract. We should refer it to the committee, and instruct them to receive proposals; and that committee should be charged with the duty of opening those proposals, and awarding the contract to the lowest responsible bidder. I do hope the amendment will be adopted. In regard to other matters, and in regard to printing—as the matter of reporting is closely allied to that of printing—we have a standing Committee on Printing, and let that matter be referred to that committee for their consideration, and give them charge of everything pertaining to printing.

Mr. GOWEN. Mr. President: It seems to me that, if we go into this subject at all, the resolution of Mr. MacVeagh, as accepted by Mr. White, covers the whole ground, and is, in one respect, better than the resolution of Mr. Wetherill, for the reason that the first resolution simply makes it the duty of the committee to report the result of the several bids to this Convention for their action; whereas, the resolution of Mr. Wetherill gives to five or six gentlemen the power to make a contract with the lowest bidder. It seems to me, however, that this whole question is better met by referring it, or letting it be considered as referred, to the Committee on Rules, for in those rules there will doubtless be a Committee on Printing, Accounts and Reporting. If that is the case, it would be better that the standing committee on this subject should have entire jurisdiction over the whole subject, rather than that a temporary committee should now take action upon it. I would suggest that, to-morrow, we will probably have the report of the Committee on Rules, which will embrace this subject, and relieve us of the necessity of appointing a special committee.

Mr. DALLAS. Mr. President: The question before the House, as I understand, is my motion to postpone this entire subject for the present. If so postponed, then the purpose of my friend, Mr. Gowen, would

be accomplished, and the Committee on Rules can report. I suppose it is unquestionably true that this question of expense is going to be one of the most serious items imposed upon the tax-payers of the State. I see that certain gentlemen in this hall have considered this subject, and I think it is fair for those who have not considered it that they should have time to consider it also. The reasons that led me to make the motion to postpone are, first, that the Committee on Rules might have an opportunity to report, to see if their report includes this subject; and, second, that members who have not considered the subject may have more time.

Mr. MACVEAGH. The gentleman is entirely mistaken in his understanding. There has been no consultation upon the subject to my knowledge, other than passed in the committee of nine appointed by this body, and what has passed in the body of this Convention this morning. It was brought before the committee of nine, and we submitted a recommendation, and it was, in pursuance of that recommendation, that the matter was brought before the Convention. At the meeting of the delegates, to which the gentleman doubtless alludes, in no manner was the subject considered in any direction whatever. I have had, and I am sure I can speak for the gentlemen around me, no consultation whatever about it. This did not come, as we understand it, within the purview of the other action we took. All I want is, that the Convention, and not a committee, shall be confronted with this question: Does the Convention prefer that the reporting shall be done by reporters, and the printing by printers, or that the printing and the reporting shall both be done under a contract with the printer? Even upon that subject I have no settled opinion. But I have an opinion that the Convention ought to decide it rather than a committee.

Mr. NILES. I desire to ask the gentleman a question, and that is if there is not a contract now with the State Printer by which he is entitled to the printing and binding of the State, and in force?

Mr. MACVEAGH. Of that I know nothing. But I do not believe any contract made by the Legislature would be binding upon us, as I do not believe the limitations of the Convention are in any degree binding. I think this Convention is sitting in a sovereign capacity, and is quite competent to make a contract for its print-

ing and reporting or anything else. In that I may be in error, for I have no knowledge on the subject.

Mr. JNO. PRICE WETHERILL. I desire to call attention to the difference between the resolution I offered and the one offered by the gentleman from Dauphin (Mr. MacVeagh.) The gentleman from Dauphin desires a committee appointed to take into consideration all the different methods. I desire a committee on printing and binding to give this work out to the lowest responsible bidder.

Mr. MACVEAGH. The printing and binding?

Mr. JNO. PRICE WETHERILL. No, sir; the printing. I am willing that the reporting shall come up afterward.

The PRESIDENT. The motion is to postpone for the present. Upon that motion debate upon the merits of the question is, legitimately, not in order.

Mr. HARRY WHITE. I move to amend, by making the motion to postpone indefinite. That is debatable. My understanding is, that the motion to postpone for the present is not debatable, but the motion to postpone indefinitely allows the largest latitude of debate.

The PRESIDENT. The Chair is of the opinion that any motion to postpone is debatable, but the debate must be confined to the motion to postpone.

Mr. HARRY WHITE. Then, as to the propriety of postponing this question for the present. What is the situation here? A resolution has been offered for the appointment of a committee to consider and report to this Convention the question of reporting and printing its proceedings. We cannot take a step in that direction too quickly. It has been suggested, let us wait, let us delay this matter until the standing committees are appointed, and the Committee on Printing will dispose of this question. Mr. President, this is the second day of our proceedings. I see before me persons taking notes of our proceedings. A part of our history has already occurred. We do not know what step we are going to take. We do not own the notes those persons are taking of our proceedings. The quicker we dispose of this question the better. And here is another question; the State Printer is here on this floor, claiming that the printing of this body belongs to him, by virtue of a contract made by him with the State for doing the State printing. I, as one individual member of this body, do not think it does. But the committee

contemplated by that resolution has the power to inquire into the whole matter, and report, at the earliest practicable moment, to this Convention such plan as the majority of the committee may devise. Of course, if that committee is prudent, it will invite bids from all over the country, and this Convention will get the result of it, and can act as, in their discretion, seems best.

Mr. DARLINGTON. Mr. President: So far as I have heard the argument here today on this question, they all seem to assume that the debates of this Convention are going to be reported and printed. Is not that the first question that should be carefully considered and decided, whether we intend to have the debates of the Convention reported before we make any contract about it, or rush into any extreme measures from which we cannot back out? It may be the sense of the Convention that we have everything taken down that is done. That may be so; I do not know. We had in the former Convention, I recollect, the report of our daily debates in a daily paper, which lasted five or six weeks, and then we abolished it, by common consent, as useless and unnecessary. Our debates were, nevertheless, reported and printed in German as well as in English, and when they were distributed they were distributed among the libraries. The German nobody wanted. The others they took and got rid of them as well as they could. Who read them? Did anybody read them? I recollect your suggestion, Mr. President, that the best we could do with them would be to give the English debates to those who represented German counties, and the German debates to those who represented English counties, and thereby we would be sure nobody read them. I understand that they are not now to be printed in German. But are we ready to have these debates reported *en extenso* upon every immaterial subject that arises? What interest is it to this generation, or to posterity, whether the debates for the last two days are ever printed? Who wants his nonsense or his folly to be given to posterity? I do not. The reports of this Convention ought to be confined, if the debates are ever reported at all, to an intelligent report of discussions upon principles, and upon the amendments which are proposed, leaving out of them everything that is trash, everything but substance. How are we to do that? Not by rushing into a contract like

this. I do not care who does the printing, if it is to be done at all; but I am informed by respectable authority—I have not looked at the law myself—the Secretary of the Commonwealth informed me, that it was claimed as a right by the State Printer that he should have this job. I do not know whether that is right or wrong. I cannot tell. It is supposed that if this is to be done at all, it can be done as cheaply under his contract as under a contract with anybody else. I do not know the gentleman. I do not know anything about that contract. But I do not think this Convention is prepared to vote on this subject to-day. There is no necessity for hurry. We have said nothing yet that it is necessary to hand down to posterity, not one of us. It will be some days yet before we get down to talking sense.

Mr. MACVEAGH. I was told by two members of the committee to-day that there are two reporters, who, under a *quasi* sanction of the Secretary of the Commonwealth, are now reporting the proceedings of this body, and understood to be in the pay of the Convention, although not formally so. That is the only object I have in moving in the matter as I do.

Mr. DARLINGTON. I think, then, if that is the case, the sooner they report *quasi* the better. If they are *quasi* reporters let them report *quasi*. I merely want to close my remarks by saying that I am favorable to postponement.

RESIGNATION OF MR. RHONE.

Pending further consideration of the question before the Convention, Mr. Woodward rose to a question of privilege, and presented the following resignation:

To the President and members of the Constitutional Convention:

GENTLEMEN:—I hereby tender you my resignation as delegate from the Thirteenth district.

Your obedient servant,

DANIEL L. RHONE.

HARRISBURG, Nov. 13, 1872.

Mr. WOODWARD. I move that the communication be referred to the delegates at large who represent the minority of this Convention, to fill the vacancy.

The motion was carried.

The hour of two having arrived, the President adjourned the Convention until to-morrow morning at ten o'clock.

THIRD DAY.

THURSDAY, November 14, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, William M. Meredith, in the Chair.

PRAYER.

Prayer was offered by Rev. Dr. Keeling, of the Episcopal Church of Harrisburg, as follows:

A Almighty and Eternal God, Maker of all things, Judge of all men; who hast ordained governments on earth for the better security and happiness of our race, visit, we pray Thee, with Thy loving kindness, the Council of this Commonwealth now especially assembled in Thy presence in this place. Fit them with all needed wisdom for the due discharge of the solemn duties committed to them. Help them to remember that they stand, not only before the people, but in Thy sight, charged with the solemn trust of power. Save them from all error, pride, ignorance and prejudice. Guide their councils and labors to such just conclusions as may be acceptable to the people of this State, and to the maintenance of peace, and union, and truth, and justice, and religion, and kindness, and be an honor to them and acceptable to Thee; which we ask through Jesus Christ, our Redeemer—Amen.

The Journal of yesterday's proceedings was read.

Mr. COCHRAN. Mr. President: I merely suggest in regard to one matter as recorded in the Journal, that John Gibson was elected a delegate from the county of York; that counties are not recognized in the election of delegates to this Convention. They are elected by Senatorial districts, and I suggest that instead of the words "the county of York," the words "the Twentieth Senatorial district" be inserted in that portion of the Journal.

The Journal was so modified, and as modified was approved.

REPORT OF COMMITTEE TO FILL VACANCY.

Mr. WOODWARD. Mr. President: I rise to a question of privilege. I offer the report of the Delegates at Large on the sub-

ject of the vacancy occasioned by the resignation of Mr. Rhone.

The report was read as follows:

The Delegates at Large to whom it was referred to fill the vacancy in the membership of the Convention occasioned by the resignation of Daniel L. Rhone, of the Thirteenth Senatorial district, do report the following resolution:

Resolved, That Caleb E. Wright be and hereby is appointed a member of the Convention, to fill the vacancy in the representation of the Thirteenth Senatorial district, caused by the resignation of Daniel L. Rhone, the member elect of said district.

(Signed) GEO. W. WOODWARD,
WM. H. SMITH,
JOHN H. CAMPBELL,
JAS. ELLIS,
A. G. CURTIN,
WM. J. BAER,
S. C. T. DODD,
R. A. LAMBERTON,
SAM'L H. REYNOLDS,
ANDREW A. PURMAN,
FRANKLIN B. GOWEN,
WM. L. CORBETT,
GEO. M. DALLAS.

Whereupon, Caleb E. Wright presented himself in front of the Clerk's desk, and the following oath was administered to him by the President:

You do swear that you will support the Constitution of the United States, and perform your duties as a delegate in this Convention with fidelity, so help you God.

QUALIFYING OFFICERS.

Mr. LAWRENCE. Mr. President: I understood that the gentlemen who were elected to the subordinate offices yesterday, at least some of them, are present. I think this would be a proper time to have them sworn. If it requires a motion I would move that they now present themselves to be sworn.

Without putting the motion, the President directed the officers elect to come forward; whereupon he administered to them the usual oath.

RESOLUTION CALLING FOR INFORMATION.

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

Resolved, That the Auditor General be requested to inform the Convention what sums of money were paid out of the Treasury of the Commonwealth for reporting, printing, binding and transporting the Debates of the Constitutional Convention of 1837-8, including also the postage paid for transmission of the speeches of members through the mails.

Mr. SIMPSON. Mr. President: I rise to a question of order. When the Convention adjourned yesterday there was a pending question which has not yet been determined, and I submit that it is now in order to proceed to determine that question. I have no objection to this resolution, but I want the business disposed of in order.

The PRESIDENT. No rules having been adopted, the Chair supposes that this body is governed by the ordinary parliamentary rules. First, after the reading of the Journal, is the reception of petitions; second, the offering of resolutions, and, third, is going on with the business pending when we adjourned. If the Chair is in error he desires to be corrected.

The resolution was read a second time.

Mr. WOODWARD. Mr. President: The only word of explanation that resolution requires is in reference to the matter of postage. I will explain to gentlemen that the reporter of the former Convention had not made much progress in publishing the Debates when the Convention adjourned, and as he was required to submit every gentleman's speech to him, the question arose as to how he could do it after the Convention adjourned, and it was resolved that he should send them by mail, the State paying the postage both ways. For a year and a half an enormous mass of worthless matter was passing through the mails of Pennsylvania in order that gentlemen might have a chance to revise their speeches. Now I want to know what that amounted to. That postage bill must have amounted to considerable.

The resolution was adopted.

RESIDENT CLERK OF THE HOUSE OF REPRESENTATIVES.

Mr. STANTON offered the following resolution, which was twice read and adopted:

Resolved, That Mr. John A. Smull, Resident Clerk of the House of Representatives, be requested to aid the officers of this Convention.

DEPARTMENTAL EXPENDITURES.

Mr. FREEZE offered the following preamble and resolution, which were read:

WHEREAS, By the tenth section of the act calling this Convention, the Secretary of the Commonwealth was authorized to be prepared, for the information and use of the Convention, such statistical information as may be useful to it in the performance of its duties; therefore,

Resolved, That the Secretary of the Commonwealth be requested and instructed to furnish to the Convention, within ten days, the expenditures of the Executive Department, including the Auditor General and Surveyor General's offices, as well as the expenditures, in detail, for two years last past, of the Legislative Department.

Mr. LAWRENCE. I suggest that the rules of this body require resolutions calling on the Departments for information to lie over one day.

The PRESIDENT. There is no rule on the subject.

Mr. LAWRENCE. If we adopt the ordinary rules of the House of Representatives, they require all such resolutions to lie over one day.

The PRESIDENT. There have been no rules adopted as yet.

Mr. LAWRENCE. I have no objection to it.

The PRESIDENT. It can be easily postponed until to-morrow.

Mr. LAWRENCE. I have no objections to the resolution.

The resolution was read a second time.

Mr. MANN. I move to amend, by striking out the words "required and instructed," and inserting the word "requested." I think the word "requested" will be sufficient to obtain the information.

The amendment was agreed to.

Mr. MANN. As there is very much information asked for in this resolution, I move to amend, by striking out the words "ten days," and inserting the words "within a reasonable time."

The amendment was agreed to.

Mr. HOPKINS moved to amend, by striking out the words "within a reasonable time," and inserting the words "at his earliest convenience."

The amendment was agreed to.

Mr. BRODHEAD. I would ask the mover of this resolution if we have not all this information in the report of the Auditor General? If there is any necessity for these officers to go to all this trouble, and to put the State to the expense of ascertaining these things? If they are in the reports of the Auditor General we can obtain the information from them.

The resolution was then adopted, a division being called, by a vote of 49 in the affirmative and 20 in the negative.

USE OF STATE LIBRARY.

Mr. WHERRY offered the following resolution, which was twice read:

Resolved, That the State Librarian be requested to furnish books to the members of the Convention under the same rules as to members of the Legislature.

Mr. MACCONNELL moved to amend, by adding the words "during the sessions of the Convention in Harrisburg."

The amendment was agreed to.

Mr. DALLAS. I ask what those rules are. The resolution says the same rules as those of the Legislature.

Mr. WHERRY. The mover of the resolution is unable to tell exactly what they are, but they are laid down in the volume of rules. I take it for granted that they are quite sufficient.

Mr. DALLAS. Does it mean we are to have the use of certain books, or are they to be presented to us?

Mr. WHERRY. I presume the use only.

The resolution as amended was passed.

PRINTING FORMER CONSTITUTIONS.

Mr. HENRY W. SMITH offered the following resolution, which was twice read:

Resolved, That two hundred copies of the Constitution of Pennsylvania of 1776, 1790 and 1838, and subsequent amendments, be printed in pamphlet form for the use of the members of the Convention.

Mr. WHERRY moved to amend, by striking out all after the word "resolved," and inserting the following:

"That a committee of five be appointed to consider and report what additional books, if any, are necessary to be purchased or printed for the use of the Convention."

Mr. HENRY W. SMITH. I hope the amendment will not be agreed to. The effect of the resolution is simply to print the three Constitutions that have had existence since 1776, for the convenience

of members. It is necessary, I think almost absolutely necessary, that they should have them all before them embraced in a small book in pamphlet form; as many of these old things of original principles will be brought before this Convention, we ought to have them in that form. We have already books in two large volumes, and it will take a man thirty days to find out what is in them. I find that the Constitutions of 1776 and of 1790 are not in those large books. The expense will be very small to print two hundred copies, and I think members will find it convenient to have them in that way. I hope the amendment will not be adopted.

Mr. WHERRY. Mr. President: In behalf of the amendment I offered I desire just to say a word. It covers all that is in the original resolution, and a single point more. This Convention may be troubled every day of its sessions with resolutions calling for the printing or purchasing of books, and gentlemen of the Convention cannot vote very intelligently upon them. Now I simply ask for a committee to whom shall be referred all resolutions of that character, who can report to this body what books are necessary for this Convention. I have no objection to printing this book of Constitutions, but I presume that there are also other things that will have to be printed.

Mr. HENRY W. SMITH. The Convention is certainly as competent to decide the simple question proposed by this resolution as any committee and more so.

Mr. HANNA. Mr. President: I move to refer the resolution and amendment to the committee of fifteen. My reason for making that motion is that this committee, appointed yesterday, will, no doubt, report the rules and regulations to govern this Convention. One of these standing committees may or may not be a committee on printing. Now, I submit that if such a committee should be appointed, all such resolutions as this should be referred to that committee on printing to examine and report upon the expediency of the printing proposed by such resolutions. I submit that we should not be in haste in this respect, and that this resolution providing for the appointment of a special committee on printing would be more appropriately referred to this standing committee on printing. I therefore make this motion to refer this resolution, for the present, to this committee appointed yesterday.

Mr. WHERRY. I think the gentleman misapprehends what the duties of the printing committee will be. Certainly they will not be to decide what books should be printed, but only to execute the orders of this Convention in the matter of printing.

Mr. STANTON. I move that the whole matter be postponed for the present. I make that motion because there is already before the Convention a proposition to appoint a committee on printing, and, if adopted, the resolution will be referred to that committee.

The motion of Mr. Stanton was agreed to.

AUDITOR GENERAL'S REPORTS.

Mr. RUSSELL offered the following resolution, which was twice read:

Resolved, That the Auditor General be requested to furnish the Convention a statement showing the amount of revenue received into the Treasury of the Commonwealth during the years ending, respectively, on the 30th of November, 1870, and 1871, specifying the sources from which said revenue was derived; the same to be furnished as soon as his statements can be prepared.

Mr. DARLINGTON. Is not that information to be found in the printed reports of the Auditor General?

Mr. MACVEAGH. I think every particle of it. I think it would certainly be wise if the gentleman before offering this resolution would investigate the books already published at the expense of the State. If this information is not there fully and in detail, then we ought to have it. But as these reports, to be of any use, will require to be printed when they come in, it looks to me as though we are in danger of duplicating the printing already done at the expense of the Commonwealth. If that is not so of course we ought to have it. I am very strongly of the opinion that if we pass this resolution this morning, and it is carried into effect, it will only result in copying and re-printing certain portions of the Auditor General's reports. I think it is not asking too much that the gentleman take the trouble to ascertain whether the information is not already given, and in as full detail as it can be done. If it is, it is certainly undesirable to pass this resolution, which will require a very considerable expenditure in printing alone. I am very sure that the gentleman from Chester (Mr. Darlington) is correct. But I will not ob-

ject; we may both be in error. I think, however, he is correct in stating that everything asked for in this resolution, and I think I am correct in stating that everything asked for in the former resolution is contained in the amplest detail in the printed reports. Therefore, it would be best to ask for copies of those reports so as to avoid duplicating them.

Mr. WHERRY moved to amend the resolution so that it would read as follows:

"Resolved, That the Auditor General be requested to furnish each member of this Convention one copy of each of his annual reports for the years 1871 and 1872."

Mr. RUSSELL. I will accept the amendment. It is absolutely necessary we should have this information. I am willing that my resolution shall go in at the end of this one as a proviso, in case the information cannot be obtained from the printed reports.

Mr. STANTON. If the Auditor General has the information already printed he can send it into the House. If he has not, it is necessary to print it. I can see no objection to passing the resolution if he has it already printed.

Mr. LILLY. There are several reports of the Auditor General, and we should designate what report. It is suggested that the financial report be designated.

Mr. RUSSELL accepted the modification proposed.

Mr. MACVEAGH. I desire to state for the information of the Convention—

The PRESIDENT. Has the modification been accepted?

Mr. MACVEAGH. It has been accepted by the mover of the resolution.

The report for this year, I infer, has not been printed. The year ends on the 30th of November, and therefore it will not be printed until about the middle of December. I did not think of that at the time. But it does seem to me that the present postponement of this matter, and its reference to some committee, in order to prevent the multiplicity of books, is very desirable. The resolution, if it passes the House in its present form, will require a copy of these voluminous reports for each member. I do not suppose that many copies are in existence. At least I trust not, for it would show a great waste if there were. But it does seem to me that half a dozen or a dozen copies could be gathered up and placed in a room for the use of members, which would answer every purpose, instead of printing this very considerable and expensive book.

If there is a committee to take into consideration the statistical information required by the Convention, that committee could report upon this subject, so that we could understand it more intelligently, I think, than we do now.

Mr. ANDREW REED. I move that the further consideration of the whole matter be postponed for the present.

The motion of Mr. Reed was agreed to.

REPORT OF COMMITTEE ON STANDING COMMITTEES AND RULES.

Mr. NEWLIN. Mr. President: I am instructed by the committee of fifteen, to whom was referred the resolution of yesterday, instructing them to report to the Convention what standing committees should be formed, and also what rules for the government of this body, to make a partial report. And in making that partial report I will say that the committee met yesterday afternoon at half-past four o'clock, and with the exception of an intermission of half an hour, remained in continuous session until eleven o'clock last night, and met at nine o'clock this morning, and remained in session until this time. I now submit a report, signed by the majority, and a dissent, signed by some of the committee.

The report was read as follows:

To the Constitutional Convention:

The undersigned, committee appointed to report what standing committees should be appointed by and rules adopted for the government of the Convention, respectfully report:

That the time allotted for their deliberations has been too short to enable them to digest and report at this time a body of rules for the government of the Convention. They therefore request further time to report such rules, and in order that the business of the Convention may not be delayed, they report that the following standing Committees should be appointed, viz:

1. One Committee, to consist of nine members, upon the Legislature.
2. One Committee, to consist of eleven members, upon Legislation.
3. One Committee, to consist of nine members, upon Executive Department, its Powers and Duties.
4. One Committee, to consist of fifteen members, upon Judiciary, including aldermen and justices of peace.
5. One Committee, to consist of eleven members, upon Suffrage, Elections and Representation.

6. One Committee, to consist of five members, upon Impeachment and Removal from Office.

7. One Committee, to consist of nine members, upon Commissioners, Offices, Oath of Office, and Incompatibility of Office.

8. One Committee, to consist of nine members, upon Education.

9. One Committee, to consist of nine members, upon Cities and City Charters.

10. One Committee, to consist of nine members, upon Counties, Townships and Boroughs.

11. One Committee, to consist of nine members, upon County, Townships and Borough Officers.

12. One Committee, to consist of five members, upon Militia.

13. One Committee, to consist of nine members, upon Public and Municipal Debts and Sinking Funds.

14. One Committee, to consist of seven members, upon State Institutions and Buildings.

15. One Committee, to consist of seven members, upon Religious and Charitable Corporations and Societies.

16. One Committee, to consist of eleven members, upon Railroads and Foreign Corporations.

17. One Committee, to consist of nine members, upon Private Corporations.

18. One Committee, to consist of nine members, upon Declaration of Rights.

19. One Committee, to consist of five members, upon Future Amendments.

20. One Committee, to consist of nine members, upon Constitutional Sanction.

21. One Committee, to consist of nine members, upon Schedule.

22. One Committee, to consist of five members, upon Revision and Adjustments.

23. One Committee, to consist of five members, upon Accounts and Expenditures of the Convention.

24. One Committee, to consist of seven members, upon Printing and Binding of the Convention.

All of which is respectfully submitted.

(Signed) JAMES W. M. NEWLIN,
WM. DARLINGTON,
W. H. ARMSTRONG,
J. B. GUTHRIE,
FRANKLIN B. GOWEN,
GEO. W. WOODWARD,
WM. HOPKINS,
SAM'L A. PURVIANCE,
JOHN S. MANN.

We, the undersigned, members of the committee appointed to report what standing committees should be appointed by and rules adopted for the government of the Convention, concur in the said report so far as made, excepting as to the appointment of a Committee on the Declaration of Rights, from which action of the committee we respectfully dissent.

(Signed) HARRY WHITE,
D. KAINE,
SILAS M. CLARK,
J. S. BLACK,
WM. J. TURRELL,
G. V. LAWRENCE.

Mr. COCHRAN. I move that the report be adopted.

The PRESIDENT. That motion is not in order. The report will be laid on the table.

Mr. NEWLIN. Mr. President: I was also instructed, or requested—it came, rather, in the way of a suggestion—that if the committee could be allowed an hour, or a little longer time, it would be able to report a body of rules. It is for the Convention to say.

The PRESIDENT put the motion on the question of granting leave to the committee to sit during the session of the Convention, and it was agreed to.

REPORTING AND PRINTING.

Agreeably to order, the Convention resumed the consideration of the resolution relating to the appointment of a committee to consider the subject of reporting and printing, pending when the Convention adjourned yesterday, the question being on agreeing to the amendment of Mr. Jno. Price Wetherill, and a motion having been made by Mr. Dallas to postpone the further consideration of the resolution and amendment for the present.

Mr. DALLAS. Mr. President: My object in making the motion was, that the further consideration of the subject might be postponed until after the report of the committee of fifteen. I now modify the motion, that the further consideration of the same be postponed until after the full report of the committee of fifteen is made.

Mr. JNO. PRICE WETHERILL. The amendment I offered yesterday can be so modified as to make it the duty of the standing Committee on Printing, when appointed, to receive proposals and open them and make awards. I hope the matter will not be postponed until the

opportunity shall be given to make that amendment.

Mr. BEEBE. I move that the resolution and amendment be referred to the committee of fifteen.

Mr. HARRY WHITE. I trust the gentleman who offered the motion to postpone for the present will see the propriety of the motion made by the gentleman from Venango (Mr. Beebe.) It occurs to me that this question ought to be met in a way to avoid confusion. The committee of fifteen have made a report as to the standing committees, and it occurs to me that the motion to refer this matter to the committee of fifteen would meet all the practical necessities of the case and avoid all confusion hereafter, unless it is contemplated to have a special committee, independent of the standing committee reported by the committee of fifteen. I trust the motion to postpone will be withdrawn, and that the motion of my friend from Venango (Mr. Beebe) will prevail.

The question being on the motion to postpone, it was carried, a division being called by a vote of fifty-five in the affirmative to twelve in the negative.

STANDING COMMITTEES.

Mr. COCHRAN. Mr. President: I now move, for the purpose of bringing the matter before the Convention, that the report of the committee of fifteen, presented to the Convention this morning, be adopted. The report is not in the form of a resolution, and it is necessary, I suppose, to put it in the form of a motion, and that question will be divisible if any gentleman desires.

Mr. SIMPSON. I presume it will be necessary to take it from the table first. It was laid upon the table.

The President put the question on proceeding to the consideration of the report of the committee of fifteen, and it was agreed to.

The report was read by the Clerk.

Mr. NEWLIN. Mr. President: I move that the report of the committee be adopted, so that the committee, in pursuance of the order of the House, may be enabled to sit now and complete a code of rules.

Mr. KAINE. I move to amend the motion of the Chairman that the question be taken upon the adoption of the report on each committee separately.

Mr. LILLY. The gentleman can reach his point by moving to strike out the majority report and insert the minority report.

Mr. MACVEAGH. I trust that this vote will be taken separately. This is one of the most important labors of the Convention, and I trust the gentleman's motion will prevail.

Mr. GOWEN. I do not understand the gentleman from Fayette (Mr. Kaine) to call for a vote upon every committee?

Mr. Kaine. Yes, sir; my motion was to amend the motion of the Chairman that the vote be taken upon the adoption of every committee. There is a misapprehension upon this subject of the majority and the minority report. There is no minority report. A number of us do not agree with the majority upon the single solitary idea, that is the item of the declaration of rights. That subject is excited from the jurisdiction of this Convention by the act of Assembly, under which we are elected, and some of us thought we had better not interfere with it, that we had no right to interfere with it, but some thought otherwise, and were not willing to submit to the action of the Legislature in declaring what shall not be considered by this Convention. This is not a minority report, for we concurred in everything else. Every other provision was adopted unanimously I believe.

Mr. HOPKINS. I would suggest to my friend from Fayette (Mr. Kaine) that he simply call for a division of the question, and that the vote be taken upon all the committees recommended by the committee of fifteen, except the one to which he refers.

Mr. Kaine. I will accept that proposition.

Mr. CASSIDY. Mr. President—

Mr. MANN. I rise to a point of order.

The PRESIDENT. The Chair is about to state that any gentleman has a right to call for a division of the question. If the gentleman from Fayette desires to call for a division of the question he has a right to do so. Any other gentleman may call for a further division. The question is not debatable.

Mr. MANN. I call for a division on each separate committee.

The PRESIDENT. The question is upon the first standing committee.

Mr. MACVEAGH. Mr. President: Before that vote is taken I should like the Convention to consider the desirableness of making a distinction which does not appear to me to be made in the report of the committee. There are certain cardinal questions in the work of this Convention of very great importance to

us that we solve them rightly, and to the people that we present them in a form likely to meet with their acceptance. Upon them intelligent men greatly differ. There are other questions involved in the re-construction of the fundamental law which are certainly of very secondary importance, and about which intelligent men are not known seriously to differ. What should be the relation of the judiciary to a free State? What should be the relation of the State itself to the great monopolies of modern civilization? What are the best methods of representation to secure a just expression of the popular will compatible with strength of government? These, and possibly one or two other matters of a similar character, certainly what should be the limitations upon the granting of special favors by legislative action, and how best the lines may be drawn between the judgment of the courts and the judgment of legislative bodies in private controversies, and possibly other questions, are questions to-day of grave and pressing import for the people of Pennsylvania; possibly how for the State in its corporate capacity can wisely interfere in aid of labor in its unequal struggle with capital, and possibly, I repeat, other questions as well, that are now pressing upon the attention of all thoughtful men engaged in laying anew the bases of the organic law for large, industrious, thriving communities like that of Pennsylvania. And there are other matters, such as the public buildings of the State, such as the officers for the administration of counties and townships and boroughs, such as the best methods of avoiding incompatibility of officers, such as providing for amendments to the Constitution, and for the revision and adjustment of the different sections of this new Constitution we are about to frame, for the supervision of the accounts and expenses and printing and binding of the Convention, which are certainly of quite secondary importance, and about which intelligent men are not likely much to differ.

Now the numbers of these committees seem to me not to have been arranged with a reference to the greater distinction of subjects, and I trust that at least for a few of these great pivotal committees, upon whose work the success or failure of this Convention must depend, when arraigned at the bar of public opinion, I trust for these leading, cardinal questions, committees of not less than fifteen will be ordered by this Convention. I know

it is convenient to have a lesser number, but I also know, or at least I believe, that in the result it will have been found more convenient and more satisfactory to have had a larger and fuller representation of the different views of the different sections which are represented in the Convention. I trust, therefore, that upon the Legislative and upon the Executive, as upon the Judiciary and upon Suffrage, Elections and Representation, at least, and upon Railroads and Foreign Corporations, we will have committees of fifteen each.

The PRESIDENT. The Chair has received a motion to adopt the report of the committee, and if no amendments are in contemplation that might be done. But as amendments are offered, the Chair is of the opinion that it should be put in the form of a resolution, and that may be reduced to writing hereafter.

Mr. NEWLIN. I offer that resolution.

The PRESIDENT then stated the question to be on the amendment to the resolution to increase the standing committee on Legislation, now under consideration, to fifteen.

Mr. COCHRAN. Mr. President: I wish merely to remark, sir, that it is admitted that the questions presented by the report of this committee are important, and that it is very difficult, from the mere reading of a report such as this, to understand its exact scope, and the several particular paragraphs of it providing for the appointment of distinct committees. Now, if I understood the reading of the report in the first instance, I understood the first committee provided for was a committee on Legislation. If that be so I would like to have the distinction between the two explained. I would like to vote understandingly, and I do not know what is intended by the distinction between a Committee on the Legislature and a Committee on Legislation.

Mr. GOWEN. Mr. President: As one of the members of that committee, and as I acted as secretary, and happen to have the schedule before me, I can probably explain. The matters that we considered of the most importance we referred either to very large committees, or the subject matter was divided and two separate committees indicated to take charge of these sub-divisions. That was particularly the case upon the subject of the Legislature. It was conceived that that was one of the most important subjects to come before the Convention, and a committee

of nine was recommended upon the Legislature and a committee of eleven upon the subject of Legislation. The distinction drawn in the committee between these two subjects is this: That the Committee upon the Legislature shall have power to report the number, the qualifications, the manner of election, and all that goes to make up the body that composes the Legislature, and have nothing whatever to do with the powers, restrictions or duties of the members of the Legislature after they have convened in General Assembly. That subject was intended to be referred to the Committee upon Legislation, and it was supposed that that committee would be charged with what is, I have no doubt, one of the most important objects of this reform Convention, namely: The restriction of the powers of the Legislature; that it should take off all questions of special or class legislation, every act or method of passing bills, every act or method whereby the Legislature in General Assembly exercises its duties or performs its functions. That was the distinction drawn by the committee of fifteen, and, I believe, unanimously agreed to after a very full discussion.

Mr. MACVEAGH. If I can obtain unanimous consent, I desire to withdraw my amendment. After the explanation given, that is certainly a sufficiently large committee on the subject of the election of the Legislature.

Consent was given, and the amendment was withdrawn.

Mr. DAVID N. WHITE. Mr. President: These two committees now spoken of—the Committee on Legislature and the Committee on Legislation—are very important ones. I had drawn up, with an idea to this subject, a Committee on the Legislature, the number, the apportionment, the mode of election, term of office, privileges, qualifications and compensation of the members of each House of the General Assembly, the time of meeting, vacancies and of adjournment. This would comprehend the number, which is a very important question. It would comprehend, also, whether you have annual or biennial sessions. It would also comprehend the mode of election, and the division of districts; and I hope this Convention will agree to a committee of at least fifteen on that subject. It is one of the great subjects to come before this body. For my part I disagree with the report of the committee in regard to the number of committees. I think the

number is entirely too large. I think it is likely there will be clashing between the committees. There are about ten or twelve important subjects, which comprehend the whole Constitution. I would prefer to see them divided in that form, and have large committees, so there will be no clashing between these committees, each having a distinct subject, and have them carefully considered before they are brought into the Convention for debate. The second committee, which, if I may be allowed to refer to it—it is not now exactly before us—is on the powers of the Legislature—the limitation of the powers of the Legislature—and is one of the most important committees that can be raised in this Convention. It is one of the great subjects to come before this body, and I should be sorry to see any less number on that committee than fifteen. That, indeed, is the great question that has called us together. I do not believe there would have been any Convention called but for the demand of the people of this State that there should be some limitation of the powers of the Legislature. No reform is so much needed, no question demands so careful consideration and so complete an interchange of sentiment, and I hope that committee, also, will be of the number of fifteen. I offer an amendment, that the Committee on Legislature shall be composed of fifteen members.

The amendment was not agreed to.

The first division, providing for a committee of nine members upon the Legislature, was agreed to.

The second division was read as follows:

"One Committee, to consist of eleven members, upon Legislation."

Mr. MACVEAGH. I now move to increase the number of that committee to fifteen, for the reason stated by Mr. Gowen, that it embraces one of the most important subjects to come before this Convention.

Mr. DARLINGTON. If the gentlemen will look over that list and see that it requires about two hundred members to form these committees, I think they will be satisfied with the number that this report includes.

Mr. M'ALLISTER. Mr. President: I hope this amendment will pass. I agree most heartily with the suggestion that this is one of the most important committees we can have. It is one of the great objects which induced the people to call us here, and it is right that this subject

should be fully considered in committee. I take it for granted that the labor of this Convention—the great labor of this Convention—will be in the committees. Every question presented should be so fully considered there, and so thoroughly investigated that the report of the committee, when made, will command the approval of this Convention; that they will feel assured the committee has given the subject full and due consideration and thorough investigation. It is right, therefore, that the committees should be large. The gentleman who last addressed the House said that it should be remembered that such a number composed these committees. Why, sir, in the Convention of Illinois, consisting of but eighty-two members, there were three hundred and twelve on committees. Our number greatly exceeds theirs, and the gentleman stated that two hundred and twenty-four would be on committees, not so many by nearly a hundred as theirs. Gentlemen can well serve on more than one committee. Probably the chairman will have enough to do when he is chairman of one committee, but men of ability can serve on more than one committee, and I hope that not only every member of the Convention will be upon a committee, but that the leading members, the well informed members, those who come with the experience of age and with minds well equipped, will be distributed throughout several of the committees, that they may be entitled to that weight which the report of every committee should when presented. I do most sincerely hope that this most important of all committees will be increased to fifteen.

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. MacVeagh and Mr. M'Allister, and were as follow, viz:

YEAS.

Messrs. Ainey, Alricks, Andrews, Addicks, Baer, Black, (York,) Bailey, (Huntingdon,) Bailly, (Perry,) Beebe, Black, (Greene,) Bowman, Brodhead, Brown, Barclay, Curtin, Campbell, Corbett, Carey, Carter, Church, Collins, Corson, Cronmiller, Curry, Dimmick, Dodd, DeFrance, Dunning, Edwards, Elliott, Ewing, Fell, Finney, Fulton, Gibson, Gilpin, Hall, Hanna, Hay, Hazzard, Hemphill, Heverin, Hopkins, Horton, Hunsicker, Lamberton, Lilly, Long, M'Allister, M'Clean, M'Culloch, M'Murray, MacVeagh, Mann, Man-

tor, Minor, Niles, Purman, Palmer, H. W., Palmer, G. W., Patterson, (Allegheny,) Patterson, (Lancaster,) Porter, Pughe, Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rooke, Ross, Runk, Russell, Sharpe, Smith, (Berks,) Smith, (Lancaster,) Stanton, Stewart, Struthers, White, David N., Wetherill, (Philadelphia,) Wherry, White, J. W. F., Worrell, Wright and Meredith, *President*—83.

N A Y S.

Messrs. Armstrong, Bartholomew, Baker, Bannan, Biddle, Boyd, Broomall, Cassidy, Clark, Cochran, Craig, Davis, Dallas, Darlington, Ellis, Freeze, Gowen, Guthrie, Howard, Kaine, Lawrence, Landis, Lear, MacConnell, Metzger, Mott, Newlin, Parsons, Patton, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Smith, (Allegheny,) Simpson, Temple, Turrell, Van Reed, Walker, White (Indiana) and Wetherill (Schuylkill.)—40.

So the question was determined in the affirmative.

The second division, as amended, was then agreed to.

The third division was read as follows:

"One Committee, to consist of nine members, upon Executive Department, its Powers and Duties."

Mr. MACVEAGH. I should be glad to say, in order that gentlemen may understand I do not propose to annoy the Convention by constantly proposing amendments, that I have amendments only on the subjects of Legislature, the Executive, the Judiciary and Suffrage, Elections and Representation, (because, as gentlemen will see, that involves one of the vital questions to come before the Convention,) Public and Private Debts and Corporations, Domestic and Foreign. I simply state this as the view of my mind, and that gentlemen may not misunderstand and consider that I am annoying them with unnecessary amendments. But, in view of the fact that the present committee embraces the entire relation of the Executive powers of the government, including the power of pardon and the remission of fines and forfeitures, I feel obliged to move that that committee be increased to fifteen.

On the question, will the Convention agree to the amendment of Mr. MacVeagh?

A division was called, and the vote being 50 in the affirmative and 51 in the negative, the amendment was not agreed to.

The third division was then agreed to.

The fourth division was read, as follows:

"One Committee, to consist of fifteen members, upon Judiciary, including aldermen and justices of the peace."

The division was agreed to.

The fifth division was read as follows:

"One Committee, to consist of eleven members, upon Suffrage, Elections and Representation."

Mr. MACVEAGH. Mr. President: I move to amend, by increasing the number to fifteen. I need not say that the public mind in very many countries, governed by representative governments, is now considering various problems suggested by thoughtful students of political science, to endeavor to decide upon the best method of securing popular representation in deliberative bodies. I do trust the Convention will increase the number of this committee to fifteen; it seems to me to be a committee of very great importance, and I hope that will be done.

Mr. WHERRY offered an amendment to the amendment, providing that the committee be limited to Elections and Suffrage, and that an additional committee of seven be created on the subject of Proportional Representation.

Mr. WHERRY. I agree with my learned friend from Dauphin (Mr. MacVeagh) as to the importance of this subject. I believe this is the subject which lies at the basis of all prosperity in representative governments. Gentlemen have said a great deal about the necessity of legislative reform, but I tell you that the people are demanding an electoral reform; they are demanding reform in representation; they are no longer willing to trust power to the will of the majority, unrestrained and undirected, and not modified by that conservative power which is always in the minority. There is no subject that has commanded the attention of the minds of the best men of the world so much during the past twenty years as this matter of reform in representation. It has received the attention of some of our best men in our own country, and has been deemed worthy the consideration of Constitutional conventions throughout the whole country, and in every case it has been referred to a special committee. I ask that you consider this matter carefully, and give us a separate committee on this important subject. It is true that an increase in the number of the members of the committee might add power and weight to its deliberations, but the

subject is large enough for a special committee, and I am sure there is work enough left for the other committee.

The amendment to the amendment was not agreed to.

On the question, will the Convention agree to the amendment of Mr. MacVeagh?

The yeas and nays were required by Mr. MacVeagh and Mr. Beebe, and were as follow, viz:

YEAS.

Messrs. Ainey, Alricks, Andrews, Ad-dicks, Achenbach, Baer, Black, (York,) Bailey, (Huntingdon,) Baily, (Perry,) Bannan, Beebe, Black, (Greene,) Bowman, Brodhead, Brown, Barclay, Curtin, Carey, Carter, Cassidy, Cochran, Collins, Corson, Cronmiller, Curry, Dimmick, Dodd, De France, Dunning, Edwards, Elliott, Ewing, Fulton, Gilpin, Hall, Hanna, Hazzard, Hemphill, Heverin, Horton, Hunsicker, Lawrence, Landis, Long, M'Allister, M'Camant, M'Clean, MacConnell, M'Culloch, M'Murray, MacVeagh, Metzger, Niles, Purman, Palmer, H. W., Palmer, G. W., Patterson, (Allegheny,) Patterson, (Lancaster,) Porter, Pughe, Reynolds, S. H., Read, (Philadel-phia,) Reed, (Mifflin,) Ross, Runk, Rus-sell, Sharpe, Smith, (Berks,) Smith, (Lancaster,) Stanton, Stewart, Struthers, Temple, White, (Indiana,) White, David N., Wherry, White, J. W. F., Worrell and Meredith, *President*—79.

NAYS.

Messrs. Armstrong, Bartholomew, Baker, Biddle, Boyd, Broomall, Campbell, Corbett, Church, Clark, Craig, Davis, Dal-las, Darlington, Ellis, Finney, Freeze, Gowen, Gibson, Guthrie, Hay, Hopkins, Howard, Kaine, Lamberton, Lilly, Lear, Mann, Mantor, Minor, Mott, Newlin, Par-sons, Patton, Purviance, (Allegheny,) Pur-viance, (Butler,) Reynolds, Jas. L., Rooke, Smith, (Allegheny,) Simpson, Turrell, Walker, Woodward, Wetherill, (Phila-delphia,) Wetherill (Schuylkill) and Wright—46.

So the question was determined in the affirmative.

The division as amended was then agreed to.

The sixth division was read, as follows:

"One Committee, to consist of five mem-bers, upon Impeachment and Removal from Office.

The division was agreed to.

The seventh division was read, as fol-lows:

"One Committee, to consist of nine members, upon Commissioners, Officers, Oath of Office and Incompatibility of Office."

The division was agreed to.

The eighth division was read, as fol-lows:

"One Committee, to consist of nine mem-bers, upon Education."

The division was agreed to.

The ninth division was read, as follows:

"One Committee, to consist of nine mem-bers, upon Cities and City Charters."

The division was agreed to.

The tenth division was read, as follows:

"One Committee, to consist of nine members, upon Counties, Townships and Boroughs."

Mr. HAY moved to amend, by adding the words "and their officers."

Mr. HAY. I do not understand the ne-cessity for the creation of two committees upon these subjects, and I offer the amendment in order that the necessity for their appointment may be explained. It seems to me that the two subjects are so involved that there is no necessity for two committees to consider them, but that the same committee might consider the subjects of Counties, Townships and Bor-oughs and their Officers.

Mr. MANN. Mr. President: I suppose all of these committees are of very great importance, so that it is hardly worth while to say so of this one. But if gentle-men will recollect for a moment they will discover that the Committee on Counties, Townships and Boroughs will have enough to do without having this other subject referred to them. I think it is a great deal better to have two small committees than to have one large one. It seems to me that there is as much un-easiness and as much anxiety for some reform on this question of county and township officers as on any other one thing. It is a question of very great im-portance. Now the evils complained of are to be remedied, and a committee to which that subject is specially referred can better discharge that duty than if they have the other questions growing out of counties and townships themselves. For that reason I hope the sub-division will remain as the committee have left it. They gave this subject considerable at-tention, and I believe it was the unani-mous sentiment of the committee that this subject ought to be divided.

Mr. CLARK. Although a member of the committee, I feel inclined to sustain this amendment. Whilst in the committee I expressed that desire, and I shall now support the amendment, although I signed the report of the committee. It seems to me that the organization of townships, boroughs and counties, and the duties of the officers, are so intimately blended that they would be better considered by one committee. For that reason I shall support the amendment, and think it recommends itself to the consideration of the Convention. The committee, it may be observed, consists of nine persons, and I think that nine persons, taking the whole subject into consideration, would do more towards reconciling the present difficulties in the organization of townships and the duties of the officers than if the subjects were considered separately.

Mr. HARRY WHITE. Mr. President: I was also a member of the committee, and in continuation of what my friend from Potter (Mr. Mann) has so well said, I will remind the Convention that almost every subject here is nearly cognate with the other. Now, of course, the organization of boroughs and townships, and borough and township officers, are nearly allied, but certainly they are distinct subjects and divisible. What is contemplated by the Committee on Counties and Boroughs is the organization of counties and boroughs, the defining of their boundaries and kindred subjects. That, you will observe, is entirely distinct and separate from the election of the different borough and township officers. This distinction obtained in the committee, and that is the reason why two committees were suggested. I hope it will so remain.

Mr. GOWEN. Mr. President: My own experience in Pennsylvania for the last five or six years is that there is more rascality and absolute thievery among county, borough and township officers than the united stealings upon every other subject in the State of Pennsylvania together. I speak now of certain counties in this State where the annual taxation is from seven to eight per cent. on the valuation, and where from two to three per cent. goes into the township and borough expenses, and the rest into the pockets of the officers. These borough and township officers have the power of taxation. It is a power of taxation which, of course, in a great many cases, in nearly all cases, is limited to a certain per cent. But a system is pre-

valent in Pennsylvania by which they invariably levy the full amount of taxation. Then, without the right to collect, they run the township in debt to five or six times that amount, and then bring suits against the township to have it collected, and pass acts of the Legislature to allow them to do so. For the good government of the State of Pennsylvania I think it is as important that the duties and powers of this body of officers should be as well defined and as carefully guarded as those of the Legislature. And I believe when this committee will have laid before it the vast amount of testimony and documentary evidence in order to show the state of affairs in the Commonwealth, the committee of nine on the subject of County, Township and Borough Officers will have as much to do as any other committee recommended for adoption.

Mr. MACVEAGH. Mr. President: I confess I have heard no reason why one committee is not able to dispose of this matter satisfactorily, having the entire subject of Counties, Townships and Boroughs before them; it is not a subject of magnificent proportions, it seems to me, why they would not be better able to provide for it, even from the gentleman's own stand-point, than two committees; one endeavoring to determine what officers should be appointed, and the other to determine the limitation of the duties of officers when appointed. It seems to me that work is work to be done by one committee.

Mr. MANN. It seems to me very plain, for it is conceded that one subject referred to is of very great importance, that the other one of how many counties shall be formed, how many new counties, how many new townships and boroughs, is of importance enough to be referred to a committee. This matter of creating new counties has heretofore created great excitement. For years a single effort has been before the Legislature to create a new county. I can remember, in one or two instances, where a single effort to create a new county has been before the Legislature year after year, and has created, I think, great demoralization in that community. And I do think that question is of vast importance to the welfare of the people of Pennsylvania. How many new counties are to be formed? On what conditions? How many new townships are to be formed, and on what conditions? Why I cannot see how it is possible that any member of this Convention can doubt

the importance of this question. The other one that we have discussed, as to officers, is equally important. If you are to consolidate these two committees I would have no objection if you do not consolidate the whole of them. I can see as much reason for consolidating any of the other committees as these two. I hope, therefore, the amendment will not prevail.

Mr. KAINE. Mr. President: I think both these committees are exceedingly important. The Committee on Counties, Townships and Boroughs embraces the formation of new counties, of new townships and of new boroughs. There is nothing upon the statute books of Pennsylvania that is more confusing at this day than the laws upon the subject of the organization of boroughs, and there is nothing scarcely that is giving the courts more trouble and more difficulty. It is a matter of very serious importance, and certainly worthy the consideration of a committee of itself, while the subject of county, township and borough officers is of more importance to the people than any other single question that will come before this Convention. Various propositions have been made in regard to reforming the organization of the counties so far as the board of county commissioners is concerned. The same may be carried out in the townships, where everything begins. It seems to me proper that we should commence with the township officers in the townships, and with the borough officers in the boroughs. I hope the amendment will not prevail, but that both committees will be adopted as reported by the committee.

Mr. TEMPLE. I would like to ask whether there is a separate committee for the county and city of Philadelphia, or whether this committee will apply to the whole State?

Mr. NEWLIN. There is no separate committee for the City of Philadelphia. There is one general Committee for Cities and City Charters.

Mr. TEMPLE. Then I am in favor of the amendment.

The amendment was not agreed to.

The division was then agreed to.

The eleventh division was read, as follows:

"One Committee, to consist of nine members, upon County, Township and Borough Officers."

The division was agreed to.

The twelfth division was read, as follows:

"One Committee, to consist of five members, upon Militia."

The division was agreed to.

The thirteenth division was read, as follows:

"One Committee, to consist of nine members, upon Public and Municipal Debts and Sinking Funds."

The division was agreed to.

The fourteenth division was read, as follows:

"One Committee, to consist of seven members, upon State Institutions and Buildings."

The division was agreed to.

The fifteenth division was read, as follows:

"One Committee, to consist of seven members, upon Religious and Charitable Corporations and Societies."

The division was agreed to.

The sixteenth division was read, as follows:

"One Committee, to consist of eleven members, upon Railroads and Foreign Corporations."

Mr. BAER moved to amend, by striking out the word "eleven," and inserting in lieu thereof the word "fifteen."

Mr. MACVEAGH moved to amend the amendment, by striking out the words "foreign corporations," and inserting in lieu thereof the words "railroads and canals."

Mr. WOODWARD. Mr. President: I understood that "foreign corporations" was put in for the purpose of including those railroad companies in other States who are connected with those of this State, and doing business in this State. Perhaps the words "foreign corporations" are not well chosen as referring to that class, but it is a very important subject, for you well know that we are surrounded by States whose corporations are running their cars through our State and exercising their franchises in our Commonwealth, and it is a subject which certainly merits the attention of this Convention. This word "foreign" was intended to reach that class of people. I do not believe the word was well chosen, because, strictly speaking, they are not foreign; they are domestic in a national sense, but foreign in a State sense. I hope my friend will not insist upon striking it out.

Mr. MACVEAGH. Mr. President: I don't see the necessity of the language at all. A Committee on Railroads certainly includes all railroads that have the right:

of passage through this State. The entire subject of railroads is embraced, and the language is not limited. I have no objection to adding any words Judge Woodward may suggest. I think the word "railroads" comprehends everything. The whole is greater than any of its parts.

Mr. WOODWARD. There might be some doubt about the meaning of the committee unless the word "foreign" be inserted.

Mr. GOWEN. Mr. President: I hope the House will not forget that there are a great number of other foreign corporations besides railroads doing business in this State, and it is very important that some constitutional restriction should be imposed upon the Legislature, with reference to dealing with such bodies. Gentlemen will bear in mind that there is a Committee on Private Corporations, in addition to this one on Railroads and Foreign Corporations. Had there been no Committee on Railroads and Foreign Corporations, the Committee on Private Corporations would have had jurisdiction of all these subjects. First, it was suggested that one large Committee on Private Corporations should take cognizance of all these subjects, but it was considered that the question of railroads and foreign corporations was of such importance that a special committee of eleven was suggested. If we increase the duties of that committee, and add canals and turnpikes, and matters of that kind, it will leave but little business for the Committee on Private Corporations to attend to.

Mr. SIMPSON. Mr. President: It seems to me it would be better to take the division of the vote upon the amendment of the gentleman from Dauphin (Mr. MacVeagh.) Railroads and canals are intimately blended and connected together in their business. There should be a committee especially on railroads and canals, foreign and domestic, and then let the subjects of mining companies, turnpike companies, and so forth, go to the Private Corporations Committee, where they belong. That would simplify matters.

The question was first taken on the amendment to increase the number of the committee to fifteen, which was agreed to.

Mr. MACVEAGH then modified his amendment so as to read "railroads and canals, foreign and domestic," which was agreed to, and the division as amended was agreed to.

The seventeenth division was read, as follows:

"One Committee, consisting of nine members, upon Private Corporations."

Mr. MACVEAGH moved to amend, by striking out the word "nine," and inserting in lieu thereof the word "fifteen," and to add after the word "corporations" the words "foreign and domestic, except railroads and canals, and religious and charitable corporations."

Mr. NEWLIN. Mr. President: I desire to say a single word at this time. It is usual for the chairman of a committee having charge of a report from that committee to answer the various objections in part that are made against the report. I have refrained so far from troubling the House with any remarks upon this subject as far as developed, for the reason that the very sensible and apparent reason given by the gentleman from Chester (Mr. Darlington) applies to nearly all the amendments which have been adopted, namely: That as the report was originally made it would require over two hundred committee men, and therefore a number of gentlemen would have to serve on two or more committees. As the House has from time to time increased that number the objection increases with it; and it was very carefully considered in the committee and almost unanimously agreed to—in fact, I understood at the time quite unanimously agreed to—that the committees were as large as it was safe to make them; that is to say, if a gentleman was on one, two, three or four committees he would be apt to give his divided attention to them, and in that manner the advantage of his thought upon any one specified subject would be lost to the Convention. That objection, it seems to me, applies to all these amendments, and particularly to this one.

Mr. T. H. B. PATTERSON moved to amend the amendment, by adding the words "and taxation."

Mr. MACVEAGH. I hope that amendment will not be adopted, unless some light can be thrown upon it. The subject does not seem to me to be germane.

The amendment to the amendment was not agreed to.

The amendment offered by Mr. MacVeagh was then agreed to, and the division as amended was agreed to.

The eighteenth division was read, as follows:

"One Committee, to consist of nine members, upon Declaration of Rights."

Mr. HARRY WHITE. Mr. President: On this question, in connection with some

members of the committee, I dissented from the report of the majority of the committee for this reason: In the act of the Legislature calling this Convention together, in section four, you will observe the following provision:

"And provided further, That nothing herein contained shall authorize the said Convention to change the language, or to alter in any manner the several provisions of the ninth article of the present Constitution, commonly known as the Declaration of Rights, but the same shall be exempted from the powers given to said Convention, and shall be and remain inviolate forever."

Right here, Mr. President, I will remark that I will not enter into controversy with any gentleman as to the fact whether, if this Convention does take upon itself the duty of changing that Declaration of Rights, and submits that change to the people and the people endorse that change, but what that would be a proper change of the Constitution. I will not enter into any controversy on that subject whatever. I will say, however, that inasmuch as the act of Assembly calling this Convention specifies certain things, and prohibits certain things, this among the others, it is improper for this Convention to disregard this act of Assembly and interfere with this provision thus excepted. I will remark, furthermore, and it is not had taste to say, that I was a member of the Legislature which passed this act of Assembly. Well do I remember the occasion when this particular amendment was offered. Not a dissenting vote was given against this provision. Well do I remember the action of the committee of conference upon this subject. No question was raised about the propriety of this provision. The people have elected their delegates with reference to this provision in this act, and I for one feel bound to obey the directions of the act of Assembly, and am opposed to committing ourselves by the appointment of a Committee on the Declaration Rights, in disregard of this feature of the act of Assembly. This is the reason for my dissent.

MR. ELLIS. Mr. President: The power which has invoked this Convention began, I believe, with the Legislature. The act was passed in the session of 1871, submitting the question to a vote of the people, whether a Convention should assemble for the purpose for which we are here assembled. If this provision now mentioned had been inserted in the original act, and

the people by their votes had ratified this provision, I take it that it would have been binding upon the Convention. At least it would be a matter that would commend itself to our serious consideration as to whether we should consider it at all or not. But when the Legislature passed an act submitting the question to the people whether the Convention should assemble or not for the purpose of amending the Constitution of the State, and that question was submitted to the people, the only remaining business for the Legislature to do was to provide the means necessary for the assembling and organization of this Convention. Look at it. If the Legislature had the power to say, "you shall not touch the article upon the Declaration of Rights," the Legislature had the power to say, "you shall not touch the judiciary article." If they had the power to say, "you shall not touch these two articles," they had power to say, "you shall not touch but one article of the Constitution," and thus nullify the formal judgment of the people.

I regard the expressed opinion of the Legislature with very great respect. The Bill of Rights was a matter of slow growth; it had its origin in times of trouble in other countries; it is a matter of mature and gradual growth, and as it now stands it is a matter of great veneration. I think there can be no intention to place irreverent hands upon the Bill of Rights, as it stands in our Constitution; but as we advance may it not be possible, in this century, that there have been other matters discovered that may be added to this Declaration of Rights? And, if so discovered, certainly I think it would be our duty to consider them and add them. I say, once for all, the Legislature has no power to bind this Convention to not consider any article. But in the appointment of this committee it does not positively commit this Convention to any alteration of the Bill of Rights. I am therefore most positively in favor of the appointment of a committee, and most positively do I assert and maintain, at all times, that the Legislature has no power to circumscribe the powers of this Convention. The Legislature to assemble in January next have just as much power to circumscribe our duties, and define them, as the last Legislature. I say they have no power at all to interfere with our duties; we are answerable only to the people who sent us here, and our work is to be submitted to them, and to no other tribunal.

Mr. D. W. PATTERSON. Mr. President: I merely wish to state that if this Convention authorizes this committee, and I should be a member of that committee, I would vote, through my veneration of that Bill of Rights, to report back to this Convention that it was inexpedient to alter one word of it. Those are my present sentiments. But I hope this committee will be appointed, notwithstanding, in order that this Convention may assert its sovereign rights. I do not believe that the Legislature of this State can legitimately, constitutionally, or in any way, circumscribe the action of this Convention. I believe that is the very general opinion of this Convention, and for that reason only do I wish to lay these gentle hands upon it, and appoint a committee upon that subject, and for that reason alone will I vote for this committee.

Mr. KAINE. Mr. President: It seems by the report of the committee of fifteen, which was laid upon the table this morning, that I am one of the members who dissented from that portion of the report appointing a committee upon the Bill of Rights. It has been said here in this debate that the Legislature had no power to control the action of this Convention; that this Convention, having been ordered by a vote of the people, its power over the Constitution is unlimited and beyond control, except by a vote of the people upon the subsequent ratification of the amendments we make for their consideration. I apprehend that is a mistake. The act of Assembly, which was passed in 1872, regulating the election of members of this Convention, and providing their duties, I think did more than one thing that they were not authorized to do by the original act of the Legislature which authorized the call of a Convention. Now, sir, the act of 1871, which I hold in my hand—"An act to authorize a popular vote upon the question of calling a Convention to amend the Constitution of Pennsylvania"—that is the foundation of the authority of this Convention over the Constitution. I read a portion of the first section:

"That the question of calling a Convention to amend the Constitution of this Commonwealth be submitted to a vote of the people at the general election to be held on the second Tuesday of October next."

It was to be a Convention for the purpose of proposing amendments to the Constitution, and not a Convention of unlimited powers. This, I take it, under

that act of Assembly, is a Convention of limited powers, only authorized to propose amendments to the Constitution, and not to make a new Constitution, as is provided in the act of 1872. If that be the case, then the Legislature had the right to limit the action of this Convention in regard to the amendments to the Constitution; they had a right to except from our consideration the Bill of Rights. And, believing as I did upon that subject, I entered my dissent from the majority of the committee in reporting a resolution that a committee be appointed upon the subject of the Declaration of Rights. I hope it will be voted down.

Mr. SIMPSON. Mr. President: I am not willing, so far as I am concerned, that there shall be a cross taken from a "t," or a dot removed from an "i," in the Declaration of the Bill of Rights, as it now stands in our Constitution. But when I reflect that this Convention is called into being by a vote of the citizens of this Commonwealth, and that we represent those citizens and the people of this Commonwealth here upon this floor, and in Convention assembled, I deny the right of the Legislature, equally the creature of the people with ourselves, to attempt to limit this Convention in any way from doing what they see proper for the interest and welfare of those we represent. This Convention was authorized, not by an act of Assembly, but by the will of the people of this Commonwealth, expressed at the ballot box, in which they declared their desire to have a Convention to amend and revise the Constitution, or present an entire new one, and when that was determined, it remained simply for the Legislature to determine where, and when, and how the delegates should be elected to represent the people in this Convention, and that was their sole and only duty. They had no right to restrict the sovereign power of the people thus conferred upon them by the Constitution itself. You cannot find in that instrument any authority conferred upon the Legislature to attempt to control the action of a Convention called by the people to represent them upon any matter in which they may have an interest. For that reason alone I shall vote for the appointment of this committee, trusting that the Convention will regard the wishes of the people by leaving the Bill of Rights stand as it does; but I shall vote that way for the purpose of asserting the right of this Convention to represent the people of

Pennsylvania untrammelled by any restrictions imposed upon them by the Legislature.

Mr. DODD. Mr. President: There is another view of the question that I would submit briefly to the Convention. Suppose the Legislature have the right they have claimed, what is to prevent the appointment of this committee? This amendment would simply prohibit us from changing the language or altering in any manner the present provisions of the ninth article of the Constitution. I do not believe that this Convention desires to change it; but it may be that they desire to add something; but that is not probable, and a committee should be appointed for that purpose if for no other.

Mr. J. S. BLACK. Mr. President: Nobody in this Convention seems to desire to make any alteration whatever in any part of the ninth article, but to leave it precisely as it is. We are all willing to make the government of the State as efficient as we can, consistently with the liberties of the people. No one desires to go any further; but a committee is proposed to take into consideration the Bill of Rights, simply as an assertion, and the object is avowed as an assertion of the right of this Convention to do what they please, inconsistently with the act of Assembly under which we are organized and elected. On the other hand, there are those in the Convention who believe that the power to amend and alter the government of a State must be in accordance with the rules that are laid down for that purpose by the existing government; that although there be a majority of the people in favor of a change, of an alteration which may consist of taking away the fundamental rights of the minority, they cannot do it except in the way as prescribed by existing law passed under and in pursuance of the Constitution which is now in force; that is, those people who are the majority cannot just go to work and count themselves, and say: "We are so many thousands and so many hundreds, and you are so many less than we are, and therefore we are going to change the government altogether and take away from you the rights that the government has established for the purpose of protecting and securing you." I therefore believe that the Legislature, when it delegated its power—(if this power had not been delegated by the Legislature we would not have had it, and all delegated power must be accepted

by the grantee upon the terms and with the limitations which are expressed in the grant)—and that when the Legislature declared that we should be a Convention for the purpose of considering not the whole Constitution, but a certain part of it only, the power was withheld from us to consider anything else. They had the right to mark out the line of our power. This principle was asserted in Rhode Island on the one side, and a majority of the people, nevertheless, stampeded and ran across it and disregarded it, and the consequence was civil war. It was disregarded by two parties in Kansas, each of them claiming to be the majority, each of them acting separately, one sitting in one part of the State and the other sitting in another part of the State, and the consequence was a conflict which extended all over the Union. Any man who will read Mr. Webster's argument will understand not only that this is the sound principle in theory, but that any transgression of it will lead to serious consequences. I do not say that I have very much hope that this view of the case will be adopted by the Convention, because it concerns a question of our own power, and it is human nature that whenever we get power into our hands we hold on to it with as tight a grip as we can. But I submit to members of the Convention whether we are not taking a little too much upon ourselves when we say we are omnipotent, and can do with this Constitution just as we please, without any reference to the law which delegated this power to us.

Mr. ARMSTRONG. Mr. President: I apprehend that the discussion upon this subject has taken a wider range than the question which is now before the House. The question which we are considering is whether a committee shall be appointed. It by no means involves the question whether that committee shall change the Bill of Rights, or whether, if they should recommend it, this Convention would adopt their suggestion; but the very debate which has already been had upon the question sufficiently indicates that there is a wide diversity of opinion upon this subject. When the various matters suggested, and resolutions or amendments which may or may not be submitted to this House, have once come into its custody, what shall be done with them? Is there any other committee to which such resolutions should be referred? None, I apprehend. Then we would have sug-

gestions made by respectable gentlemen upon this floor, entertaining opinions which they have a right to entertain, and no proper committee to which they could be referred.

Now it seems to me that no gentleman upon this floor is committed to any opinion whatever upon the main question by voting to constitute a committee who shall take into respectful consideration whatever suggestions members upon this floor may entertain upon that question; but, if it had reached legitimately to a wider discussion at this time, and involved the question whether the Legislature could or could not limit the powers of this Convention, I apprehend that still the committee ought to be appointed. My friend from York (Mr. Black) suggests that we should borrow the ordinary mode prescribed by the Constitution itself. Now the Constitution of Pennsylvania prescribes no mode in which the organic law can be changed, save only that the Legislature, by two successive sessions, and by the approval of the people by a subsequent vote, may suggest amendments, which, being adopted, shall become a part of the Constitution. But there is another mode of changing the fundamental law, and it is when the people have determined to submit their entire Constitution, in whole or in part, to the judgment of a Convention called as this has been called. If it be legitimate for the Legislature to limit the power of the Convention, and say that it shall not deal with the entire question, it would be in the power of a corrupt Legislature to withhold the most fundamental questions of amendment from consideration by the Convention. I apprehend that no such power exists, and it is well known that the act which authorized the Convention of 1790 had an express provision by which the work of that Convention was to be submitted to the people for their approval, and yet the work of that Convention never was submitted to the people, and the Supreme Court held, many years since, that it became the Constitution of the State of Pennsylvania by the act of the Convention alone, and without the ratification of the people. Now if the Supreme Court of our own State has already pronounced that the Legislature which authorized the Convention of 1790 had no power to limit the powers of that Convention, and that decision stands still as the authoritative expression of the highest courts of this State. If that stands as the construction

of the powers of that Convention, by what construction are we to say that our powers are less than theirs? In addition, shall it be said that in a Convention, composed of the distinguished talent of this State, assembled here, and representing so largely the profession of the law, shall it be said in years after this that this Convention failed to lay its hand upon the Bill of Rights because there was a limitation of power expressed in the law which authorized the Convention? Nor could any weight of argument resist the conclusion that we avoided the subject because we paid deference to the expressed limitation of the act. I dissent from such a conclusion.

And more than that. By the appointment of this committee we do no violence to the expressed terms of the act under which we assemble. It is provided in the fourth section of that act "that nothing herein contained shall authorize the said Convention to change the language, or to alter in any manner the several provisions of the ninth article of the present Constitution, commonly known as the Declaration of Rights."

Now, sir, suppose we admit that there is a limitation imposed which shall prevent our alteration, in letter or otherwise, of any part of the Bill of Rights established there? Are the gentlemen of this Convention prepared to say that there are no other rights to be recognized as the long hope of years, which it would not be right and proper for this Convention to insert as an addition to the Bill of Rights, not by limitation of that which already exists, but by adding that which the experience of the State for years might require us to put into such a bill, as an additional security of the liberties of the people?

Now, Mr. President, without detaining the Convention with a discussion at length, I beg leave simply to recall to the minds of the Convention that the question upon which we are now called to vote is simply whether we shall provide for a committee, which shall respectfully receive and consider the suggestions of those upon this floor who have suggestions to make.

MR. DARLINGTON. Mr. President: I wish to ask the attention of the Convention for a single moment to express my disapprobation of the idea thrown out by my friend Judge Black. This, sir, is a Convention of delegates, elected by the people of Pennsylvania for the purpose of revising or considering whether there is

anything to revise in the Constitution. Is there any instance on record in this or any other State of the thing—a convention to revise and adjust a part of the Constitution? Was such an idea ever heard of, that a convention of the people, brought together under whatever forms of law or without the forms of law, to revise and consider the propriety of a change of their fundamental law, that they were or can be limited by any power to the consideration of any portion of the Constitution? I know of no such instance. It would be a strange spectacle for a Legislature anywhere to say to the people of Pennsylvania, or any other State, “you may assemble a convention to revise such a portion of the Constitution, but you shall not touch such other portion.” A convention, sir, in its very idea is a convention with ample powers to consider every question which it is proper to consider, or propose a new Constitution or amend the old, as in their judgment should seem right, and confined to no part of it. Whence, let me ask, did the Legislature derive the power to fix limits to the powers of this Convention? Who instructed them to tell us that “there are certain things which you shall not handle?” Where do they derive that power? It is certainly not expressed. I suppose this body of gentlemen is composed of a large representation of the legal profession, and, without meaning to include myself, embraces a large body of the best legal talent of the State. Suppose in our wisdom we should deem it best to establish or recommend the establishment of a court with a separate chancery jurisdiction, who is it that authorized the Legislature to say that we shall not do it? In doing that they fix the limits and the powers and functions of the Convention.

Again, if such power be granted to the Legislature—which I do not admit—a subsequent Legislature might remove such restriction. A Convention having been assembled under and subject to restrictions by a past Legislature, certainly it would be within the power of the Legislature that is to come to remove those restrictions. Were they now in session they might claim the right to remove this restriction, and possibly claim the right to make others. It is for the purpose of settling this question as to the power on the part of the Legislature to limit the powers of the Convention that I ask that this question be considered here. I do not now propose any amendment or altera-

tion or addition to the Bill of Rights; but should it appear to the wisdom of this Convention proper to have other guards thrown around our rights, it is not within the power of the Legislature to prevent it. Why should the Legislature assume to themselves to say that they have all the wisdom that exists, and that they can foresee that it is impossible that any other rights are necessary to be defined, save those that have been defined? Where did they get the information that nothing else could possibly be inserted in that Bill of Rights? It is heresy, Mr. President, from first to last, to concede, for an instant, that the Legislature that provided the machinery to call together this Convention have any power to impose terms upon its action.

Mr. D. W. PATTERSON. Mr. President: I would like to ask the honorable member from York one question, in the way of explanation. I would like to ask him whether he considers the Rhode Island case—the Dorr rebellion case—a parallel case to the one before us? I think that case arose in this way. The organic law of Rhode Island circumscribed suffrage, and in altering or making the new Constitution in a particular way they refused to act, and the people, without such action by the Legislature, undertook to make a Constitution, which the Supreme Court decided was not right, because not made in consistency with the organic law of the State. I merely wish to ask my friend if he considers that a parallel case with ours now pending?

Mr. J. S. BLACK. The people of Rhode Island claimed the power which the gentleman from Chester (Mr. Darlington) claims for us, of acting in the form of a Convention without any reference to the Legislature, in which the supreme power of the State was embodied. It was held by everybody who ever had anything to do with the case, who is any authority upon the subject, that that was an error. Afterwards a Convention was called by the Legislature, and they acted in pursuance of law, kept themselves within proper limits, and their action was determined to be right, and it was right.

I only want to say now that we are not a revolutionary body, but a body that is acting under and in pursuance of law. Suppose the Legislature had seen proper to say that we should not assemble at all, or that we should make no amendments to the Constitution—that the Constitution should stand just as it is;

then the question is, whether we could, in defiance of that mandate, assemble ourselves together in Convention, representing, as we do, the whole people of the Commonwealth, and against the will of the people, and against the authority of the organized government now existing, proceed to alter the body of it. I say we could not do that. That would be revolutionary. Where do we get the power? Where does it come from? Nobody will deny that we are sitting here in pursuance of certain acts of the Legislature—the two acts of the Legislature—one which first authorized a vote by the people upon the question, and the other one which authorized the election of delegates to the Convention. If we derive our power from that source, is it possible that we can take it without the limitations that were imposed upon it by those who created it? I don't think that question can be answered in any but one way.

Mr. GOWEN. Mr. President: When I find myself upon the other side of a question from Judge Black I am apt to consider that I am very much in the wrong, and therefore start out with a feeling of reluctance upon the subject. I desire, however, to say this: We must always bear in mind that this Convention was called by the people to amend the Constitution before the legislative power was invoked to prescribe the method by which we should assemble. If the act of Assembly upon which the people voted at the time the Convention was called together prescribed that the delegates should lay no irreverent hand upon the Bill of Rights, the several arguments I have heard here to-day would be entirely applicable to the case. It must be borne in mind that the first act which was submitted to the people contained no restrictions upon our power, and the people decided that delegates should be elected to amend the Constitution. They then delegated to the Legislature the power, which they necessarily must possess, to decide in what manner we should be called together, and the Legislature has laid upon us two restrictions—one that we shall not touch the Bill of Rights, the other that we shall not constitute any court having separate chancery powers. The motion before the Convention is to appoint a Committee upon the Declaration of Rights. The point I make is this: That if the gentlemen who take the side of Judge Black in this controversy are correct, the appointment of that committee,

from the fact that must be recognized that there is a large majority in this House in favor of preserving the Bill of Rights intact, will have nothing to do in the future with deciding this question. We will do nothing then to violate the provision of the Legislature if that view is correct. On the one hand, I might say, assuming the Legislature to be correct—which I don't believe—the legislative prohibition is simply that we shall not alter or impair; it does not provide that we shall not add to it. If there is an addition to be made, there must necessarily be a committee to whom all suggestions must be referred. On the other hand, if, at this stage of the proceedings, this Convention, after this debate, refuses to appoint a committee upon that subject, it will, in all future time, be considered that the Legislature had the right to impose that restriction.

I have heard it remarked in Harrisburg lately, and very gravely asserted, it is a matter of very great moment that this Convention is composed of one hundred lawyers and thirty-three honest men. [Laughter.] I have no doubt that that opinion will, in the course of time, come to be traditional as the cotemporaneous judgment of the character of this Convention. If, in fifty years hence, it shall be said that a Convention containing one hundred lawyers had, at the outset, refused simply to appoint a committee for fear they might trespass upon this prohibition, it will be regarded as a precedent, and I think many errors will creep into our State hereafter. If the Legislature had the right to impose this prohibition, have they not a right to remove it? If the Legislature that meets this winter has the right to remove it, don't it necessarily follow that that Legislature has the right to impose additional restrictions?

Mr. J. S. BLACK. Not after the power has been granted.

Mr. GOWEN. There are two parties to the contract. If it is to be considered expedient to grant a power coupled with a condition against its exercise, does not the party that granted that power have the right to relieve you from the condition, necessarily? It therefore must follow that if the Legislature of last year had the right to impose this restriction, the Legislature of this year must have the right either to remove it or substitute another. If the Legislature of last winter had the right to say that we shall not make a chancery court of separate juris-

diction, the Legislature that meets this winter has the right to say that we shall suggest no amendment to the Constitution which infringes upon the method of passing bills in the Legislature. Where is the difference? Where can be the distinction? If the Legislature has the right to impose a restriction upon one it has the right to impose a restriction upon all. It cannot be that the power of the Legislature expires when the Legislature adjourns. No legislative power, under any constitutional form of government, has a right to pass a law in derogation of a right of a subsequent Legislature.

There is nothing to be lost by those who oppose the view I take by appointing this committee—nothing whatever. It is undoubtedly the fact that the great majority of this Convention is in favor of reporting upon the Bill of Rights as it stands, and I would be willing to offer a resolution that the committee shall be so instructed—not that they should not add. I do not offer the resolution; but I think that is the sentiment of the large majority of the members. Nothing can, therefore, be lost by those who take the opposite view; whereas, it is a very grave concession to be asked at the very threshold of the session to put upon record our belief that the Legislature has this power.

Mr. W. H. SMITH. Mr. President: I am glad to find that the lawyers who have spoken upon this subject, seem to take the view that the Legislature has not this power. I could not pretend to inform them as to the powers of the Legislatures—whether one may do a thing, and the other undo it. Whether the power we have is from the first act or the second. But there is one thing which has not been mentioned, and that is the absurdity of passing a law which they say shall be inviolate for ever. For instance, if the Legislature should pass an iniquitous law, declaring at the end, as they do in this, that it should be inviolate forever, would not that be absurd? Now, we are either equal or superior, it is alleged, to any Legislature, and the last Legislature presumes to say to us that the law laid down to us shall be inviolate forever. I do not wish to be disrespectful to any Legislature, but I do think that is an absurd provision. To add that certainly does not give the act any force. Of course I do not speak as a lawyer, but we all know that there is no law that cannot be repealed. The oldest customs of the country go

down before legislative enactments every day.

We are assured from all quarters that there is no disposition to interfere with this Bill of Rights; that it is entirely safe from any desecration at our hands; we are not going to do it any harm. But we are not allowed to add to it; we are not allowed to do anything with it, because this all-powerful Legislature says it shall remain inviolate forever. This is the last time in the world that I should think the Legislature would pass such a law.

Mr. McCLEAN. Mr. President: The Convention for a moment seems to have forgotten a provision in this Bill of Rights. The 26th section of this ninth article itself provides that:

“To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.”

I submit that the Legislature did not assume authority which they had no right to assume when they inserted this provision of the fourth section of their act of Assembly—that it was under the authority of the Constitution of Pennsylvania itself.

I agree fully with the gentleman from York (Judge Black) that we have no right to appoint a committee upon this Bill of Rights. The Legislature did not assume to take it out of the power of this Convention, but acted under the Constitution of the State—under that Constitution which was framed by the assistance of the venerable gentleman from Chester, (Mr. Darlington,) who has asked where the Legislature derived the authority. The command of the Constitution, under which we assemble to-day, is that we shall not interfere in any manner with this Bill of Rights. For this reason I am opposed to any committee upon this subject.

Mr. BAER. Mr. President: I am as much in favor of preserving the Bill of Rights inviolate as any gentleman, but from all the rights I have up to this time, I shall be compelled to vote for a committee, and I do so because I believe that all power is inherent in the people, and that the Legislature, when they undertook to restrict by limitation the action of this Convention, assumed a power which they had not; because if we, in contravention of that restriction, and limitation undertake, notwithstanding, to

amend or alter this Bill of Rights, then if they were supreme in their action, our action would be void. If, however, we submit, as we must, the action of this body after we do so act in contravention of that action, to the people of the State, and they by their votes ratify what we do, that action must be supreme, and the Legislative act is thereby proved to have been without authority. They cannot both be supreme, and stand in conflict. I shall, therefore, vote for a committee.

MR. MACVEAGH. MR. President: I trust to be allowed a moment to disclaim the insinuation that there is something necessarily sacred and not to be touched by human hands, in this Bill of Rights. For my part I am of opinion that there are at least two subjects worthy of consideration; whether they will receive it at the hands of this Convention I know not, but they are subjects which are not settled as assumed to be settled here. One is as to the methods of procedure in civil jurisdiction—the necessity of a trial by an anglo-saxon jury; the other is the absolute immunity of a defendant in a criminal cause from an interrogatory. Skilled jurists of the highest reputation on the continent of Europe have settled both propositions adversely to the manner settled here. But whatever may be our final judgment—and upon that I express no opinion—they are two instances of the important questions included in this Bill of Rights which some member may have studied so as to form upon them an intelligent opinion, that may enable this Convention to arrive at an intelligent conclusion upon them.

Therefore, I do not desire to be considered as conceding that this Bill of Rights is to remain precisely as it is now written; but I am unable to see any difference between the position of gentlemen who vote for this committee and the principles of the gentleman from York, (Mr. J. S. Black.) Of his reverence for law I entertain no doubt, and desire to give to that principle my fullest allegiance, but I apprehend that this Convention is proceeding according to law, simply for the reason stated so clearly by Mr. Gowen, that the Convention was called under the sanction of a legislative act submitted to the people without limitations. It was an act under the Bill of Rights itself, which reserves to the people the right of changing their form of government, and reforming and altering it. Under that principle the Legislature enacted the law sub-

mitting to the people the power to decide, without restriction of any kind, and the people voted "yea," in the forms of law, and at the instance of legislative authority, that a Constitutional Convention should assemble and take into consideration all the features of the organic law. That included the right to consider it from first to last, and to submit such amendments as in its wisdom it saw proper, to the decision of the people once more, and any subsequent action of the Legislature, in attempting to limit that authentic expression of the popular will is in itself derogatory; is in itself illegal and without warrant of law.

MR. CASSIDY moved that when the Convention adjourns it will adjourn to meet this afternoon at half-past three o'clock.

The motion was ruled out of order.

MR. GIBSON. MR. President: I did not intend to take part in this discussion, but as my intention was, and still remains, to vote in opposition to the views of my distinguished colleague, (Mr. J. S. Black,) I ask permission to give my reason for doing so, and it will be given in one word, taken from the very act of Assembly itself. The act says:

"Said Convention, so elected, assembled and organized, shall have power to propose to the citizens of this Commonwealth, for their approval or rejection, a new Constitution or amendments to the present one, or specific amendments, to be voted for separately."

There are two grants. I understand this body, in all its movements, to have accepted the larger grant, and determined to form a new Constitution; and if this committee is appointed I will consider that a ratification of that view, and that their intention is to make a new Constitution. My distinguished colleague, in one of his arguments, said that we must take a grant, with all its reservations. But is there not another principle of law—that you cannot make an absolute grant and then restrict it? You cannot make a deed in *fee simple* and then say the party shall not sell. Although the Legislature has put in several provisos there in regard to the ninth article of the Constitution and the chancery powers, these may be very well considered if only amendments were to be proposed. But I submit that, assuming to make a new Constitution, and accepting the larger grant, the Convention cannot be restricted by anything the Legislature have done.

Mr. M'ALLISTER. Mr. President: I do not, at this stage of this debate, desire to occupy time unnecessarily, and my remarks will be very brief and simply to give the reason for the vote I shall give. I lay no claim to omnipotence; I lay no claim to sovereignty. Sovereignty does not reside here; sovereignty is invisible, and resides in those who sent us here. There is no sovereignty in the Legislature; we are both representatives of the people. The Legislature were restricted by the organic law, and therefore were not sovereign. We are brought here under a law enacted by that Legislature, and so far as its provisions affected our qualifications, they are binding upon us. They prescribed an oath and we took it; they prescribed other forms under which we were elected, and we conceded their right. But after we are qualified to stand here as the representatives of the people to establish an organic law, what we deny is the right of the Legislature, or any other body upon the face of this earth, to say what we shall do or what we shall not do. We deny their power after we are full fledged and in operation here, and are attempting to be the representatives of the people for the accomplishment of an important object. It is not to impose an organic law upon them against their will, but it is to submit to them such alterations as we may see proper to make for their consideration.

Now, gentlemen on the other side seem to concede that if we do alter the ninth article, and do submit it to the people, and they approve of it, it will be a part of their Constitution. Why, surely it will; and that very concession takes away the argument that the Legislature is sovereign. [Cries of "question, question."]

Mr. COCHRAN. Mr. President: One moment before the vote is taken, although I do not want to impose remarks upon an unwilling body. I wish merely to say in regard to the first proposition as to the power of the Convention, that after the first act and the agreement of the people that the Convention should be called. I hold that the Legislature had no power except that which was modal and ministerial to provide for the meeting of this Convention; and when they had done that their power was exhausted.

I wish to say just one word more, and that is this: That I am not prepared, like the gentleman from Dauphin, at this time to concede the proposition that there is no line nor word nor syllable in the Bill of

Rights as it stands, which might not, under some circumstances, be properly subjected to change or alteration in this Convention. Permit me to say that I am by no means in favor of abolishing or restricting, to any injurious extent, the right of trial by jury; but as to certain provisions regarding that right, that question may properly be presented to this Convention and duly considered. Therefore I do not wish to be included in the concessions made by some gentlemen that while they ask for this committee they are prepared at once to shut up that committee and confine them to reporting that Bill of Rights just in the form in which it stands at the present time. I do not wish to be understood that I am committing myself to any material change of the right of trial by jury, and I wish it to be distinctly understood that I am opposed to the establishment of any distinct courts of chancery, but at the same time I do think that there may be very proper alterations as to that matter which will leave it in the power of parties to submit their cases to the court without the intervention of a jury, if they think proper to do so. For that reason I shall vote for the appointment of the committee.

On the question, will the Convention agree to the division providing for a Committee on Declaration of Rights?

The yeas and nays were required by Mr. Kaine and Mr. Simpson, and were as follow, viz:

Y E A S.

Messrs. Armstrong, Ainey, Alricks, Adicks, Achenbach, Bartholomew, Baer, Bailey, (Huntingdon,) Baily, (Perry,) Baker, Bannan, Beebe, Biddle, Black, (Greene,) Brodhead, Broomall, Brown, Barclay, Curtin, Campbell, Corbett, Carey, Carter, Cassidy, Church, Cochran, Collins, Corson, Craig, Curry, Davis, Dimmick, Dodd, Dallas, Darlington, De France, Dunning, Ellis, Edwards, Ewing, Fell, Finney, Fulton, Gowen, Gibson, Gilpin, Guthrie, Hanna, Hay, Hazzard, Heverin, Hopkins, Horton, Howard, Hunsicker, Lamberton, Lilly, Landis, Lear, M'Allister, M'Camant, MacConnell, M'Culloch, MacVeagh, Mann, Mantor, Metzger, Minor, Newlin, Purman, Palmer, H. W., Palmer, G. W., Parsons, Patterson, (Allegheny,) Patterson, (Lancaster,) Patton, Porter, Pughe, Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Reynolds, S. H., Read, (Philadelphia,) Reed, (Mifflin,) Rooke, Ross, Runk,

Russell, Smith, (Allegheny,) Sharpe, Simpson, Smith, (Berks,) Smith, (Lancaster,) Stanton, Stewart, Struthers, Temple, Walker, White, David N., Woodward, Wetherill, (Philadelphia,) Wetherill, (Schuylkill,) Wherry, White, J. W. F., Worrell and Meredith, *President*—106.

N A Y S.

Messrs. Andrews, Black, (York,) Bowman, Boyd, Clark, Elliott, Freeze, Hall, Hemphill, Kaine, Lawrence, Long, M'Clean, M'Murray, Mott, Niles, Turrell, White (Indiana) and Wright—18.

So the question was determined in the affirmative.

RESIGNATION.

Mr. GOWEN presented the resignation of John G. Freeze as a member of the Convention, and moved that it be accepted and referred to the fourteen delegates at large last named in the proclamation of the Governor to fill the vacancy.

The motion was agreed to.

Mr. HARRY WHITE moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until to-morrow morning at ten o'clock.

FOURTH DAY.

FRIDAY, November 15, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, William M. Meredith, in the Chair.

PRAYER.

Prayer was offered by Rev. Dr. Keeling, of the Episcopal Church, Harrisburg, as follows:

Father Almighty, we thank Thee for all Thy mercies, especially for the dawn of Thy returning day. Help us, we beseech Thee, to be grateful for its blessings, and obedient to its demands and duties. Hallow, with Thy presence, the proceedings and debates of this Convention, and endow its members with all requisite wisdom for the discharge of the duties resting upon them, and enable them to rise, we beseech Thee, to high and lofty standpoints of duty; give them knowledge and statesmanlike views of the relations of our social and civil life, and grant that they may bring their faculties of mind and body to an honest, conscientious discharge of their duties; that they may promote the best interests of the people of this Commonwealth, and advance upon the earth the glory of Thy great name; through Jesus Christ, our Great Redeemer—Amen.

ADJOURNMENT.

Mr. BROOMALL offered the following resolution, which was twice read and adopted.

Resolved, That the Convention will adjourn to-day at one o'clock, to meet on Wednesday next at ten A. M.

DRAWING FOR SEATS.

Mr. BROOMALL offered the following resolution, which was twice read and adopted.

Resolved, That when this Convention meets in the hall provided by the city of Philadelphia the members shall select their seats by drawing for the same in the usual mode.

CORPORATE POWERS OF COAL AND RAILROAD COMPANIES.

Resolved, That the Secretary of the Commonwealth be requested to furnish to the Convention a list of all acts or sec-

tions of acts of Assembly of Pennsylvania, passed since January 1, 1857, granting any corporate powers to any railroad companies, coal companies or companies authorized to purchase, lease or hold land within the Commonwealth of Pennsylvania, with references to the pages of the pamphlet laws containing the same.

On the question, will the Convention proceed to the second reading and consideration of the resolution?

It was determined in the negative.

USE OF LIBRARIES TENDERED.

Mr. DALLAS presented the following communications, which were read:

GEO. M. DALLAS, Esq.:

DEAR SIR:—I received your note of the 9th inst., and beg to say that the library of the Law association will be at the service of the delegates to the Constitutional Convention, should they meet in Philadelphia.

I write this as librarian, and also with the approval of Mr. Henry Wharton, a member of the committee.

Very truly yours,

G. T. BISPHAM.

PHILADELPHIA, Nov. 11, 1872.

LIBRARY CO. OF PHILADELPHIA, }
Fifth St. below Chestnut. }

PHILADELPHIA, Nov. 12, 1872.

DEAR SIR:—I am authorized to offer to the members of the Constitutional Convention, should it adjourn to this city, the use of the collection of this and the Loggians library.

Very respectfully,

LLOYD P. SMITH,

Librarian.

Hon. GEO. M. DALLAS.

The communications were laid on the table.

Mr. DALLAS offered the following, which was twice read and agreed to:

Resolved, That a Committee of five be appointed to confer with the councils of the city of Philadelphia in relation to the selection and arrangement of a hall for the use of the Convention.

Mr. DALLAS requested that his name should not be inserted as chairman.

The President appointed as the committee Messrs. Addicks, Dallas, Stanton, Boyd and Worrell.

REPORTING THE PROCEEDINGS.

Mr. CORSON offered the following resolution, which was twice read :

Resolved, That the Convention now proceed to the election of a stenographer, skilled in the practice of short-hand writing, and experienced in the reporting of the proceedings of deliberative bodies, who shall be styled "the official reporter of the Convention." Said reporter shall employ his own assistants, and shall be solely responsible for the proper and accurate performance of his and their duties, and he shall receive such compensation as may be hereafter fixed by the Convention.

Mr. D. N. WHITE. Mr. President : I rise to move that this be postponed and made the order of the day on Wednesday next. The reason, sir, is this : We are not yet through with the standing committees. We are adjourning over to give the President time to arrange these committees, and if we go on with this business this morning, we shall not get through, and our object in adjourning over will fail. I move that the resolution be postponed, and made the order of the day for Wednesday of next week.

Mr. TEMPLE. Mr. President : I hope this motion to postpone will not prevail, for the reason that we have been proceeding here for several days without any person being particularly authorized by the Convention to take the proceedings. The Secretary of the Commonwealth has designated certain gentlemen to perform that duty, who, I have no doubt, will perform that duty to the best of their ability, and competently. But there are a number of gentlemen here seeking that position, and it strikes me we ought to proceed at this time to the election of a person to perform that duty, and I believe it ought to be done by the Convention as now assembled, so that every member can express by their ballots their preference for some person to fill that position. I cannot see why gentlemen should wish to postpone this until Wednesday, because the Convention will then be occupied in other business. Another reason why this position should be filled at this time, is that all the rest of the officers of the Convention have been sworn in, and it struck me that this position should have been filled at the time the other offices were filled. There seems to be a general desire to have this question acted upon this morning.

Mr. MACVEAGH. Mr. President : I trust that gentlemen in favor of this motion will not force this matter upon the Convention at this time. I speak for myself that it takes me entirely by surprise, and I am very sure that there are gentlemen upon the committee of fifteen, now executing the wishes of the Convention, who have decided opinions upon the subject, and who ought at least to have the privilege of voting upon it. I had supposed that the Convention would take upon itself to decide as between two methods of reporting the debates. In the first place there are gentlemen upon the committee of fifteen, I know, who entertain an opinion, which is shared by many members of the Convention, that there is no necessity for this phonographic reporting of the debates of the Convention ; and in the next place any attempt now to settle the question and vote for a candidate who has evidently secured the votes of a certain number of members, is to launch into expenses without limit. No salary is fixed. In all the other matters of this Convention we proceeded by first designating what officers we would have—not that any officer might employ what assistants he wanted at will. The gentleman from Washington (Mr. Hopkins) warned us that that would be unsafe, and that the Convention must determine how many assistants it would have ; and it seemed to be universally conceded by everybody that it was wise that we should first fix the remuneration, or at least allow gentlemen to bid for this work. Why not have competition for it ? Above all why not decide whether the entire thing should be done by one contract, and whether it would be thus done more economically, or whether it would be better to do it in this way ?

This motion seems to me entirely improper, and seems to be sprung upon the Convention in the absence of a large committee, and it can lead to nothing but a very large expenditure of money. I trust the subject will be referred to a committee to consider and report. If the mover of this resolution will so amend the resolution as to ask for a committee to consider this matter, I will agree to it. There are several gentlemen here, I understand, who desire this appointment. I do not know what their relative merits may be ; I am not prepared to vote now upon that question ; but I do think the Convention ought to decide first whether it will adopt this method of reporting its debates ; second, if it adopt this method, whether

it will elect a stenographer without fixing a salary, and give him power to employ assistants. If you adopt this method, one great evil will be a quarrel between the reporters and printers all the time, and nobody will be responsible. It is important, it seems to me, that some limitation should be fixed, and something should be definitely determined by this Convention, before we are dragged into a sudden nomination and election of a stenographer. I therefore sincerely trust that the gentleman who moved it will give us an opportunity to consider it fairly, or else that the resolution will be postponed for the present. The Secretary of the Commonwealth has designated competent gentlemen, who are performing the duty with fidelity. Certainly two or three days will make no difference; and there are several gentlemen who will say what I say, that they are not now prepared to consider the question. As a large committee are absent, I think grounds are laid for a postponement.

Mr. MANTON. Mr. President: I am not prepared this morning to vote intelligently upon this resolution. In fact, I do not think we have come to that point where we can tamper with the finances of the Commonwealth in this way. I am not aware what it will cost to report the Debates of this Convention, neither am I aware what is to be reported for the Convention; whether we are to have full reports of all the speeches that are to be made, or whether we are only to report the Journal form of the Convention. Different States have taken different views of this matter. I am in favor of laying this question over until next week, for one at least, until I can look further into the matter. There are two or three methods in which this matter can be brought before this Convention, that will, I think, prove satisfactory to every gentleman here. One would be to employ reporters and fix upon the price; another to allow the printers to have the reporting and printing, and all these matters under their charge. I am not aware this morning that we should press this matter too hard, because there is a good deal to consider, from the fact of the cost that underlies it. The Illinois Convention made a contract for reporting its debates for so much per thousand ems; the State of New York, when they had their Convention, contracted with the reporters for so much per page. I consider that it is our duty to look this matter squarely in the face until

such time as we can make ourselves familiar with it.

Mr. WOODWARD. Mr. President: I move that this resolution be referred to the committee of fifteen on Rules; and being up, I will say that it seems to me we are not prepared at present to meet this question. No doubt we will have to meet it at some time. We are not in possession of information just now to consider it. I offered yesterday a resolution calling upon the Auditor General for a statement of the amount of money taken out of the Treasury of the Commonwealth for the reporting, printing, binding and transportation of the debates of the last Convention, including postage. Of course we have not yet received any response to that resolution, but I trust in a few days we will have a report from the Auditor General upon this subject, and then we will be in condition to form some opinion about the cost of reporting the debates of this body. One thing is certain—that it will cost more now to report the debates than in 1837, and unless I am greatly mistaken it will be found that the expense in 1837 was enormous. I am not able now to conjecture as to the aggregate amount, but I think it would far outgo the expectations of any gentleman upon this floor. Whatever we find that expense to have been, we will at least have to double it in the estimate of the expenses of the work we are about to enter upon. Like Franklin's story of the whistle, there has been a proper inquiry as to what we will get for our money. Suppose it should turn out that the expense of reporting the debates of 1837 was \$100,000, which I think is much below the fact, then we should infer that the expense of reporting the debates of this body would be \$200,000. What do we propose to get for that? What is the value of the seventeen volumes of debates we have now rotting upon our shelves? What would they bring in the market? I don't believe they would bring \$1,000. I don't believe there ever was a time when they would. I am acquainted with some of the lumber regions of Pennsylvania, but I don't know of any lumber so worthless as those debates. It is very worthless lumber, paid for at an enormous price, and now gentlemen propose to repeat this folly. Well, sir, I suppose it will be done, for one loves to see his name in print. But, sir, it will be done without my vote. I will not vote to lay upon the people of Pennsylvania the enormous expenditure that I am sure is

involved in this proposition, for any good that can come from it.

When the federal Constitution was adopted we had no proper report of the debates. It would have been a great blessing to the country if we had, but we have nothing more than scraps furnished from the traditions and incidental history of the country. Those proceedings were valuable, because those men were laying the first foundations of republican government. Everything relating to the theory of republican government, especially as discussed in that Convention, would be of great value. But, sir, we are not engaged in any such work. The foundation of our government was long since laid, and I trust this Convention is not going to overturn and unsettle it. I do not think we are here to discuss political theories and abstractions about government. I suppose we are here to propose such amendments as will correct the abuses that have grown up under our existing Constitution. Those do not involve any great principles, such as were in the federal Constitution. From the very nature of those questions it is not proper to discuss them in the manner in which public questions sometimes are discussed.

What will the people of Pennsylvania care for what is said upon this floor? The gentleman from Chester (Mr. Darlington) announced the other day—which I suppose he meant to be a rule for himself—that nothing which has yet been said upon this floor was of any consequence. I don't know that it is. I believe we will be judged by our works rather than by our words. I think the people will pass upon our work, and decide to accept or reject the amendments we agree upon, and that without much reference to the philosophical and learned reasons given by philosophical and learned gentlemen for their votes on this floor. But, sir, I do not know of any better instructor in this world than our own experience; and having had some experience in this thing, having expended a very large sum of money—we do not yet know how much—for the accumulation of seventeen volumes of worthless matter, I, for one, am opposed to a repetition of that folly. The newspaper press is everywhere, and is everywhere too ready to give to the world everything that is said and done in this and all other deliberative bodies. What do we need of a corps of reporters to make for us the very best reports of the debates of this body? I am afraid the more faithful those reporters

would be the less valuable this work would be when printed, if they do report exactly what we say and as we say it. I think you have heard of one man who read the Debates of the last Convention, but he is the only man I ever heard of who did, and I doubt if anybody will know of any gentleman who will read our new Debates, especially when you reflect upon the size of the Debates of this body. If the reporters set to work to fix up speeches for gentlemen, I have no doubt they will make very good ones; but all this culminates in expense. We have got to pay for this whistle, and the question is: Is it worth what we have got to pay? I do not know how we can judge of that question better than by our past experience.

I propose that this resolution be referred to the committee of fifteen, and that it be permitted to repose in that committee until we hear from the Auditor General.

The PRESIDENT. The motion to refer is not in order, unless the motion to postpone is withdrawn.

Mr. D. N. WHITE withdrew the motion to postpone.

Mr. WOODWARD then renewed his motion to refer.

Mr. HARRY WHITE. Mr. President: I merely rise to support, in a word, the motion of the gentleman from Philadelphia (Mr. Woodward.) I think the motion he has made is eminently proper. I concur with him in the necessity of postponing this matter for the present entirely; not possibly for the same reasons, for I believe we should have a report of our proceedings, but as a matter of expediency, as a matter of economy, as a practical business matter for the consideration of this body, of interest not only to ourselves but to the people we represent and are laboring for. It is eminently proper we should make haste slowly in this matter of selecting a reporter. I think it is unfortunate we did not settle upon a policy in this respect earlier in the Convention. Now two or three days have elapsed, and it occurs to me two or three days more may elapse and then we can settle this matter when a flood of light has been shed upon this subject. I know but few gentlemen in this Convention have stopped only a moment to consider the cost that will result from an incautious contract, or the electing of a reporter or a stenographer without first fixing the compensation. The Commonwealth of Pennsylvania has

had experience in this matter. It has been taught a lesson, and I trust that this Convention will hesitate and look at the experience of the past before it rushes heedlessly into the election of a stenographer. If, when your Committee on Printing and Binding is appointed, this question is referred to them, and you select practical printers in this body—practical men to deal with this question—they will report to this Convention which is the better way—the separation of the reporting and the printing, or the blending of the reporting and the printing together. In the Illinois Convention they separated them. They made an exceedingly expensive contract. I discover that they paid the enormous rate of two dollars and twenty cents per thousand ems, with certain liberal amounts to the reporters for adjournments. Then there was a large amount paid in addition for printing. Now it occurs to me that in Pennsylvania we can economize in this matter, and that we may be able to let some contract blending the printing and the reporting together, holding one responsible for the faithful performance of the work. Now, until this Convention is satisfied in the premises as to what is best and proper, I am in favor of referring this resolution to the committee of fifteen, as moved by the gentleman from Philadelphia.

MR. M'ALLISTER. Mr. President: I will go as far as any member of this Convention towards economizing its expenditures; but I will never agree to take the lowest bidder for this work. There are certain positions which can be filled by but few men, and although there are but few that can fill those positions there are many applicants for them. We could cut down, I suppose, and get a stenographer for a dollar a day, but we must pay what men's services are worth. If we want a man of administrative abilities we must go to the thousands and tens of thousands. If we want a man of executive ability, to do just what he is told to do, we could employ him for a very small sum. Now, in this matter of reporting, although we have many reporters, there are but few first-rate reporters in the United States. I will concede, with the gentleman from Philadelphia, that the debates and proceedings of the Convention of 1838 were badly reported. They made a mistake in selecting the gentleman they called to fill that position. Those proceedings would read with much greater interest if they

had been more fortunate in their selection. I disagree totally with the gentleman in regard to the importance of this office, and of having a correct report of the debates and proceedings of this Convention. It seems to me that it wants a gentleman competent to report verbatim what is said and done here, and that verbatim reports will prevent the folly which my friend from Chester (Mr. Darlington) the other day would prefer the stenographer to leave out. He would have a stenographer, if I understood him aright, not only competent to report, but he would have one competent to judge what is important and what is unimportant, and to leave out all the unimportant part. No such man can be found in the United States. There is no man to whom I would leave such a question. If men come here to portray their folly in this Convention let them be reported and go down to posterity as fools. It is the record they make for themselves. Now the gentleman asks what interest have the people in what is said and done here. I am astonished to hear any gentleman upon this floor assert that the people are not taking any interest in our proceedings.

MR. WOODWARD. I beg leave to correct the gentleman. I said that the people would be more likely to judge us by our deeds than by our words.

MR. M'ALLISTER. How are we to get at the deeds but by the words that produce them? It is the arguments upon the one side and the other by which the people judge. There is nothing so uninteresting to the people as a Journal. There is nothing so uninteresting to the people of the State as mere resolutions. They do not understand them. But when these resolutions and articles are discussed on the one side or the other, and the reasons which produced them are laid before the people, they are enabled to judge, and unless that is done they cannot judge correctly. I have read, with interest, and with deep interest, the proceedings of the Illinois Convention, and it is the debates upon the different propositions that have imparted light to my mind. I could not have formed a correct judgment without reading the Debates. And there they were so fortunate as to have a stenographer who reported every word that was said in that Convention, from the first to the last. It is a correct delineation of all that was done there. For that reason the report of those proceedings is interesting, and those Debates

are a monument to many gentlemen in that Convention, and will transmit their names to generations yet unborn. I hope then, Mr. President, that we will take such a course here as will result in the selection of a competent man—a man qualified to do this work and to do it well. I hope that we shall not connect it with the printing; that we shall not put it in the hands of the printer, to take a contract for the printing and reporting, and “jew” down his stenographer so as to get an incompetent man. That would be the result, and it seems to me that would be beneath the dignity of this body. Let us pay for this work what it is worth. I am perfectly willing to refer the selection of this stenographer to the President of this Convention, or to any committee he may appoint. I do not wish to hasten this matter. I have no particular individual to whom I would commit it if I could. I have in my eye men who are competent, men who are here, and men who are willing to perform it and perform it well. All I ask is that such a course shall be pursued here as to secure that end, and keep it aloof from the power of the printer to select whom he may and at the lowest price.

Mr. COCHRAN. Mr. President: I would merely beg leave to suggest that it seems to me, on a question of this kind, we are wandering very far from the point in bringing in all these considerations. It is simply a question of reference before the Convention, and on this question of reference it seems to me we have gone into a very large discussion. Now, all that I would ask in a matter of this kind would be some little time and some little preliminary examination by a committee of the Convention, with regard to the proper method by which this matter should be provided for, and the consideration of that other question, whether it should be left to private enterprise, if the debates are to be of so much interest, to do this work, or whether we should make it a part of the official work of the Convention itself. Now, I think the reference of this question should be made to this committee of fifteen or some other committee. I cannot, I admit, see the exact propriety of referring this to the committee of fifteen, although a very excellent committee. But I do not see that this is pertaining directly to the objects for which that committee was appointed. However, I will vote for the reference to the committee of

fifteen in the first instance; but I think if it was referred to a special committee, appointed for this particular purpose, that method of reference would be preferable.

Mr. CORSON. Mr. Speaker: The resolution I have offered seems to have aroused the indignation of a number of gentlemen of the Convention for fear that the funds of the State will be squandered in paying a phonographer for the Convention. The distinguished gentleman at-large (Mr. Woodward) knows that if it had not been for our State reporter we would not have had the advantage of the many able opinions delivered by him when he was Chief Justice of Pennsylvania. Every organized body of this kind requires an official reporter, and as the gentleman from Centre (Mr. McAllister) so eloquently remarked, this official reporter should be selected from the most qualified who present themselves for the office. There is no reason why this officer should not have been selected the very first day. We do not want the official reporter to come in after the Convention shall have concluded its labors. We want the reporter now; and I am perfectly willing to accept the modification proposed by some gentlemen here to refer this to a committee of five or six, or any other number named by the Chair or any gentleman. I am not tenacious about the form or manner. I have no friend to reward, but I do think that every member of this Convention will agree with me, before many days, that it is absolutely necessary there should be an official reporter in that position. I listened to the eloquent remarks of the gentleman from Lycoming, and in the newspaper reports published his name does not appear at all, nor a single remark he uttered, although we were all charmed and electrified by his eloquence. Now I am not tenacious of the form. If some gentleman will move that it be referred to a committee of five, or six or seven, to be named by the President of the Convention, I will cheerfully accept it; but I do insist upon action at once. A number of gentlemen are here who are competent men, but whose earnings depend upon this work, and they are anxious to know who are to be selected and who are to be rejected, that they may go to work or go home.

The motion to refer to the committee of fifteen was carried.

VACANCY FILLED.

Mr. GOWEN, from the committee to whom was referred the resignation of

John G. Freeze, a member of the Convention from the Fifteenth Senatorial district, made a report, which was read as follows:

The undersigned, members at large of the Convention, who were voted for by a majority of the same voters who voted for and elected said John G. Freeze, do hereby fill the vacancy occasioned by his resignation by the appointment of Charles R. Buckalew, a citizen of Columbia county, to be a member of the Convention from the said Fifteenth Senatorial district.

(Signed) GEO. W. WOODWARD,
J. S. BLACK,
A. G. CURTIN,
WM. J. BAER,
WM. H. SMITH,
FRANKLIN B. GOWEN,
JOHN H. CAMPBELL,
JAMES H. REYNOLDS,
JAS. ELLIS,
S. C. T. DODD,
GEO. M. DALLAS,
WM. L. CORBETT,
ANDREW A. PURMAN,
R. A. LAMBERTON.

HARRISBURG, Nov. 15, 1872.

Mr. BUCKALEW appeared and was duly qualified.

RULES FOR GOVERNMENT OF CONVENTION.

Mr. NEWLIN, from the Committee on Rules, made a report, which was read.

[For report see Journal of proceedings.]

Mr. NEWLIN offered the following resolution, which was twice read and adopted.

Resolved, That the foregoing rules, reported from the committee of fifteen, be the rules of this Convention until otherwise ordered.

Mr. DODD moved that the rules reported from the committee of fifteen be printed, and a copy furnished each member of the Convention on Wednesday next.

The motion was agreed to.

Mr. KAINE. Mr. Speaker: I rise to make a suggestion in regard to that matter. This committee of fifteen was appointed for the purpose of reporting what committees are necessary for this Convention, and also to frame rules for its government. The committee were not able to get through with the whole work in the time allowed by the resolution. They made a partial report yesterday, and a final report this morning. In addition to their report yesterday, they have added another committee, which will

be for the consideration of this Convention. I hope no motion for the printing of these rules will be made until final action is taken upon these committees, because the committee, in their report this morning, in order to make the whole proceedings uniform, inserted the committees that had been adopted yesterday, and made them a part and parcel of the report this morning, in order that the whole thing could be printed together, as was done in the Convention of 1837-8. Some of the committees were not adopted yesterday. We adjourned upon the consideration of the proposition to form a Committee on the Bill of Rights. Two or three other committees have not been acted upon by the Convention, as well as the one reported this morning. If those committees were finally adopted, by the unanimous consent of the House, they could be placed in this report, and the whole could be printed together for the accommodation of the members of the Convention.

The PRESIDENT. The Chair will state that by the adoption of the resolution for printing these rules, the difficulty arises of doing anything further on this subject. By unanimous consent of the House, the vote on that resolution may be considered as withdrawn and the subject remain open for amendment.

Unanimous consent was refused.

Mr. MACVEAGH moved to re-consider the vote by which the resolution was passed.

The motion was agreed to.

The resolution being again before the Convention,

Mr. LILLY moved to postpone its further consideration for the present.

Mr. KAINE. I move to postpone the consideration of the question until the Convention has acted upon the balance of the committees.

The PRESIDENT. If this resolution is postponed for the present it cannot again be taken up to-day; but if laid on the table it can be again taken up.

Mr. KAINE. I move, then, that it be laid on the table.

The motion was agreed to.

ADDITIONAL RULE.

Mr. ELLIS offered the following resolution, which was twice read:

Resolved, That the following rule be added as another rule to those reported by committee:

No. —. The rules of parliamentary practice, comprised in Jefferson's Manual, shall

govern the Convention in all cases in which they are applicable, and not inconsistent with the standing rules and orders of the Convention.

Laid on the table for one day.

STANDING COMMITTEES OF THE CONVENTION.

Agreeably to order, the Convention proceeded to the consideration of the resolution relating to the adoption of the standing committees of the Convention.

The nineteenth division was read, as follows:

"One Committee, to consist of five members, upon Future Amendments."

The division was agreed to.

The twentieth division was read, as follows:

"One Committee, to consist of nine members, upon Constitutional Sanction."

The division was agreed to.

The twenty-first division was read, as follows:

"One Committee, to consist of nine members, upon Schedule."

The division was agreed to.

The twenty-second division was read, as follows:

"One Committee, to consist of five members, upon Revision and Adjustment."

The division was agreed to.

The twenty-third division was read, as follows:

"One Committee, to consist of five members, upon Accounts and Expenditures of the Convention."

The division was agreed to.

The twenty-fourth division was read, as follows:

"One Committee, to consist of seven members, upon Printing and Binding of the Convention."

The division was agreed to.

Mr. PUGHE moved to add to the standing committees "a Committee on Industrial Interests and Labor, to consist of nine members."

The motion was agreed to.

Mr. J. M. WETHERILL moved to add to the standing committees "a Committee on Agriculture, Mining, Manufactures and Commerce, to consist of nine members."

The motion was agreed to.

Mr. NEWLIN moved to add to the standing committees "a Committee, of nine members, on Revenue and Taxation."

Mr. ANDREW REED moved to amend, by adding the words "and Finance."

Which was agreed to, and the motion as amended was agreed to.

Mr. STEWART moved to add to the standing committees "a Committee, of five members, on Pardons and the Pardoning Power."

The motion was not agreed to.

Mr. KAINE offered the following resolution, which was twice read:

Resolved, That one thousand copies of the rules, together with the names of the committees, be printed for the use of the Convention.

Mr. WHERRY moved to amend, by adding "and that the order of the rules be so arranged that all the standing committees be placed under the same section and number."

The amendment was agreed to, and the resolution as amended was agreed to.

LEAVE OF ABSENCE.

Mr. MACVEAGH asked the unanimous consent of the Convention to excuse Mr. Gowen from further attendance upon the Convention to-day. Granted.

PRINTING.

Mr. GUTHRIE offered the following resolution, which was twice read:

Resolved, That until otherwise ordered the printing for the Convention shall be executed by the present State Printer, under existing laws and contracts with the Commonwealth.

Mr. HARRY WHITE. Mr. President: I hope the Convention will not pass a resolution of that kind without some consideration. This question of printing and reporting has all been referred this morning. It may be that the State Printer can do this work the most economically, still I hope we will not commit ourselves to that policy by providing for the printing in a special case.

Mr. EWING. Mr. President: We have already ordered a considerable amount of printing to be done by the Convention. Somebody must do it, and is it not time we should determine by whom it shall be done? As I understand from gentlemen who understand legislative business, the printing business has been one of considerable difficulty. Further, as I understand it, in this State, back in 1856, a general act of Assembly was passed which provides that notices for proposals for doing the public printing should be advertised, and the method is provided for the opening of these bids in joint convention of both Houses of the Legislature, and the act declares that all the public printing shall be allotted to the lowest

bidder. The same act goes on and provides for the methods in which it shall be done, throwing guards around any attempt that may be made at cheating in settlement. That act has been in force ever since, and has, it is alleged, saved the Commonwealth large amounts of money. Some supplements have been passed to it, but none changing the section which provides for the allotment of the public printing once in three years. In 1871 a supplement was passed, the last section of which provides: "That on Tuesday, the fourth day of April next, the two Houses of the Legislature shall meet in joint convention, in the hall of the House of Representatives, and let the public printing and binding for three years, from and after the thirtieth day of June next, according to the provisions of the act of April ninth, eighteen hundred and fifty-six, and its several supplements, including this act," and so on. I find, on reference to the proceedings of the House and Senate, that, on the fourth day of April, 1871, in public session of the two Houses, the bids were opened. Proof is given there of notice having been published for those bids. Quite a number of bids were put in, and then and there the public printing was allotted for three years from the thirtieth of June, 1871. That act is in force, and under that act I take it all the public printing for the State is to be done. I take it that we have a right to send our printing to the public printer, who has entered into that contract, and has given bonds for the faithful performance of his duties. And if he should refuse to do so, he would be liable and his bondsmen would be liable also. I understand from gentlemen who are acquainted with the subject that that contract is a fair one, that it is at a low price for the printing, and I think that now is just as good a time to determine it as any other, and that we should determine it. I know that it is said by some that this Convention is supreme, that it is superior to all law. But I take it that there are some things we cannot do. We cannot appropriate money, or, if we do, it will be like calling spirits from the vasty deep. We have here a public act that has guards thrown around it in the matter of printing to prevent any speculation in the public printing. We have a provision which directs that all public printing for three years shall be done by the State Printer to whom it is allotted. It is a business matter, not a matter of politics, or

anything else but business. A large amount of that printing is done, and, as I understand it, the bids are lower than any private person can get it done, because it is a contract for three years. While I think the public printer is bound under his contract to do this printing, I also understand that the State is bound to give him the printing under that contract. I believe that by acting in accordance with the statute law in this case, we will save time for the Convention, we will have our printing done conveniently, and we will save money to the State and be obeying the law.

Mr. BOYD moved that the resolution be referred to the standing Committee on Printing and Binding when appointed.

The motion was not agreed to.

Mr. WHERRY moved to amend the resolution, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the Secretary of this Convention be authorized to furnish each member and officer of the Convention three printed copies of the rules adopted."

The amendment was not agreed to.

Mr. COCHRAN. Mr. President: I confess I do not like this provision of the resolution that this printing shall be done by the State Printer under his present contract. I am one of those who do not admit that we have anything to do with that contract as members of this Convention. I do not care where this printing is done, but I want to keep the Convention from being committed. I would prefer that the printing should be done under the direction of the President of this body. I move to amend, by striking out that part which provides that the printing shall be done by the State Printer, and insert "under the orders of the President of this Convention."

The amendment was not agreed to.

Mr. J. P. WETHERILL. Mr. President: I do hope that we will be extremely careful how we authorize any officer of the State to do printing for us, when there is no immediate necessity therefor. Inasmuch as the only printing required by this Convention is the printing of two hundred and fifty or five hundred copies of the rules just adopted, and inasmuch as it is likely that when we meet next Wednesday we will only be in session a day or two, and then adjourn solely and purely for committee work, and that work may occupy the attention of the committees for weeks, and inasmuch as we have signi-

fied our intention not meet after that adjournment until some time next year, it does seem to me there is no immediate necessity of our acting upon this resolution and authorizing any printing whatever. Let us be extremely careful, in all measures looking to the expenditure of money by this Convention, that we make haste slowly. I can see how, simply by the printing of a few rolls, costing a few dollars, we may be led into path about the cost of which we know little, and the end thereof we may regret. Let us keep our work in our own hands, confined to our own officers, in charge of our own committees, and then we can hold some one under our own control responsible for our expenditures. As this is a simple matter, a matter which we all understand thoroughly, I do hope we will be careful lest we be led into a method of expenditure about which to-day we know nothing. Who, in this Convention, knows what this contract is with the State Printer? It may be high or it may be low; but let us know what it is; and before we spend money let us know exactly the amount we expend and the value we receive.

Mr. HARRY WHITE moved to amend the resolution, by adding the following: "*Provided*, Nothing herein shall commit the Convention to giving the future printing of the Convention to the State Printer."

Mr. LITTLETON moved that the whole subject be laid on the table.

The motion was agreed to.

ACCOUNTS AND EXPENSES.

Mr. J. N. PURVIANCE offered the following resolution, which was read:

Resolved, That the Committee on Accounts shall examine all accounts for expenses, and report upon the same to the Convention at least monthly, whether the same are proper expenses of the Convention; and if the same are approved by the Convention they shall be paid as provided by law.

Laid on the table, under the rules.

MEETINGS OF COMMITTEES.

Mr. JOHN PRICE WETHERILL offered the following resolution, which was read:

Resolved, That the committees as named in the report be requested to meet at Harrisburg at least once in every week, for the consideration of the subject matter referred to them, until they are prepared to report, and that the chairman of the Committee on Judiciary shall have power to call the chairmen of the standing committees together for consultation.

The Convention refused to proceed to the second reading of the resolution.

On motion of Mr. KAINE, the President adjourned the Convention until Wednesday morning next at ten o'clock.

FIFTH DAY.

WEDNESDAY, Nov. 20, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, and was called to order by the President, Wm. M. Meredith.

PRAYER.

Prayer was offered by Rev. Dr. A. K. Strong, of Harrisburg, as follows:

O, Thou great, eternal, immortal, invisible, and only wise God, the Father of all love, through whom cometh down every good and every perfect gift, grant Thy presence now to attend the re-assembling of this Convention this day. Give to Thy servants the healthful influences of Thy word and Thy spirit, to guide every thought and every word of the deliberations of this assembly this day. We give Thee thanks for spared lives and mercies thus far. May the great goodness of God, as it passes before us continually, remind us of our constant dependence upon Thee, and our obligations to have the fear of the Lord before our eyes, and the love of God in our hearts. Pardon our sins, and save us for an everlasting salvation, through Jesus Christ, our Lord and our Redeemer. Amen.

The Journal of Friday last was read and approved.

ASSISTANT DOOR-KEEPER QUALIFIED.

Assistant Door-keeper Bentley appeared and the President administered the following oath:

"You do swear by Almighty God, the searcher of all hearts, that you will support the Constitution of the United States, and perform the duties of an officer of this Convention with fidelity, and that as you shall answer to God at the great day."

COMMUNICATION FROM THE AUDITOR GENERAL.

A communication from the Auditor General was read, giving the cost of the Constitutional Convention of 1836-7. The communication set forth that the printing cost \$99,523 40; stenographic reporting, \$7,751 71; contingencies, \$45,901 11. The transmitting of debates was paid out of the con-

tingent fund, and no detailed statement filed in the department.

The communication was laid on the table.

ACCOUNTS AND EXPENDITURES.

Mr. J. N. PURVIANCE called up the resolution offered by himself on Friday last. The resolution was read, as follows:

Resolved, That the Committee on Accounts shall examine all accounts for expenses, and report upon the same to the Convention at least monthly, whether the same are proper expenses of the Convention; and if the same are approved by the Convention they shall be paid as provided by law.

Mr. J. N. PURVIANCE. Mr. President: The law under which we meet makes no designation of a disbursing officer. It is true it provides that warrants for the proper expenses of the Convention shall be drawn by the President, and countersigned by the Chief Clerk, upon the State Treasurer for payment. If we accept the letter of the law as expressive of its true meaning, then this Convention has no financial officer, and all accounts would be paid direct by the State Treasurer to the person entitled to receive them—to the person named in the warrant. Should this be the proper construction of the statute, it is well that the Convention should so understand it, and in that case it would be relieved, though not properly so, of all responsibility in the matter. The resolution under consideration was intended to remedy this apparent defect or omission in the law, and to cast the responsibility where it properly belongs—upon the Convention. At present, however, my purpose is merely to call the attention of the Convention to the subject, and to elicit such expression and action as may properly settle the matter.

Another defect, too, it strikes me, in the law, is that no provision is made for the settlement of accounts by the proper accounting officers of the State—the Auditor General and State Treasurer; hence the greater importance of suitable action upon the part of the Convention. The resolution was offered in view of an ar-

rangement at the outset, which would start the Convention right in regard to the financial operations which may properly come before us.

The PRESIDENT. The question is upon this rule, which, if adopted, will be considered as one of the rules and printed with them.

The resolution was adopted.

OFFICER TO TAKE CHARGE OF COAT-ROOM.

Mr. M'ALLISTER offered the following resolution, which was read:

Resolved, That a suitable person be employed to take charge of the coat-room during the sitting of the Convention at Harrisburg.

On the question, will the Convention proceed to the second reading of the resolution?

A division was called for, and it was determined in the affirmative—41—40.

The resolution was again read.

Mr. ALBICKS moved to amend, by striking out the words "a suitable person," and inserting in lieu thereof the words "the Assistant Door-keeper."

The amendment was agreed to, and the resolution, as amended, was adopted.

PURDON'S DIGEST.

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

Resolved, That the Secretary of the Commonwealth be requested to furnish to the Convention, for the use of the members, six copies of Purdon's Digest.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

Mr. LANDIS. I would like to inquire where I can examine a copy of Purdon's Digest?

Mr. DARLINGTON. In the library.

Mr. LANDIS. I inquired for it this morning, and could find none there.

Mr. KAINE. The gentleman can buy one in Philadelphia.

Mr. LANDIS. I am certainly not expected to do that.

INSTRUCTIONS TO COMMITTEES.

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

Resolved, That it is the sense of this Convention that the committees, in preparing their reports on the several subjects submitted to them, should adhere as closely to the text of the present Constitution of the State as is compatible with

the securing of such reforms as are clearly demanded by the general sentiment of the people.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

PRINTING.

Mr. DARLINGTON moved that the clerk be directed to procure printed blank yeas and nays for the use of the Convention.

The motion was agreed to.

Mr. HARRY WHITE offered the following resolution, which was read:

Resolved, That the Chief Clerk is hereby authorized and directed to have printed, for the use of the Convention, five hundred copies of the rules of the Convention.

Mr. KAINE. There is a resolution upon that subject already upon the table.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

RESIGNATIONS.

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

Resolved, That hereafter this Convention will not accept the resignation of any member unless the same shall be accompanied with good and sufficient reasons therefor, the sufficiency of such reasons to be determined by the Convention.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

USE OF HALL IN PHILADELPHIA BY THE CONVENTION.

Mr. ADDICKS, from the committee appointed to confer with the councils of Philadelphia in relation to the selection and arrangement of a hall for the use of the Convention after January 1, 1873, made a report, which was read:

[See Journal.]

The report was laid on the table.

REPORTING AND PRINTING.

Mr. NEWMAN, from the committee of fifteen, to whom was referred the resolution relating to the reporting of the proceedings of the Convention, made a report, which was read as follows:

"That in their opinion it is expedient that the proceedings and debates of the Convention be reported. They therefore report the following resolution, with the recommendation that it be adopted by the Convention:

Resolved, That the standing Committee on Accounts and Expenditures be directed to report what is the proper amount of compensation to be paid to a stenographer and his assistants, and that upon such a report being made and adopted by the Convention the President be authorized to appoint a stenographer, who shall be styled the official reporter of the Convention; said reporter shall employ his own assistants, and shall be solely responsible for the accurate performance of his and their duties.

JAMES W. M. NEWLIN,
G. V. LAWRENCE,
J. B. GUTHRIE,
SAM'L A. PURVIANCE,
D. KAINE,
SILAS M. CLARK,
W. H. ARMSTRONG,
WILLIAM J. TURRELL,
WILLIAM DARLINGTON,
F. B. GOWEN.

On motion of Mr. NEWLIN, the resolution was read a second time.

The PRESIDENT. By that resolution the duty of appointing a stenographer devolves upon the Chair. There are a great many applicants for the position, and there may be a great difference in their qualifications. The Chair would suggest that it would be a special favor to himself not to have so burdensome a duty cast upon him, but that it might be performed by the Committee on Accounts, or some committee designated by the Convention.

Mr. ALRICKS. I appreciate the remarks of the President, and in order to relieve him of any embarrassment I move to amend the resolution, by striking out the words "President be authorized to appoint," and insert the words "the Convention will now proceed to elect."

The amendment was ruled out of order.

Mr. DARLINGTON moved to amend the resolution, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That it is not expedient that the debates of this Convention be reported."

Mr. GOWEN. Mr. President: I rise to suggest to the gentleman that as the question now stands before the Convention his amendment is not in order. The committee does not report to the House any resolution on the expense of reporting any debates. It simply reports that it is the opinion of the committee that they should be reported. In addition to that the committee did report one resolution, and that resolution is relative to the appointment

of a stenographer. As I understand it the question before the House is upon the adoption of the resolution reported by the committee. If that resolution is amended, by striking out all after the word "resolved," and inserting that it is inexpedient to print the debates of the Convention, effect will be that the report of the committee is this: "Your committee report that it is expedient that the proceedings and debates of the Convention be reported, and they therefore submit a resolution, to wit: That it is *not* expedient that the debates of this Convention be reported." I therefore suggest that the amendment is not pertinent to the resolution, but will come up when the report of the committee itself is before the House.

The PRESIDENT ruled that the report of the committee was not before the Convention. The only thing before the Convention was the resolution, and the amendment was in order.

Mr. FUNCK. Mr. President: Would it not be desirable to have some sort of estimate of the expenses of these reports before a vote is taken upon this resolution? I have no doubt a great many members will vote for the reporting of the debates if it is not too expensive, and I would like to know what the probable cost will be before I can vote intelligently upon the question. I would therefore move that the consideration of this resolution be postponed, and that a committee be appointed to determine the probable expense of reporting the proceedings. I move to postpone the further consideration of the resolution until to-morrow morning.

The motion was not agreed to.

Mr. HARRY WHITE. In this connection I submit the following amendment to the amendment:

"That this resolution be referred to the Committee to be appointed on Printing and Binding, with authority to report a contract for the reporting and printing of the proceedings of the Convention, such contract to be subject to the action of the Convention."

The PRESIDENT. That is not an amendment. That is a motion to commit.

Mr. HARRY WHITE. The Convention will understand that the motion which I have just made is a motion to refer this whole subject to the action of the standing Committee on Printing and Binding, to be appointed by the Chair. It occurs to me, in that connection, that it is eminently proper that action of this kind shall

be had. There is certainly a great want of information among the members of this Convention, myself included, as to what is the proper compensation for the reporting of the proceedings of this body. It seems to be the sense of the majority of this body that the reporting and printing shall be kept separate and distinct. I don't know whether that is the case or not, but it seems to me that is the sense of the majority. If that is so, it occurs to me that we should proceed about this matter as we would dispose of any private business transaction. The idea I had in view was to allow the Committee on Printing and Binding to receive bids from experienced parties upon the subject of reporting, and let them exercise their wisest discretion in the acceptance of bids from the best parties—from the parties most responsible—and to make a contract with those parties—that is, all the forms of a contract—and submit that contract to this Convention for its action. That is the course that was pursued by the Convention of the State of Illinois and some other States; that was not the course pursued by the Convention of the State of New York, and the result was that much odium was brought upon the proceedings of that Convention, because of this want of business precaution at the threshold. Furthermore, this Committee on Printing and Binding will also have jurisdiction of the subject of the printing of our proceedings, and they may invite upon the subject of printing the largest competition possible, and when they submit their report, which they will do at an early day, this Convention can dispose of it in a business way.

MR. DARLINGTON. Mr. President: Here is a proposition for a particular mode of reporting the proceedings of the Convention. It seems to me, in the natural order of things, that should come in after this Convention shall have decided to print them. All these amendments, I think, might fairly be laid aside until the Convention has an opportunity of expressing its opinion of the propriety of printing at all. As a member of the committee which reported these rules, I will be found agreeing to the report. We have assumed that it is the temper of the Convention to have its proceedings reported, and we have acted upon that assumption. We may be right in that or not. All I desire is to have a direct vote upon that question—whether we will have them reported at all; and if the Convention

decide that they will, then I will join with my friend from Indiana, or any other gentleman, in perfecting the details.

MR. HARRY WHITE withdrew his motion for the present.

The question recurred on the amendment offered by Mr. Darlington to strike out all after the word "resolved," and insert the words: "That it is not expedient that the debates of this Convention be reported."

On the question, will the Convention agree so to amend?

The yeas and nays were required by Mr. Cochran and Mr. J. P. Wetherill, and were as follow, viz:

Y E A S.

Messrs. Ainey, Andrews, Achenbach, Bartholomew, Baer, Bailly, (Perry,) Baker, Beebe, Brodhead, Broomall, Curtin, Corbett, Carter, Church, Cochran, Collins, Davis, Dimmick, Darlington, Edwards, Hanna, Harvey, Hazzard, Heverin, Horton, Lamberton, Lawrence, Landis, Littleton, Long, M'Culloch, M'Murray, Mann, Metzger, Patton, Porter, Purviance, (Allegheny,) Purviance, (Butler,) Runk, Russell, Sharpe, Smith, (Berks,) Stewart, Struthers, Turrell, Walker, White, David N., Woodward, Wetherill, (Philadelphia,) Wright and Meredith, *President*—51.

N A Y S.

Messrs. Armstrong, Alricks, Addicks, Bailey, (Huntingdon,) Bardsley, Bowman, Boyd, Buckalew, Campbell, Cassidy, Clark, Corson, Cronmiller, Curry, Dodd, Dallas, De France, Dunning, Ellis, Elliott, Ewing, Fulton, Funck, Gowen, Gibson, Guthrie, Hall, Hay, Hemphill, Howard, Hunsicker, Kaine, M'Allister, M'Camant, M'Clean, MacConnell, MacVeagh, Mantor, Minor, Mott, Newlin, Niles, Parsons, Patterson, (Allegheny,) Pughe, Reynolds, James L., Read, (Philadelphia,) Reed, (Mifflin,) Rooke, Smith, (Allegheny,) Simpson, Temple, Van Reed, White, (Indiana,) Wetherill, (Schuylkill,) Wherry, White, J. W. F. and Worrell—57.

So the question was determined in the negative.

PAIRED—Mr. J. L. Reynolds with S. H. Reynolds.

The question recurred on the resolution presented by the committee of fifteen.

MR. HARRY WHITE moved that the resolution be referred to the standing Committee on Printing and Binding, when appointed, with instructions to as-

certain and report to the Convention the probable expense of reporting, printing and binding its proceedings and debates, and the best method of doing the same; and that the said committee be instructed to report the probable cost of each subject referred to separately.

Mr. KAINE. Now, Mr. President, I do not see what good that reference can possibly accomplish. A resolution was offered in this Convention a few days ago: "Resolved, That this Convention do now proceed to the election of a stenographer for the purpose of reporting the proceedings and debates of this Convention." That resolution elicited some discussion, and, upon a motion, was referred to the committee of fifteen. That committee had that resolution under consideration for two sittings, at least, and they determined, by the report which is now upon the table, and which it is now proposed to refer, that it was expedient that the debates and proceedings of this Convention should be reported. Upon the same question a vote has just now been taken in this House, and it has been decided by fifty-seven votes to fifty-one that the proceedings and debates of this Convention shall be reported and published. Now is it proposed by this commitment to change the action of this House, as regards the reporting and printing of these debates? It can answer no other purpose. The resolution attached to the report of the committee of fifteen, made this morning, provides that the Committee on Accounts, to which it is now proposed to refer this matter, shall make a contract, shall make an agreement with a competent person to report the proceedings and debates of this Convention, and having done that, then the President shall appoint a reporter, with competent assistants, to discharge those duties. Now, I take it, Mr. President, that the reference of this subject matter again to the Committee on Accounts, for the purpose of reporting the cost, will not make any change, or cannot make any change, in the action of this House, which has, by its committee, and by a solemn vote here this morning, determined that the proceedings shall be reported. The expense will not be so enormous that the amount will change the opinion of members of this Convention. The Committee on Accounts will have this thing in charge, to make an agreement and arrangement as to the price at which this work can be done, and make report to that effect, and then the Presi-

dent appoints the reporter. This motion certainly can do no good; it can accomplish no end except that of delay.

Mr. M'ALLISTER. Mr. Speaker: It seems to me that this resolution and the amendments bring up the simple question whether we shall elect these stenographers, and cast upon them a separate and distinct responsibility in connection with their own work, or whether we shall put them under the guidance and direction of the printer, or the gentleman to whom the printing shall be allotted, and I can see no possible good reason why they should be connected. I most respectfully differ with my friend from Indiana (Mr. White) in reference to the mode in which this was done in Illinois. If I read correctly the proceedings of that Convention, one of the very first acts was to appoint a stenographer and to give him power to employ his assistants, and to hold him responsible to the Convention for that part of the work.

Mr. HARRY WHITE. Will the gentleman allow me to interrupt him?

Mr. M'ALLISTER. Certainly.

Mr. HARRY WHITE. My friend from Centre (Mr. M'Allister) is entirely in error when he states that I said the Convention of Illinois let the reporting and printing together. On the contrary they did not do so, but made a separate contract for the reporting, which they spread upon the record, and which is precisely what we want to do.

Mr. M'ALLISTER. Precisely as this committee of fifteen have reported. They have reported in favor of a stenographer, and that is the question, as I understand, now to be amended by uniting with it the printing. I am in favor of the printing of the debates; not to afford the members of this Convention an opportunity to transmit what they say to posterity, but to afford the people an opportunity to know what is going on here—to know our doings. If we were a Convention of absolute powers to impose a Constitution upon the people against their will, there would be no necessity for printing these debates; but if we recognize the people as our sovereigns, if we look to the people for the confirmation of what we do, and consider all that we do here of no use unless they approve of it, why then shall we not afford them a correct report of the debates in this Convention which lead us to the conclusions, which lead us to the making of this Constitution we ask them to approve? How is this information to be car-

ried down to the people unless we have the proceedings of this Convention properly reported? I come here prepared to hear suggestions, and arguments, and reasons, from the humblest member of this body, be he ever so illiterate. Upon these arguments, coming from these sources, I expect to form my opinion, and I expect the people to form opinions of approval or disapproval upon the very same arguments. Why shut out the people from this knowledge? It is not to be conceived that we are not a reading people. We were educated to read by the interest the people took in the war, and nine-tenths of the electors of Pennsylvania will read with interest the proceedings of this Convention, the subject matter in which they are, every one, personally interested. Why shall we not afford them an opportunity to read what is done here? And can we give them correct knowledge on this subject unless we have a reporter under our jurisdiction? I admit that reporters may come in here from this and other States, and that we may have garbled extracts in reference to the propositions and arguments made here, but nothing under our control in which the people may rely as the actual proceedings of this Convention. Now, in the State of Illinois they wisely required the public printer to publish the proceedings, without charge, in two papers, one of each party represented in that Convention. Those slips from the papers were laid upon the tables of the members at twelve o'clock of the day succeeding the day on which the arguments were made and the business transacted. They were revised, and re-set, and corrected by the printers without charge. The papers were then furnished for distribution to the people, and then revised and corrected by the printer, without charge, before they went into the *Congressional Globe* form. The whole proceedings of that Convention, and it was as long in session as this Convention will be, are contained in two volumes and no more.

Now it seems to me that it is certainly a mistake to be concerned about the simple expense of this reporting and printing. If we afford the people who are to pay for it the information they need, the information they must have if they would form correct conclusions, any expense incurred will be but slight, will be but little, and the people will bear it, and bear it willingly. The expense, the extraordinary expense, of the printing gen-

erally arises from looseness in the contract, which enables the printer to charge what he pleases for a large majority of the work. Those perquisites and those advantages were cut off by the strictness of the contract, although brief, made in Illinois. There was a stipulation in that contract, not only as to what the printer should have, but also as to what he should not have, a stipulation of the work he should do, and the work for which he should not charge. It was a model contract, and I hope that at least such a contract will be made here by the committee to which the making of a contract may be referred. If that is done, and we cut off the printer and the stenographer from all illegal charges, and from all charges that he is permitted to make by the looseness of the contract, the people will be satisfied, I am sure. Let us cut off these cormorants that hover around public institutions of this kind, looking for what they may pick up. Let us cut ourselves off from them, and I am convinced the people will be fully satisfied with our expenses.

MR. H. G. SMITH. Mr. President: A number of gentlemen have come in since this discussion commenced, and I would like to hear the resolution read, as reported from the committee of fifteen, together with the amendments now before the Convention.

By direction of the President the Clerk read the resolution, together with the pending motions.

MR. H. G. SMITH. Now, Mr. President, I would like to say a word or two. I have had a little experience, both with reporters and in the matter of publishing. I have given this subject some little thought. In my opinion, the resolution as offered, which provides for the employment of a reporter, who would be an officer of this Convention, a quasi officer under its control, is, if the Convention determine that its proceedings shall be reported, the only proper course to pursue. The reporting and the printing ought to be made distinct matters, and in the employment of a reporter he could be paid by the thousand ems, if you choose, as was done in the Illinois Convention, and let him employ his own sub-reporters and pay them out of the amount of compensation deemed reasonable and proper. I understand the amount paid by the Illinois Convention was larger than was necessary, and that the most competent reporters who have presented themselves

before this body will render their services for a considerably less sum. The reporting of that Convention cost between eighteen and twenty thousand dollars, paid for the reporting alone. That can be done for a considerably less sum, I understand, by the most competent reporters in the country. If, then, the Convention determine that they will publish the debates, in my judgment it ought to employ its own reporter, make him subject to its control, and hold him, at all times, responsible for the manner in which he discharges his duties. Having done this, the reports will be furnished just as directed by the Convention. Then will come the question of printing. Now I have heard it intimated that the Public Printer of this State claims the printing of this Convention. Whether the contract entered into with him by the Legislature binds this body or not is a question to be determined upon consideration. If it does not, and if this Convention removes to Philadelphia, as they have determined to do, it would be found more convenient for this Convention to have its printing done in that city, and, in my judgment it would be more cheaply and more satisfactorily done. I have understood from a gentleman who had some conversation with Mr. Lippincott that that house, one of the best printing houses in the United States, and so large in its operations that it can afford to be perfectly honest—have suggested a plan by which the reports of this Convention might be published in a very proper and I suppose a very satisfactory manner. If the idea I am mentioning should prevail, that this Convention should spread its proceedings before the people as they take place, the proper way to do would be to publish them in something like a daily record. Now that could be published by such a house as the Lippincotts in such a shape as the daily *Globe* is furnished. A copy of that could be laid upon the desks of members the morning after the debates took place, certainly not later than the second morning. In the meantime your reporter could allow every member who chose to do so to correct his speeches in manuscript. After the matter was furnished to the Convention, however, I apprehend it would not be well to make serious corrections. That sort of thing should be done beforehand. Having been furnished to this Convention in the shape of a paper, something like the daily *Globe*, verbal and typographical errors might

be corrected after that without serious objections from the publishers whoever they might be. Then they could make that matter up in such shape as they chose, stereotype it and furnish such bound copies of the proceedings to this Convention as might be ordered. It seems to me that the adoption of a plan like this would give this Convention, if it determine to have reports, just such reports as it would desire, and give them to it in the cheapest and very best manner.

As the gentleman from Centre (Mr. M'Allister) has said, there are all sorts of opportunities for jobbing in printing. I have been reliably informed by members of the Legislature, those who ought to know, that the cards tacked on the desks of members of the Legislature cost as much as one dollar apiece, or \$133 for 133 cards. Now a job printer will print them for you in the city of Harrisburg or Philadelphia, or elsewhere, for five dollars and make money on it. I merely throw this out in order to show the importance of what is urged, that when a contract comes to be made it should be made with all the provisions necessary for the protection of the State.

Mr. BARTHOLOMEW moved to amend, by adding to the instructions of the committee the following:

"And that said committee be instructed to report the probable cost of each subject referred, separately."

Mr. HARRY WHITE accepted the amendment offered by Mr. Bartholomew.

Mr. WHERRY moved to amend, by striking out all after the word "Convention," and inserting in lieu thereof the words "what work shall be done by stenographer or stenographers, and how much per one thousand ems shall be paid for the same,"

The amendment of Mr. Wherry was not agreed to.

The question then recurred, will the Convention agree to the motion of Mr. Harry White?

Mr. GOWEN. Mr. President: I think if this Convention understood thoroughly the action of the committee of fifteen, a large majority would be in favor of getting rid of a difficulty that now embarrasses us, and acting favorably upon the report of that committee. It must be remembered that nothing was referred to that committee on the subject of printing. Therefore I am opposed to mixing up the question of printing with the question of reporting. The sole question upon which the committee of fifteen were desired by

the Convention to report was upon the propriety of having the debates of the Convention reported; and, second, upon the appointment or election of a proper and competent person to do the work. Now that committee reported, as its opinion, that the entire debates and proceedings should be published. That action has been sustained by a vote of this Convention. The second question, and the question that is really the only one under consideration, and which it is the disposition to get rid of for the present by committing it to another committee, is this: Shall the Convention have a reporter of its own, subject to the orders of the Convention, and responsible alone to the Convention for the faithful performance of his duties? Now the report of the committee of fifteen was this: That the first thing to be done upon that subject was to ask of the Committee upon Accounts and Expenditures to report to this Convention what compensation should be paid for reporting its proceedings. The language of that resolution is such that the Committee upon Accounts and Expenditures can report how much shall be paid for the entire job, of how much shall be paid per day, or how much per thousand ems, as they see fit. What I desire of the committee of fifteen, which desire I am sure will be shared by a great number of this Convention, is that the compensation to be paid for this service should be fixed definitely before anybody was appointed to act under it, so that the appointment should not be made in a hurry, and afterwards a large bill run up against the State for acting under it. Therefore, if the resolution, as it came from the Committee, is finally adopted by the Convention, the result will be this: First, that the Committee on Accounts and Expenditures will determine what is the proper compensation to be paid, and upon that report being accepted and adopted by the House then, and not until then, will the reporter be appointed or elected. If appointed, it will be by the President. If the President asks, as he has asked, to be relieved from that duty, the resolution can be amended by having him elected by the Convention, and this troublesome business will be over. But the point of the resolution, and the gist of it, is that there shall be one single person, solely responsible to this House for the performance of his duties, and before his appointment his compensation shall be fixed.

Now I apprehend that these little mat-

ters like this question are the most troublesome we will be annoyed with, and a large number of the members of this Convention would be exceedingly glad if they could get rid of them and not be troubled with them any more. I therefore trust the motion of my friend from Indiana (Mr. White) will not prevail. The committee of fifteen have reported a resolution which, if adopted, will release every member of this Convention from embarrassment, and we will have a competent committee to fix the salary or compensation. When that is done the President will appoint, or the Convention will elect, a man to report; that being accomplished we are rid of one question and one only. When the question of printing comes up—and I hope this question of reporting will not be in any manner connected with it—it can be referred to the Committee on Printing, and they can report on it. I therefore trust it will not be re-committed to another committee.

Mr. MACVEAGH. Mr. President: I am sorry to trouble the Convention, but I want to explain that it is precisely for the reasons that the gentleman from Philadelphia (Mr. Gowen) has given for supporting the original resolution that I support this motion. It does not necessarily connect the two subjects together—reporting and printing—further than this, that those of us who want information upon the total expenditure, likely to be incurred, shall have it before we are required to vote yea or nay upon the question of the appointment of a stenographer. The difference between his resolution, the resolution of his committee, and the amendment which I had prepared, and which is now in another form, the amendment of the gentleman from Indiana (Mr. White) differs only in this respect: That of proposing to ascertain the expense of reporting, and then to proceed to commit the Convention to reporting what is the value of reporting without printing? I wish to know, at the same time, what will be the probable expense of printing the reports, so that I may vote intelligently upon the primary question of reporting. It is not to confound the things together, it is not to join the things together, but it is to have the information upon both subjects before we vote upon either, because I confess I will be largely influenced in voting by the consideration of the probable expense of the printing. Therefore it is that I trust gentlemen will vote for this mo-

tion in order that the entire information desired may be laid before the House.

Mr. W. H. SMITH. I would like to inquire of the mover what process is to be taken to ascertain this. If you want to find out the probable expense, I take it that the first thing you will do is to get bids for printing. Then you must take some other means, unknown to me, to find out how much is to be paid for reporting. Is this committee to invite proposals, and from the proposals make out that part of the expense? Then how is this committee to ascertain the probable expense unless they can tell how much printing there is to be done?

On the question, will the Convention agree to the motion to commit?

The yeas and nays were required by Mr. Harry White and Mr. Elliott, and were as follow, viz:

Y E A S .

Messrs. Addicks, Ainey, Andrews, Armstrong, Baily, (Perry,) Baker, Bardsley, Beebe, Bowman, Broomall, Carter, Church, Cochran, Curry, Darlington, De France, Dimmick, Edwards, Fell, Fulton, Funk, Hanna, Hazzard, Horton, Howard, Knight, Lilly, Littleton, MacConnell, McCulloch, MacVeagh, Mann, Mantor, Minor, Parsons, Patterson, D. W., Patton, Porter, Purviance, John N., Reed, Andrew, Russell, Sharpe, Simpson, Smith, Henry W., Stanton, Stewart, Struthers, Van Reed, Walker, White, David N., White, Harry and Meredith, *President*—52.

Y E A S .

Messrs. Achenbach, Alricks, Baer, Bailey, (Huntingdon,) Bannan, Bartholomew, Boyd, Brodhead, Buckalew, Campbell, Cassidy, Clark, Collins, Corbett, Corson, Cronmiller, Curtin, Cuyler, Dallas, Davis, Dunning, Elliott, Ellis, Ewing, Gibson, Gowen, Guthrie, Hall, Harvey, Hay, Hemphill, Heverin, Hunsicker, Kaine, Lamberton, Landis, Lawrence, Lear, Long, M'Allister, M'Camant, M'Clean, M'Murray, Metzger, Mott, Newlin, Niles, Patterson, T. H. B., Pughe, Purviance, Samuel A., Read, John R., Rooke, Ross, Runk, Smith, H. G., Smith, W. H., Temple, Turrell, Wetherill, J. M., Wetherill, John Price, Wherry, White, J. W. F., Woodward, Worrell and Wright—65.

So the question was determined in the negative.

The question recurred on the resolution as reported from the committee.

Mr. NEWLIN. In accordance with the expressed wish of the President, as made to the Convention, I now move to strike out so much of the resolution reported by the committee of fifteen as vests the appointment of a stenographer in the President, and make the election by the Convention.

Mr. ARMSTRONG. Mr. President: I desire to offer resolutions, by way of amendment, to strike out and insert, which would probably avoid the amendment the gentleman suggests.

The resolutions were read, as follows:

Resolved, That the President appoint a temporary stenographic reporter of all the debates and proceedings of the Convention, who shall appoint his own assistants, and shall continue until further ordered by the Convention.

Resolved, That the standing Committee on Printing and Binding, when appointed, be instructed to receive proposals and report to the Convention as soon as possible the draft of a contract for the reporting, printing and binding, or for each separately, as they may deem best; and that upon the approval by the Convention of a contract or contracts for the same, the duties of the reporters appointed by the Secretary of the Commonwealth shall cease.

The PRESIDENT. The amendment is not, at present, in order.

The motion of Mr. Newlin was then agreed to.

Mr. ARMSTRONG. Mr. President: I now renew my resolutions.

The PRESIDENT. The Chair will again express his entire unwillingness to assume the duties of the appointment of a stenographer. The Convention knows that a heavy duty is now imposed upon him, and that he is endeavoring to appoint the standing committees, and to impose upon him the burden of selecting a stenographer from all the applicants, he feels would be thrusting upon him what the Convention would probably not desire.

Mr. ARMSTRONG. Then I withdraw the first resolution and leave the second one as the proposed amendment. I desire, in this connection, to make a few explanatory remarks. As it stands at present the reports of the Convention are made by stenographers, who have been appointed by the Secretary of the Commonwealth under his original power. They have not yet been recognized by the Convention as official stenographers of the Convention. Whilst I signed the report as one of

the majority of the committee of fifteen, it is not improper to state that the views of the committee were not entirely in accord upon that question. There was a diversity of opinion upon a variety of subjects touching this question. My own impression is that we have not sufficient information to justify this Convention in entering into any fixed contract, nor would it be proper for us to enter into any contract until the Convention is put in possession, in detail, not only of the duties to be performed, but of the proper prices to be paid for the performance of those duties. The resolution I propose is simply this: That when the Committee on Printing is appointed this whole subject shall be referred to them, with instructions to receive proposals and report either one contract, or two or three, covering the reporting, printing and binding. When they report those proposals and the draft of a contract to the Convention, then we will have before us such matter as will enable us to act judiciously on the question. In the meantime, I know of no other mode by which the Convention can save itself from, at least, possible imposition, unless we take up more time in debating the details than I think the Convention would be willing to consume in that manner. If the question is referred to a committee not yet appointed, but who will doubtless be selected for their knowledge and experience on the subject assigned to them, we only impose upon them a duty for the performance of which they are appointed. And if we take from them the duty imposed by this resolution I know not what duty is to be assigned to them.

One word further: It is a question open to very grave consideration whether this contract for the reporting and printing should be embraced in one contract. There are reasons to be assigned on both sides of that question. On the one hand if the reporting and printing are in separate contracts, there is a liability that the Convention may have difficulty in assigning the due responsibility to each. If they are combined, the Convention can readily hold the contractor to the terms of his contract, and have a responsible person who will answer to any complaints of the Convention. Now, upon that important question, I think it proper that we should be instructed by the careful consideration of the committee appointed for the purpose, who will report to us the proposals they may receive, and inform

the Convention of whatever facts are necessary for a wise conclusion upon the matter.

Mr. GOWEN. Mr. President: I dislike to get up again, but this is substantially the same resolution that has just been voted down. It seems to me to have for its object the connecting of the printing and the reporting together. Now the resolution, as it came from the committee of fifteen, does not commit this House to the making of any contract until the compensation is fixed. Therefore, this is simply a motion to re-commit, and to give the committee power to take into consideration the printing as well as the reporting, and to mix the two together, and is substantially the same as the resolution that has just been voted down.

Mr. WOODWARD. Mr. President: This whole subject has become incomprehensible to me. I cannot understand it. The Convention, by a small majority, (which, possibly, if the Convention had been full would have been the other way,) decided to have a stenographic report of our debates. Now the gentleman proposes to refer to a committee, hereafter to be appointed, the consideration of the cost of that report. Well, sir, suppose that committee should make a report upon the cost that would satisfy the majority of this Convention that they had made a mistake in voting down the amendment of my friend from Chester (Mr. Darlington.) Let us look at this thing a little. I have not heard, in what has been said this morning, any allusion whatever to the report of the Auditor General on the expenses of the Convention of 1837. If I understood that report, as read from the Clerk's desk this morning, it amounts to one hundred and six thousand dollars, besides postage and transportation, items which he could not specify because paid out of a contingent fund and mixed up with other matters. If those items were ascertained, my belief is that the aggregate expense of this job of the last Convention would be found to be not less than one hundred and fifty thousand dollars. Then, I assume, and I take it that the best informed gentlemen on this floor will concur in my opinion, that the similar work cannot be done at the present day, and at present prices, for less than double that sum. We may as well understand that this job we are now setting up is going to cost the people of Pennsylvania something like three hundred thousand dollars. Well, sir, suppose this com-

mittee should come to that conclusion, what then becomes of the resolution already adopted by the yeas and nays that we will have a report?

Mr. MACVEAGH. No such resolution has been adopted.

Mr. WOODWARD. Perhaps the gentleman is technically correct. The gentleman from Chester (Mr. Darlington) moved that it is inexpedient to employ a stenographer, and that question, as I understand it, by a majority of seven, was voted down, among whom was my friend from Dauphin (Mr. MacVeagh.) The motion that it was inexpedient to employ a reporter was voted down by a majority of seven; I am not mistaken about that I think. I suppose then the Convention means to say that it is expedient to employ a reporter. And this gentleman voted for that, and he says he is not in favor of the employment of one.

Mr. MACVEAGH. I do not know whether I am or not until I know something about the cost of employing one.

Mr. WOODWARD. Well, sir, I wish we could come to a direct vote whether we are to have a reporter or not, for from what I learn from my friend from Dauphin—my very intelligent friend—he did not comprehend the question on which he voted, and a question that he cannot comprehend is not very comprehensible.

Mr. MACVEAGH. The difficulty was not in my comprehending the question, but in his comprehending my statement. I voted against Mr. Darlington's motion because I thought it was premature until we had the information in regard to the probable cost of the reporting and printing, and I am unable now to decide whether it is expedient or inexpedient to employ a stenographer until we know what probable expense that involves.

Mr. WOODWARD. Well, sir, I don't know what the expense will be, but I believe it will be so large as to render it inexpedient to employ a stenographer. Mark my word, whatever it may cost, one hundred and fifty thousand dollars, two hundred thousand dollars, or two hundred and fifty thousand dollars, it is a work that will not sell for a thousand dollars in any market in the world; and after we have expended one, or two, or three thousand dollars I am afraid the people will reject all our work and all our amendments. You may depend upon it, gentlemen, it is a mistake. Stenographic reporting has become a great science, or rather art. It has greatly improved since 1836. Why,

in the Convention of 1836 we had a Mr. John Agg, who could neither read nor write a stenographic character. He did not know the first principles of the art. He employed some young men who had some knowledge on the subject. But since his day the art has grown to a great profession, and gentlemen command high prices. There are stenographers in Washington, and in all the States, if you employ to write down every word that is uttered here you have got to pay, and pay them well, for they are a profession that deserve to be well paid, and if they perform their work well they deserve to be paid. And in this matter of printing, what did we hear this morning in regard to these cards on our desks?

Mr. H. G. SMITH. I beg leave to say that the State Printer, who is on the floor of this House, has informed me that I was mistaken in the statement that these cards cost one dollar a piece. I was so informed by a member of the Legislature, but I do not want to do injustice to anybody, and I withdraw the statement.

Mr. WOODWARD. I am glad to hear it. But stenographic reporting may cost anything, no man can tell what. Every gentleman may lay it home to his heart that it will cost at least double what it did in 1837. If it cost one hundred and fifty thousand dollars then, it will cost three hundred thousand dollars now. I think I have said enough to intimate that I am opposed to this whole thing.

Mr. SIMPSON. I do not understand that the House, when it voted down the proposition of the gentleman from Chester, (Mr. Darlington,) committed itself to the converse of his proposition. Like the gentleman from Dauphin (Mr. MacVeagh) I voted against that proposition because I want to know what the probable cost of reporting the proceedings will be before I commit myself to vote for a stenographic report of the debates of the Convention. I have no doubt that there will be a great many words of wisdom uttered here, and if they can be reported at a reasonable price, and sent down to posterity, I am, for one, willing to vote for a reasonable sum. If it would cost an unreasonable sum I would vote against it. I therefore voted against the proposition of the gentleman from Chester, (Mr. Darlington,) and propose to vote for the proposition of the gentleman from Lycoming, (Mr. Armstrong,) and I ask this Convention not to commit itself to the question until they know what the cost

will be. We will be held responsible by the people of this Commonwealth if we put a burden upon them they ought not to bear. If the reporting and printing can be let for a reasonable sum, I am willing to assume my share of that responsibility, but I want to know, before I cast my vote upon this proposition, what that sum is, so that I can determine, by my judgment, whether it be proper or improper, whether it is reasonable or not. I hope the Convention will adopt the resolution of the gentleman from Lycoming, so that the people will not charge us with extravagance in the inception of the proceedings here.

The PRESIDENT. The Chair wishes to state how the question stands. The amendment moved by the gentleman from Lycoming (Mr. Armstrong) is to amend the original resolution, as reported from the committee, by instructing a different committee upon a different subject, and the Chair is of the opinion that it is not in order. The question is therefore on the original resolution as amended.

Mr. SAMUEL A. PURVIANCE moved to amend, by adding the following:

"And that said reports of the debates of said Convention shall be limited to speeches and discussions actually made and delivered within the bar of the Convention."

The amendment was agreed to.

The resolution, as amended, was then agreed to.

Mr. ARMSTRONG, on leave, offered the following resolution, which was twice read:

Resolved, That the standing Committee on Printing and Binding, when appointed, be instructed to receive proposals and report to the Convention as soon as possible the draft of a contract for the reporting, printing and binding, or for each separately, as they may deem best, and that, upon the approval by the Convention of a contract or contracts for the same, the duties of the reporters appointed by the Secretary of the Commonwealth shall cease.

Mr. COCHRAN. Mr. President: It strikes me that the resolution now pending before the Convention comes in conflict with the resolution the Convention just adopted. It places the Committee on Printing and the Committee on Accounts and Expenditures in direct collision with each other on the same subject matter, as I understand it; and, besides that, it proposes that, at a certain time,

the duties of the reporters appointed by the Secretary of the Commonwealth shall cease. I think that this resolution, having been intended to fit to the resolution previously adopted, and having been ruled out of order as an independent proposition, will not answer the purpose. I think, therefore, that the resolution ought either to be changed or voted down for that reason. If the proposition was to instruct the Committee on Printing to take into consideration the subject of a contract for printing alone, leaving everything about reporting out of it, then it would be perfectly proper. But now it unites reporting and printing, and brings the two into collision.

The PRESIDENT. The Chair is not of the opinion that the resolution clashes with the resolution already adopted to such an extent as to make it out of order.

Mr. COCHRAN. I did not intend to raise it as a point of order, but intended to submit it to the consideration of the Convention, whether the two did not collide with each other.

Mr. S. A. PURVIANCE. Mr. President: If I understand this resolution rightly it involves a good deal more, it seems to me, than is intended by many of the gentlemen upon this floor. It seems to imply at least the right of that committee to make a contract for the reporting and printing of the proceedings of the Convention. To present a draft of a contract is certainly taking one step towards making a contract, and probably might be considered as binding upon this Convention.

Now, Mr. President, it seems to me there have been attempts, one after another, in this Convention, to place this printing in a certain direction. Let us inquire, first, whether we have the power to step aside of a contract which has already been made. I hold in my hand a bill passed by the Legislature of 1871, in which they designate rates for printing of every kind, and in which they designate the way and manner by which the public printer shall be selected, and I beg leave, sir, just to read that short section. After enumerating the rates of printing of every description, according to the terms known only to printers, they proceed to say this:

"That on Tuesday, the fourth day of April next, the two Houses of the Legislature shall meet in joint convention, in the hall of the House of Representatives, and let the public printing and binding for three years from and after the 30th

day of June next, according to the provisions of the act of April 9th, 1856, and its several supplements."

Now, sir, in pursuance of that act, I am told that the two Houses met in joint convention, and that they let the printing to the lowest bidder; and therefore it is that I undertake to say that there is a contract—an outstanding contract.

Now, sir, suppose that committee recommend another contract, or another mode of making a contract, and that is adopted by your Convention, may not the State, to some extent, be involved in a liability to a very large amount, and may not this State Printer, while not having the power to sue the State, present himself from year to year to your Legislature and claim that he is entitled to receive a large sum of money, under the terms and conditions of the contract made in pursuance of the act of 1871? Therefore I say, as preliminary to all this, it strikes me that this question is whether this word "public" in that section covers all the printing of the State. All that should be properly considered by the Judiciary Committee, perhaps, as a legal question, before we give this work to anybody else.

MR. LANDIS. MR. President: As I understand the resolution as submitted, if passed by the Convention, we are committed to the reporting of the debates of this Convention; and if we are thus committed to the reporting of them, we are committed to all the expense that will necessarily follow from the publication of these proceedings.

Now, sir, I confess that I have watched the debates upon this subject with some considerable interest, not so far as I myself am concerned as a member of the Convention, but so far as the expenses are concerned as relating to the State at large. I have listened with some interest and attention to the statements made by Judge Woodward, and I confess that when he stated last week upon the floor of this House that the expense of reporting the proceedings of the last Convention amounted in the aggregate to \$100,000, I at the time supposed he must be mistaken, and that it could not have cost the enormous sum of \$100,000. But it appears that in pursuance of some resolution passed last week, the Auditor General has furnished this Convention a statement of the cost of the reporting and printing of the proceedings of that Convention, and, if I recollect rightly, it amounted to something in the neighborhood of \$150,000

or \$160,000. I submit, is it not fair to conclude that in consequence of the great advance made in the art of reporting, and remembering that in all probability the debates of this Convention will be quite as voluminous as the debates of the last Convention, and remembering also that there will now be much fuller reports of them. I submit, if it is not fair to conclude that the debates of this Convention will cost at least twice as much as the debates of the last one. Therefore, if we commit ourselves to the present resolution, we are undoubtedly putting ourselves in a position that will fix upon the State a debt of not less than \$300,000. Now, sir, is it worth that? Is it necessary that we should perpetuate, at so great a cost, all that is said upon this floor, all that is here read, all that is here done, all that men here choose to give utterance to in the proceedings of this Convention? I submit, sir, it is not equal to the cost. The people don't expect it; they only ask that you shall give them something upon which to pass, leaving us to decide upon what shall be our action; and they ask in turn when we are done that they shall pass upon the integral result, and not upon the mere reasons, language or arguments that have influenced us in arriving at that result.

It appears to me there is some inconsistency in the minds of some gentlemen of this Convention. I thought this morning that a copy of Purdon's Digest would be a very useful appendage to this Convention, and I tried to get one to look at an act of Assembly, but I could not find one, and was told there was none to be had. I presented a resolution asking the Secretary to provide us with a small number. A clamor arose all around the House, "No, no; we don't want it." I supposed an economical fit had taken possession of this assembly; but now, when it comes to the question of reporting our proceedings, why gentlemen who voted against that resolution are loud and clamorous that the proceedings of this Convention shall be reported. It strikes me that there is some inconsistency about it. I appeal, therefore, to the Convention in behalf of economy; and I have voted uniformly this morning so far as this question is concerned, against making any report of the proceedings; and, as I understand now, that to vote "aye" will be to vote for the reporting of the Convention, I have thought fit to rise and give briefly the reasons why I shall vote "no."

Mr. J. W. F. WHITE. Mr. President: I voted for the resolution passed a few minutes ago, that the Committee on Accounts and Expenditures should report what expense would probably be incurred by having the reports made, and I did it not supposing that I had committed myself to the employment of a stenographer. That was not the motive that influenced me to vote for that resolution, but simply because I desire information upon it. I intend to vote for the motion before us, not intending thereby to commit myself to any contract that this committee may report; but I desire all the light and information upon this subject that I can obtain; and then, when I know about the probable cost of reporting and publishing the proceedings of this Convention, then I am prepared to vote upon that question; but I apprehend we cannot vote upon that intelligently now, and these two resolutions are simply calling for information, and for that very information that will enable the Convention to understand thoroughly this question and vote intelligently upon it. I therefore vote for both of them.

Mr. GOWEN. Mr. President: I agree with all that has been said by the gentleman from York, (Mr. Cochran,) that this resolution is in direct conflict with the one adopted; and I agree with the gentleman from Allegheny, (Mr. Purviance,) that the rights of the State Printer in this question should be investigated before action is taken; and I agree with the economical gentlemen who think no contract should be made unless we have information beforehand. In order to meet all these questions, I move to amend the resolution, by striking out all after the word "resolved," and inserting the following:

"That the Committee on Printing and Binding, when appointed, be directed to report whether the contract between the State and the present public printer entitles such printer to the printing and binding of the Convention, and if their report upon this subject be in the negative, then to receive and report to the Convention bids for the printing and binding of the Convention."

The amendment was agreed to.

Mr. MANN. Mr. President: I think there are a good many on this floor who are in the condition of the gentleman from Philadelphia (Mr. Gowen.) We have complicated this question in such a way that many of us certainly cannot vote either one way or the other without,

to some extent, voting against our ideas of what ought to be done; and to relieve myself of the difficulty I am in, I move the indefinite postponement of the whole subject. I do that simply that I may put myself in a position to vote according to my convictions. I suppose upon that motion the whole question is up for debate, and it is for that reason, in part, that I desired to make it.

Those of us who voted that it was inexpedient to report the proceedings of this Convention, if nothing else was said or done, might be put in a false position. For myself I desire that these proceedings should be reported in the fullest and most complete manner; but I believe that private enterprise is the safest hands in which to leave this reporting. I believe the statement that the world is governed too much would apply as well to this question before us as to others. The truth is known to every member of this body, that the only reports of the proceedings and debates of this Convention that will be read, are the reports that will be made by the daily papers of the State; they will be read; the others will be put away on shelves and never be read. Now, then, what is the use of making them? The Journal of this Convention will be kept and printed, of course. Does not that contain all that is necessary to preserve in an official form for the instruction of the people—for their instruction as to whether they will adopt or reject the proceedings of this Convention? They will get all their information from the reports made in the daily papers, for which the Commonwealth will pay nothing. It will be left entirely to private enterprise. It is for that reason that I shall vote for the indefinite postponement of the whole question; it was for that reason I voted for the motion of the gentleman from Chester (Mr. Darlington.)

Now, the difficulty that arises in the minds of several gentlemen in the position in which we are fixed, is the resolution offered by the committee of fifteen, simply referring to the Committee on Accounts the cost of reporting. It left out entirely the cost of printing; and the report of the Auditor General this morning, of the cost of the printing and reporting of the Convention of 1837, shows that the cost of reporting was but an insignificant item; the cost of printing was what made the gross rates. If we commit ourselves to the question of reporting, then of course the printing must be done; so that if we adopt

the resolution of the committee of fifteen we commit ourselves to the entire cost of reporting and printing, without any information as to what the cost of printing would be.

Now, Mr. President, it did seem to me—it does yet—that this was an unwise course to take, and that we are moving in this matter with undue haste, and that we ought to be better informed upon this question of the cost of printing. It is charged upon the Legislature of the State that they have managed this matter in a very bungling way—that there has been a constant jobbing on this question of printing. I think if the members will reflect a moment they will have some occasion to ask themselves whether we are about to manage this question any better than the Legislature has. It seems to me that unless we give some heed to the remarks of the gentleman from Pittsburg (Mr. Purviance) we will not manage it as well. There has been a great effort made upon the part of the Legislature to bring this question of printing into proper methods of being executed. Some of the best talent of the State has been devoted to that question—the question of bringing into an economical and honest channel this question of printing; yet it seems to me the motions made this morning propose to ignore all this effort at our hands and get up some new plan. I am entirely opposed to it. I think we ought to avail ourselves of the experience of the Legislature, and of the work that they have done, and that it would be better that we should make some inquiries and inform ourselves of the statutes that we have upon the statute-book, regulating this question of printing, before we hastily, and without inquiry, commit ourselves to the enormous expense that the gentleman from Philadelphia (Mr. Woodward) well says will result from the action now contemplated.

The PRESIDENT. The Chair will observe that the resolution reported by the committee was taken up for consideration, was amended and passed; it cannot now be postponed indefinitely or otherwise. The present motion applies only to the resolution offered by the gentleman from Lycoming, (Mr. Armstrong,) as amended by the gentleman from Philadelphia (Mr. Gowen.)

The motion to indefinitely postpone was not agreed to.

The resolution, as amended, was then adopted.

COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH.

A communication from the Secretary of State was read, giving the expenditures of the Auditor General's, Surveyor General's and Executive Departments for the two years last past, at \$82,919 50, and the expenses of the Legislature during the same time, at \$406,194 40, making a total sum of \$489,113 90.

Laid on the table.

On motion of Mr. Woodward, the communication was ordered to be printed and laid on the desks of members.

STATIONERY.

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

Resolved, That the Secretary be required to furnish each member such stationery as he may require, not to exceed in value fifty dollars for each member, an accurate account to be kept of the value of said stationery.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

RE-CONSIDERATION.

Mr. LILLY moved that the Convention reconsider the vote by which the resolution of November 12 was adopted, providing for the permanent sessions of the Convention to be held in the city of Philadelphia after January 1, 1873.

The PRESIDENT. The Chair desires some gentleman upon the Committee on Rules to state what rules were adopted in regard to the limitation of time upon the question of re-consideration.

Mr. MACVEAGH. Six days of actual sessions.

The PRESIDENT. The motion therefore is in order, providing the mover and seconder both voted with the majority.

Mr. LILLY moved to postpone the motion to re-consider for the present.

The PRESIDENT. A motion to re-consider is upon the same footing as a motion to consider. It is exactly upon the same footing as a motion to proceed to the second reading and consideration. It is not debatable; and no motion to postpone, in the opinion of the Chair, is applicable. If the House is not at this time prepared to re-consider, they can negative the motion to re-consider. If they re-consider, then the House can postpone as they may direct.

Mr. HARRY WHITE. Mr. President: I rise for information, so that I can vote intelligently. I understand the Chair to say that a motion to postpone for the present the consideration of the motion to re-consider can not be entertained.

The PRESIDENT. Yes, sir.

Mr. HARRY WHITE. I submit, with all deference to the Chair, that it is customary to make a motion to re-consider often, in order to bring it before the House, and then postpone the consideration of that motion until some future time.

The PRESIDENT. The Chair is of the opinion that a motion to re-consider is on the same footing exactly with a motion to consider an original resolution. In the opinion of the Chair a motion for postponement cannot be made upon it. It not being a debatable motion, an undebatable motion cannot be put upon it; and furthermore, the rule requires that the motion to re-consider should be made within a limited time, which would be entirely set at naught if it could be made and postponed.

On the question, will the House agree to the motion to re-consider?

The yeas and nays were required by Mr. D. N. White and Mr. MacVeagh, and were as follow, viz:

Y E A S.

Messrs. Ainey, Alricks, Achenbach, Baer, Baily, (Perry,) Bowman, Broomall, Cochran, Collins, Darlington, DeFrance, Dunning, Edwards, Elliott, Fulton, Funck, Gibson, Hall, Hazzard, Horton, Howard, Kaine, Lamberton, Lawrence, Lilly, Landis, M'Clean, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Metzger, Niles, Patterson, (Lancaster,) Purviance, (Allegheny,) Purviance, (Butler,) Reynolds, James L., Rooke, Russell, Smith, (Berks,) Struthers, Van Reed, Walker, White, (Indiana,) White, David N., Wherry and White, J. W. F.—48.

N A Y S.

Messrs. Armstrong, Andrews, Addicks,

Bartholomew, Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Beebe, Boyd, Brodhead, Buckalew, Curtin, Campbell, Corbett, Carter, Cassidy, Church, Corson, Cronmiller, Curry, Cuyler, Davis, Dimmick, Dodd, Dallas, Ellis, Ewing, Fell, Gowen, Guthrie, Hanna, Harvey, Hay, Hemphill, Heverin, Hunsicker, Knight, Lear, Littleton, Long, M'Allister, M'Camant, Mantor, Minor, Newlin, Parsons, Patterson, (Allegheny,) Patton, Porter, Read, (Philadelphia,) Reed, (Mifflin,) Ross, Runk, Smith, (Allegheny,) Sharpe, Simpson, Smith, (Lancaster,) Stanton, Stewart, Temple, Turrell, Woodward, Wetherill, (Philadelphia,) Wetherill, (Schuylkill,) Worrell, Wright and Meredith, *President*—68.

So the question was determined in the negative.

PRINTING.

Mr. BARTHOLOMEW offered the following resolution, which was twice read and adopted:

Resolved, That if the standing Committee on Printing shall hold that the contract for the public printing already entered into includes the printing that may be required for this body, they shall report to this body the reasons for such conclusion, as well as the authorities upon which it is based.

SESSIONS OF THE CONVENTION.

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

Resolved, That until otherwise ordered the Convention will meet daily at ten A. M., adjourn at one P. M., re-assemble at half-past three P. M. and adjourn at half-past five P. M.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

Mr. HARRY WHITE moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until tomorrow morning at ten o'clock.

SIXTH DAY.

THURSDAY, November 21, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, William M. Meredith, in the chair.

Prayer was offered by Rev. Mr. Bowen, of the Episcopal Mission church.

The Journal of yesterday was read and approved.

RESOLUTIONS.

Mr. BROOMALL offered the following resolutions, which were severally read and laid on the table :

Resolved, That the Committee on Suffrage, Election and Representation be instructed to inquire into the expediency of securing the right of suffrage to all adult citizens without regard to sex.

Resolved, That the Committee on the Executive Department be instructed to inquire into the expediency of providing that the term of office of the Governor shall be four years, and that no person shall serve more than one term in eight years.

Resolved, That the Committee on Revenue and Taxation be instructed to inquire into the expediency of prohibiting the Legislature from granting special exemptions from taxation of property otherwise taxable.

Resolved, That the Committee on Legislature be instructed to inquire into the expediency of extending the term of the Representatives to two years, and that of the Senators to four years, and providing that the regular sessions of the Legislature shall be held once in two years.

Resolved, That the Committee on Suffrage, Election and Representation be instructed to inquire into the expediency of providing that electors shall have resided within the election districts where they offer to vote ninety days, and shall have paid a State or county tax within one year, which shall have been assessed at least sixty days before the election.

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of providing that all judges who are required to be learned in the law shall be appointed by the Governor, by and with the advice and consent of the

Senate, and that they shall hold their offices during good behavior, and of providing a process of retiring them on account of age or infirmity.

Mr. LAMBERTON offered the following resolutions, which were read and laid on the table :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Constitution that the number of justices of the Supreme Court shall be increased, the State be divided into districts, and a justice be chosen from each of said districts.

Resolved, That to the Committee on Legislation it be referred to inquire into the expediency of providing that every bill shall be read at large on three different days in each House; that every bill, with all amendments thereto, shall be printed before the vote is taken on its final passage; that on the final passage of every bill the vote shall be taken by yeas and nays, which shall be entered upon the Journal; that upon the final passage of all appropriation bills the vote shall be taken by yeas and nays upon each section or appropriation separately, and be entered upon the Journal.

Resolved, That to the Committee on Suffrage, Election and Representation it be referred to inquire into the expediency of increasing the length of residence in an election district so as to qualify a citizen to vote therein.

Mr. JOHN PRICE WETHERILL offered the following resolution, which was twice read and adopted :

Resolved, That the Auditor General be requested to furnish to this Convention information upon the following items: 1st. What amount of money has been paid by the State for public printing under the existing contract. 2nd. What amount, if any, of said expenditure has been paid for work done, which, from the peculiarity of the composition or otherwise, could not be embraced in the schedule of rates, as prescribed by act of Assembly and not so included.

Mr. HARRY WHITE offered the following resolution, which was read and laid on the table :

Resolved, That the Constitution should be amended as follows : The Legislature shall not pass any local or special laws in any of the following cases, viz : Regulating municipal affairs ; granting divorces ; laying out, opening or changing roads, streets and alleys ; changing the names of persons and places ; changing county seats ; regulating the practice in the courts ; changing the venue in any case ; incorporating cities, towns and villages, or amending the charter of any city, town or village ; regulating the election of borough or township officers ; regulating the jurisdiction and duties of justices of the peace, aldermen and constables ; regulating the management of common schools ; fixing the rate of interest ; affecting the real estate of minors and persons under disability ; relating to or incorporating ferries and bridges ; creating, increasing or decreasing fees and allowances of public officers during the term for which they were elected or appointed ; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise ; nor shall any bill be passed by the Legislature granting any powers or privileges in any case where authority to grant such powers or privileges has been or may hereafter be given to the courts of this Commonwealth.

Mr. WHERRY offered the following resolution, which was read and laid on the table :

Resolved, That so much of the present Constitution as relates to the several subjects for which standing committees shall have been created be referred to the appropriate committees when appointed ; and the said committees be and they are hereby instructed to consider the same, and to prepare and report such amendments as in their judgment should be made to the Constitution.

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

Resolved, That when this Convention adjourns to-day it adjourn to meet on Tuesday morning next at eleven o'clock.

On the question, will the Convention proceed to the second reading of the resolution ?

It was determined in the negative.

Mr. BEEBE offered the following resolution, which was read and laid on the table :

Resolved, That all appropriations by the State to denominational or sectarian insti-

tutions for charitable or educational purposes shall be prohibited.

Mr. WHERRY offered the following resolution, which was read and laid on the table :

Resolved, That the Committee on Legislation be requested to report a Constitutional provision defining the term of members of the Legislature.

Mr. DALLAS. In order that the presiding officer of this body may have proper opportunity to appoint the committees of this body, I move that this Convention do now adjourn.

The motion was not agreed to.

Mr. CAMPBELL offered the following resolutions, which were read and laid on the table :

Resolved, That the Committee on Suffrage be instructed to inquire into the expediency of giving to foreign born residents of the Commonwealth all the privileges of State citizens : *Provided*, They shall have resided within the State for two years, be of the age of twenty-one years, and shall have declared their intentions to become citizens of the United States.

Resolved, That the Committee on Revenue be instructed to inquire into the expediency of abolishing all fees now permitted by law to be collected from the estates of decedents, and to substitute in lieu thereof a graduated inheritance tax upon the gross value of the estates.

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of abolishing the offices of alderman and justice of the peace, and substitute in lieu thereof a minor judiciary, to be composed of judges learned in the law, of at least thirty years of age, and elected by the cumulative method of voting.

Mr. JOHN PRICE WETHERILL offered the following resolutions, which were read and laid on the table :

Resolved, That the Committee on the Executive, when appointed, be instructed to inquire into the expediency of so amending the Constitution of this State as to limit (by the appointment of a council upon the subject, or otherwise,) the pardoning power of the Governor of the State.

Resolved, That there should be inserted in the proposed Constitution a provision for the payment of all public officers fixed salaries, and that all fees, perquisites and emoluments shall be paid into the public treasury.

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

Resolved, That the Secretary of the Commonwealth be requested to furnish this Convention with a list of all pardons obtained from the different Governors of Pennsylvania, from the first day of January, 1838, to this date, with the names of the persons pardoned, the nature of their offences, the time when such persons were convicted (if known) and the times when such persons were pardoned.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

Mr. STEWART offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Executive Department be instructed to inquire into the expediency of establishing a court of pardons.

Mr. M'ALLISTER offered the following resolution, which was read and laid on the table:

Resolved, First, that no legislative, executive or judicial officer of the Commonwealth shall, during the term of his office, accept or hold a pass or gratuity from any railroad holding corporate rights and franchises under the laws thereof. Second, that the sale of intoxicating drinks as a beverage is prohibited; and the Legislature shall, within one year from the adoption of the Constitution, pass laws with suitable penalties for the prevention thereof.

Mr. TEMPLE offered the following resolution, which was twice read and adopted:

Resolved, That the Auditor General be requested to furnish the Convention with a statement of the amount of money paid into the State Treasurer's office for the several years since January 1, 1837, by the following named officers for the city and county of Philadelphia: Recorder of deeds, register of wills, prothonotary of district court, prothonotary of Supreme Court, prothonotary of court of common pleas.

Mr. HUNSICKER offered the following resolution, which was read and laid on the table:

Resolved, That to the Committee upon the Declaration of Rights be referred the following addition to the Bill of Rights: "That no law shall be passed limiting the amount of damages recoverable in any proceedings at law or equity."

Mr. BRODHEAD offered the following

resolution, which was read and laid on the table:

Resolved, That the Committee on Suffrage, Election and Representation be instructed to inquire into the propriety of allowing all persons, without regard to nationality, who have resided in the State for one year, and in the election district for ninety days, the right to vote at all State and municipal elections.

Mr. CORSON offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on the Bill of Rights be requested to inquire into the propriety of amending article nine, section six, of the Constitution, so as to make it read as follows: "That trial by jury shall be as heretofore, and the right thereof remain inviolate; and no judge shall deliver any charge except it be written and read to the jury, and then filed of record."

Mr. BARTHOLOMEW offered the following resolution, which was read and laid on the table:

Resolved, That the proper committee be requested to inquire into the expediency of prohibiting the Legislature from enacting any special law extending the time for the payment of any contract debt.

Mr. MACCONNELL offered the following resolution, which was read and laid on the table:

Resolved, That the appropriate committee be instructed to inquire into the expediency of preventing, by Constitutional provision, the sale or other disposition of cemeteries and places of sepulture for any purpose except that of burial.

Mr. SIMPSON offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Education, when appointed, be requested to consider and report upon the following as an article in the Constitution:

ARTICLE —. EDUCATION.

SECT. 1. The General Assembly shall provide a thorough and efficient system of free schools, and may provide for the attendance of all children between the ages of six and twelve years, unless in case of physical or mental incapacity.

SECT. 2. Neither the General Assembly nor any county, city, town, township, school district, or other public or municipal corporation, by whatever name called, shall ever make any appropriation, donation or grant of any money, property or

valuable thing, or pay from any public fund whatever, anything in aid of any church or sect, or to help, support or sustain any school, academy, seminary, college, university or other literary or scientific institution, managed or controlled, either in whole or in part, by any church or sectarian denomination whatever.

SECT. 3. All lands, moneys or other property donated, granted or received for school, college, seminary or university purposes, or the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

Mr. COLLINS offered the following resolution, which was read and laid on the table:

Resolved, That we, the people of the State of Pennsylvania, grateful to Almighty God, the Creator of the universe, for the civil, religious and political liberty which has been so long vouchsafed us to enjoy, and looking to the same source for blessings upon our endeavors to secure and transmit the same to succeeding generations, do ordain and establish this Constitution for the State of Pennsylvania.

Mr. TURRELL offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Judiciary, when appointed, be instructed to inquire into the expediency of authorizing juries in civil and criminal cases to render a verdict by a majority of two-thirds of their number.

Mr. BAER offered the following resolution, which was read and laid on the table:

Resolved, That the Constitution be amended, as follows:

1st. Any person holding office under the laws of this State who, except in payment of his legal salary, fees or perquisites, receives, or consents to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, with the expressed or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment, at hard labor, in one of the penitentiaries of the State, for a term not exceeding five years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court.

2d. In all trials for libel, both civil and

criminal, the truth, when published with good motives, and for justifiable ends, shall be a sufficient defence.

3d. No divorce shall be granted in this State except by the judgment of a court of competent jurisdiction, and for no other cause than adultery.

4th. No costs shall be paid by a person accused on a bill returned *ignoramus*, nor on acquittal by a jury.

5th. Trial by jury in all cases in which it has heretofore been used shall remain inviolate, except that in suits before aldermen and justices of the peace provision may be made by general law for trial by a jury of less than twelve men; but a jury trial may be waived by the parties in all civil suits.

6th. To enable a debtor, being the head of a family, his wife or widow, to enjoy the comforts of life, and rear, educate and maintain his or her children, there shall be exempt from levy and sale for the payment of all debts and liabilities hereafter contracted (taxes excepted) property of the value of \$1,000, which may consist of real and personal property or of either; and the same being set aside, as provided by law, shall not be sold or conveyed, pledged or pawned during the joint life of husband and wife without their joint assent, ascertained in such way as may be prescribed by law; and all contracts waiving the benefit of the exemption hereby created are hereby declared to be void: *Provided*, That the lien for purchase money on real estate, as against the real estate sold, shall not be impaired.

Mr. EWING offered the following resolution, which was read and laid on the table:

Resolved, That the several standing committees on the Constitution be requested to report the propositions which they shall recommend for adoption unaccompanied by their reasons for such recommendation.

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

Resolved, That all resolutions and propositions which may be submitted to the Convention regarding amendments or additions to the Constitution be printed for the use of the members.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

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

Resolved, That all propositions of amend-

ments reported by committees shall, before final action is taken on them, be reported to a committee of the whole.

On the question, will the Convention proceed to the second reading of the resolution?

It was determined in the negative.

Mr. LILLY offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Suffrage, Election and Representation inquire into the expediency of altering the Constitution in such a way as to require the holding of certificates of naturalization for at least six months before the right of suffrage can be exercised.

Resolved, That the Committee on Suffrage, Election and Representation be instructed to inquire into the expediency of compelling each legal voter to exercise the power of suffrage at all State and National elections held in this Commonwealth.

Mr. HAY offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Declaration of Rights be instructed to inquire into the expediency of so amending the tenth section thereof as to provide that where any man's property is taken or applied to public use, the necessity for such taking or application shall be first determined in a manner to be prescribed by law.

Resolved, That the Committee on the Declaration of Rights be instructed to in-

quire into the expediency of adding to the sixth section thereof, "but a trial by jury may be waived by the parties in all cases."

Resolved, That the Committee on Revenue, Taxation and Finance be instructed to ascertain, if possible, what proportion of the real property in the Commonwealth is now exempt from taxation under general and private laws, and to what uses and purposes the same is devoted; and also to inquire into the expediency of providing that all property in the Commonwealth, excepting that belonging to or under the absolute control and supervision of the Commonwealth, or any county, township, borough, city, ward or school district therein, and excepting cemeteries, shall be subject to taxation, and of providing that no property should be exempted from taxation by any other than general laws.

Mr. H. W. PALMER offered the following resolution, which was read and laid on the table:

Resolved, That the appropriate committee be instructed to inquire into the expediency of so amending the Constitution as to prohibit and forbid the judges of the courts of this Commonwealth from charging juries upon the facts of the cases, except so far as may be necessary to explain the law thereof.

Mr. CLARK moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until tomorrow morning at ten o'clock.

SEVENTH DAY.

FRIDAY, November 22, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, William M. Meredith, in the Chair.

Prayer was offered by Rev. Dr. A. K. Strong, of the Pine street Presbyterian church of Harrisburg.

The Journal of yesterday's proceedings was read and approved.

RESOLUTIONS.

Mr. STANTON offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Legislature be instructed to inquire into the expediency of so amending the Constitution as to enable the Governor, by appointment, to fill vacancies which may occur in either branch of the Legislature, until the next election.

Resolved, That the Committee on the Executive Department be instructed to inquire into the expediency of so amending the Constitution as to provide for an election, by the people, of a Lieutenant Governor, to be chosen at the same time and for the same term of office as the Governor.

Resolved, That all resolutions be referred to standing committees, when appointed, without debate.

Resolved, That the Committee on the Executive Department be instructed to inquire into the expediency of so amending the Constitution as to empower the Governor, in the event of the death or removal of any person or persons elected to a State office, between the date of their election and the date of their inauguration, or assuming the duties of such office, to fill such vacancy by appointment, such appointee to hold office until the next annual election.

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

Resolved, That when this Convention adjourn to-day it adjourn to meet on Tuesday, December 3.

The question, will the Convention proceed to the second reading and consideration of the same? was determined in the negative.

Mr. MACCONNELL offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Legislation report the following amendments, namely:

1st. One providing that the real and personal property of any female in the State, acquired before marriage, and all property, real and personal, to which she may in any manner become entitled after marriage, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

2d. One providing that no married woman shall, in any way or manner, become security for any debt, obligation or engagement of her husband, or in any way or manner pledge or render liable any of her property, real or personal, for such debt, obligation or engagement.

Resolved, That the Judiciary Committee report an amendment requiring the Legislature to divide the State into as many judicial districts as there may be judges at the time in the Supreme Court; requiring the legal voters of each circuit to elect one judge of said court; requiring the judge elected in each circuit to reside therein during his whole term of office; requiring said court to hold at least one term in banc in each circuit each year, and making the judge resident in each circuit the presiding judge in said court while it is sitting in banc in his circuit.

Also, one providing that the orphans' court in each county shall consist of one judge, who shall be learned in the law, and whose salary shall be paid by the county.

Also, one abolishing the registers' courts, and vesting their jurisdiction in the orphans' courts, and abolishing the office of register of wills, and vesting the powers and duties thereof in the clerks of the orphans' courts.

Mr. JOHN PRICE WETHERILL offered

the following resolution, which was read and laid on the table :

RESOLUTION OF INSTRUCTION TO COMMITTEE ON CITIES AND CITY CHARTERS.

WHEREAS, The people of every section of the State should be supreme in the management of their own local affairs, and the central authority should be restricted to such matters alone as concern the interests of the whole ; therefore,

Resolved, That the Committee upon Cities and City Charters be requested to report upon such alteration of the organic law, so as to remove the obstacles which have thus far prevented the success of municipal legislation by an amendment to the Constitution prohibiting the Legislature regulating county or township affairs, incorporating cities, towns or villages, or changing or amending the charters of the same, so that in all cases where a general law can be made applicable no special law shall be enacted.

Mr. WM. H. SMITH offered the following resolution, which was read :

Resolved, That when this Convention adjourn to-day it adjourn to meet in Philadelphia, on Tuesday, January 14, 1872.

On the question, will the Convention proceed to the second reading of the resolution ?

The yeas and nays were required by Mr. Lawrence and Mr. Harry White, and were as follow, viz :

Y E A S.

Messrs. Addicks, Baer, Baker, Beebe, Boyd, Campbell, Church, Corbett, Corson, Cronmiller, Davis, Dimmick, Gilpin, Hay, Hemphill, Heverin, Hunsicker, Long, M'Camant, M'Murray, Palmer, G. W., Palmer, H. W., Patterson, T. H. B., Porter, Purviance, Samuel A., Ross, Sharpe, Smith, Henry W., Smith, W. H., Stanton, Stewart, Woodward and Wright—33.

N A Y S.

Messrs. Achenbach, Alricks, Andrews, Bailly, (Perry,) Bailey, (Huntingdon,) Bannan, Barclay, Black, Charles A., Bowman, Broomall, Brown, Carter, Cassidy, Clark, Collins, Curry, Curtin, Dallas, Darlington, De France, Dodd, Dunning, Edwards, Elliott, Ellis, Ewing, Finney, Fulton, Funck, Guthrie, Hall, Hanna, Harvey, Hazzard, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, Lilly, M'Allister, M'Clean, MacConnell, M'Culloch, MacVeagh, Mann, Mantor, Minor, Mott, Newlin, Niles, Patterson, D. W.,

Patton, Purviance, John N., Read, John R., Reed, Andrew, Reynolds, James L., Reynolds, S. H., Rooke, Runk, Russell, Simpson, Struthers, Temple, Turrell, Walker, Wetherill, J. M., Wetherill, Jno. Price, White, David N., White, Harry, White, J. W. F., Worrell and Meredith, *President*—74.

So the question was determined in the negative.

Mr. WRIGHT offered the following resolution, which was read and laid on the table :

Resolved, That the Committee on Legislation inquire into the expediency of restricting, by an appropriate amendment, further grants to corporations or other persons of privileges or rights in, over or upon the rivers, creeks and streams of the Commonwealth.

Mr. CAMPBELL offered the following resolutions, which were read and laid on the table :

Resolved, That the Committee on Legislation be requested to inquire into the expediency of increasing the number of members in the Senate to fifty and in the House to two hundred and twenty-five.

Resolved, That the Committee on Railroads be instructed to inquire into the expediency of so amending the Constitution as to prohibit a railroad or canal company from holding, leasing or purchasing, whether in its own name or by means of an association created for the purpose, any coal or mining lands within the Commonwealth, and also to prohibit any such company from carrying on any business except that of common carriers.

Mr. J. M. WETHERILL offered the following resolution, which was read :

Resolved, That the Secretary of the Commonwealth be requested to furnish this Convention with such information as may be among the records of the Executive Department, of the number of persons killed or injured in the working of mines in the State during the years 1869, 1870 and 1871.

On the question, will the Convention proceed to the second reading of the resolution ?

It was determined in the negative.

Mr. ROSS offered the following resolutions, which were read and laid on the table :

Resolved, That the Committee on Declaration of Rights be requested to inquire into the expediency of abolishing the grand jury system.

Resolved, That the Committee on Judiciary be requested to inquire into the expediency of so amending section second, article fifth, of the Constitution, that the same shall provide that all judges, other than judges of the Supreme Court, shall not be required to reside within the district or county for which they were respectively elected.

Mr. LAMBERTON offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of providing that no bill shall become a law without the concurrence of a majority of the members elect to each House.

Resolved, That the Committee on Elections be instructed to inquire into the expediency of providing for the election of all judges at some other time than that prescribed for the election of Governor and members of the Legislature.

Mr. WM. H. SMITH offered the following resolution, which was read and laid on the table:

Resolved, That no law shall be passed giving to contractors, builders, landlords, or any other class of creditors, preference or priority in liens against the personal or real property of any debtor.

Mr. DUNNING offered the following resolution, which was read and laid on the table:

Resolved, That in case the Constitution shall be so amended as to authorize the appointment by the Governor of the judges of the several courts of common pleas of this Commonwealth, all such appointments shall be referred to the judges of the Supreme Court for confirmation.

Mr. CHURCH offered the following resolutions, which were read and laid on the table:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Constitution as to abolish the office of associate judge in the several judicial districts where such officer is not required to be learned in the law.

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Constitution as to provide for the abolition of the office of register of wills, and provide for the appointment of probate judge in each county, who shall be learned in the law, and have the powers and jurisdiction of the

present orphans' court, and all other matters relative to the estates of decedents.

Mr. HANNA offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Legislation, when appointed, be instructed to report the following as a Constitutional provision, viz:

No bill shall be passed by the Legislature containing more than one subject, which shall be clearly expressed in the title, except appropriation bills; but if the title contain only one subject the bill shall be valid as to that and void as to all other subjects. No law shall be revived, altered or amended by reference to its title only, but the act revived, or the section or sections thereof as altered or amended, shall be re-enacted and published at length.

Resolved, That the Committee on Executive Department, when appointed, be instructed to report upon the expediency of providing for the election by the people, in addition to a Governor, of a Lieutenant Governor, who shall be the presiding officer of the Senate and appoint all committees thereof. And also the election, by the people, of State Treasurer and Attorney General.

Mr. J. M. BAILEY offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Railroads and Canals be instructed to report a Constitutional provision prohibiting railroad and canal companies from making, in their rates of transportation, unjust discrimination against local freight.

Mr. LANDIS offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Legislature inquire into the expediency of so amending the Constitution that no member of the Legislature shall receive compensation for services as a member of a special committee of either House.

Mr. G. W. PALMER offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Oath of Office be instructed to inquire into the expediency of amending the eighth article of the Constitution, so that the same shall read, as follows:

"All civil officers shall, before they enter upon the duties of their respective offices, take and subscribe, before some

person qualified by law to administer oaths, the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Pennsylvania, and that I will perform the duties of my office with fidelity, and according to the best of my ability; and that I have not, personally or otherwise, paid or contributed any money or other valuable thing, or made any promise to, directly or indirectly, influence any vote, or to induce any other person to vote or work in my favor at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, for any vote or influence I may give or withhold, or for the performance or non-performance of any official act."

This oath shall, in the case of all State officers, be filed and recorded in the office of the Secretary of the Commonwealth, and in the case of county and township officers, in the office of the prothonotaries of their respective counties.

Any person who shall swear falsely, or knowingly violate his oath, shall be guilty of perjury, and, in addition to the penalties thereof, shall forfeit his office, and be forever disqualified from holding any office of profit or trust in this Commonwealth.

Mr. ANDREW REED offered the following resolution, which was read and laid on the table:

Resolved, That no bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the vote shall be taken by yeas and nays.

Mr. WOODWARD offered the following resolution, which was read and laid on the table:

Resolved, That the Committee upon Suffrage, Election and Representation be instructed to inquire into the expediency of so amending the Constitution as to abolish the secret ballot, and to require all voting to be *viva voce*.

Mr. MANN offered the following resolution, which was read and laid on the table:

Resolved, That rule thirty-six be and the same is hereby amended, by adding the words, "which declaration shall be made before the name of the President is called."

Mr. CASSIDY offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Cities and City Charters be instructed to report how far it is expedient to amend the Constitution so as to provide that there shall be elected in every city of over one hundred thousand inhabitants two citizens of said city, who shall be called commissioners of elections, and that in said election each qualified elector shall vote for one commissioner, and the two persons having the highest number of votes shall be elected, and shall hold their offices for five years. The officers so elected shall have the exclusive supervision and control, while an election is progressing, of the election officers in said city, provide for and furnish all books and papers necessary to carry on the election, and the custody of the papers, boxes and ballots at the conclusion of the same. The salary of the commissioners shall be fixed by the councils of the cities electing said officers. All appeals by citizens as to the unfitness of the persons selected to act as election officers, and all complaints in reference to said officers, or to the mode of conducting the election, shall be made to said commissioners; and in the event of their being unable to agree upon any subject, one of the commissioners shall request the attendance of a judge of the Supreme Court of this Commonwealth, not a citizen of said city, to appear and act with commissioners, and a majority of the board as thus constituted shall finally decide the matter upon which the commissioners were unable to agree.

SECT. 2. It shall be the duty of the Supreme Court of this Commonwealth to appoint one of their number, not a citizen of a city aforesaid, to attend at least twenty days before an election, as well as on election day, at any city, as hereinbefore mentioned, for the purpose of discharging the duties provided for in the preceding section.

SECT. 3. All canvassers and officers created for the purpose of registering or preparing lists of voters, or persons in any way concerned therein, shall be appointed by the commissioners of elections.

SECT. 4. The commissioners shall, immediately after their election, on the second Tuesday of May, 187—, cause the said city to be divided into election districts, of not more than one hundred electors each, and also provide that all elections shall be by open tickets, and that

the returns of elections shall be finally made up in the presence of the judges of the court of common pleas of the county in which the cities are, and the certificate of the result be signed by them.

SECR. 5. That the Legislature meeting after the adoption of this Constitution shall at once proceed to enact such laws as will carry out the purposes of this amendment.

Resolved, That the Committee on the Judiciary be instructed to inquire and report on the propriety of amending the Constitution so as to provide that all judges learned in the law shall hold their offices for a term of twenty years, and that the judge serving such term shall not be eligible for re-election.

The judges aforesaid not to be less than thirty-five years of age at the time of their election, and upon retiring, after serving the term aforesaid, to receive one-half of the salary annually during their lives.

Resolved, That the Committee on Legislation be requested to report how far it is expedient to provide, that hereafter in all cities of over one hundred thousand inhabitants, the prothonotaries and clerks of the different courts shall be appointed by the judges of the respective courts, and shall not be elected by the people. That said officers shall be paid a salary, to be fixed by the said judges, and to be paid out of the treasury of such cities; the fees received by said officers to be accounted for by said officers under the supervision of the courts, and paid into the treasury aforesaid, and by the said treasurer the same shall be first dedicated to the payment of the expenses of the courts aforesaid.

Resolved, That the Committee on Cities and City Charters be requested to report how far it is expedient to amend the Constitution as to require that the exclusive right to raise money by loan, to levy taxes, or to originate or to exercise any police or municipal functions in cities of over one hundred thousand inhabitants, shall be vested in the councils of said cities, and it shall not be lawful for the General Assembly of this Commonwealth to legislate upon such subjects.

ADJOURNMENT.

MR. TEMPLE offered the following resolution, which was read:

Resolved, That when the Convention adjourns to-day it be to meet December 2, 1872, at twelve o'clock.

On the question, shall the resolution be read a second time?

A division was called, resulting in a vote of sixty-two in the affirmative to forty-seven in the negative.

So the question was determined in the affirmative, and the resolution was read a second time.

MR. H. G. SMITH moved to amend, by striking out the words "December 2, 1872," and inserting in lieu thereof the words "next Monday."

MR. LILLY moved to further amend, by striking out the words "twelve o'clock," and inserting "three o'clock P. M."

MR. H. G. SMITH accepted the amendment of Mr. Lilly.

MR. TEMPLE. MR. President: The reason I offered that resolution is that during next week Thanksgiving takes place, and it is very evident that if the Convention should adjourn until some day in the early part of next week it will be very inconvenient for many, who live far away from here, to reach Harrisburg and return to their homes in time to enjoy Thanksgiving at home. Another reason is, and one that has been rumored by a great many members, that the Chair would not have the committees ready to announce at the early part of the week, in all probability. It strikes me that if the Convention assemble week after next we can finish up the business to such an extent as to adjourn to meet in Philadelphia some time in January. It seems to me that on the ground of the inconvenience of coming here next week, that being Thanksgiving week, we had better adjourn until week after next. For myself I have no desire to delay proceedings, but it seems to be the expressed wish of many members to adjourn until that time, and therefore I offered the resolution.

MR. M'ALLISTER. MR. Speaker: We have come here for business, and I have been informed indirectly that the President will be ready to report the committees early in the week, probably on Monday, and if that be the case we will have work that will occupy the time of every member of this Convention until Christmas. It is impossible that the committees can make one step of progress unless this Convention be in session. They will be scattered over the State, and cannot meet as committees. If we meet on Monday, and the committees are announced, the chairmen of the respective committees can convene their committees at once. They can retire to their rooms and consult, and

they can meet and hold two sessions per day, if thought expedient to do so; or, what will probably be thought more advisable, the labors of the committee can be apportioned among the different members, and each one put to work on the collection of statistics and facts that will enlighten the committees and enable them to act understandingly. I see no reason why many of the reports may not be made before Christmas, and then we have something before us to which we can refer our constituents when we go home for a short vacation, including Christmas. It seems to me that we can make no progress whatever by these adjournments. It seems to me that we are imitating the example of the Legislature, of which the people have complained, of holding three or four days' session in a week and then adjourning to go home. This is one of the evils arising out of free passes over our railroads, and it is time that this practice should be discountenanced. I most sincerely hope that no railroad in this State will offer any of these facilities to any member of this Convention, and that when he travels he travels at his own expense. If we then adopt this amendment to meet on Monday we can progress with our work, and we cannot unless we remain in session. We can as well eat our Thanksgiving dinners here. It is unnecessary that we should be with our families to do that. Let us not, because Thanksgiving day comes in, sacrifice the interests of those we represent.

Mr. HAY. Mr. President: When I took upon myself the duties of membership in this Convention, it was with every determination to discharge them with the utmost earnestness and fidelity. Those are still the sentiments that are animating me here, and I am prepared, although coming from a distance, to remain here until the duties of this Convention are fully performed, if that can possibly be done. I am ready to remain in session during six days in the week, if necessary, but I believe if we remain in session during the next week there will be an adjournment proposed, and possibly carried; or, at any rate, that the business of this Convention will be brought to a stand still by the members going home to eat their Thanksgiving dinner, whether we are willing or not. For myself, I am willing to remain here. But if the business of the Convention is to be stopped next week we might as well adjourn over and not have to remain here. Therefore I am in favor of adjourning over next week if we adjourn

over to any period. I hope the original resolution will prevail.

Mr. J. W. F. WHITE. Mr. President: I do hope, sir, we will not adjourn longer than to next Monday, and that we will come back resolved to spend the whole of next week here at work, and continue at work until near Christmas. I believe that if we do not pursue a course of that kind we will violate the wishes and feelings of the people of this State. They are already, in the newspapers, as well as in conversation, beginning to talk about our Convention, that we are not here for the purpose for which we were sent, that we do not go to work to discharge our duties as we ought, but that we are here for amusement, for recreation and for pleasure. We meet a day or two, offer some resolutions, talk a little about them, adjourn over and go home, and now, if we adjourn over until next Monday week, where are we? I ask gentlemen to think about it seriously. We have done nothing yet, as a Convention—nothing of any substantial advantage. We have merely appointed a few committees, or, rather, we have adopted a few rules; we have no committees yet. We have a great many resolutions poured in upon our table here. We come back Monday week and where are we? About where we started when we came here.

My feeling is that the people of our State will get down on this Convention, and will condemn our Constitution before we get it finished. You get the people to talking about the Convention neglecting their business, and the members going home on railroad passes without paying their fare, and they will begin to believe that this Convention is not attending to its duties as it ought. There is a great feeling among our Philadelphia friends to adjourn as soon as the committees are announced, to meet in Philadelphia in January. My opinion is that the result of that course would be to detain us three months longer than if we remained in session here three weeks after the committees are appointed. My own judgment is that those committees can do nothing at all unless we remain in session here. We cannot get them together; there can be no conferences and no action by the committees. I hope we will continue in session, and come back here next Monday. I am willing to meet at three o'clock, but let us continue in session here until near Christmas. I am willing to adjourn just

before the holidays, to meet in Philadelphia after the first of January, and I hope every member of this Convention will continue on now and do his duty. It is a great sacrifice to many of us to come to this Convention, and I feel, for one, that it is asking too much of us of the west, and those of us who cannot run home so readily, to adjourn over three or four days at a time to accommodate gentlemen living in the neighborhood of Harrisburg or Philadelphia, who can run home in a few hours. There has been too much of that spirit of delay already. There has been too much of this disposition to put off business until we get to Philadelphia. I hope, therefore, we will have no more of these adjournments, except from Saturday to Monday, until we adjourn over about Christmas.

Mr. WALKER. Mr. President: It is evident that the members of the Convention are restless, and that we will do nothing until we meet in Philadelphia. Now I am in favor of adjourning to-day until Monday. It gives the President ample time to fill up all the committees. Then let us adjourn, if the Convention desires it, at once, to meet in Philadelphia before New Year's or after New Year's. But do not send us home three or four hundred miles, to travel there and back, to meet here on Monday week. It may be pleasure to some of the gentlemen younger than I am, and living nearer to the capital than I reside, but it is labor to me. Notwithstanding that, I would undergo it if it accomplished anything. But it will accomplish nothing. My judgment is to adjourn over until Monday, to give the President ample time to fill the committees. If it is not done then, adjourn until Tuesday. Give him time to that and then adjourn.

Now, Mr. President, I have no doubt that if the Convention had remained in session, in order that you might have conferred with members, we would have had the committees long before this. It is not the President's fault, but the fault of the members, that we have not the committees. Gentlemen are talking about delay on that account. Blame yourselves, and not the executive officer of this Convention. Let us adjourn until Monday, to two or three o'clock, or any other hour that suits the gentlemen living in the neighborhood, but let us not adjourn longer than that. I cannot go home and come back Monday week. I would be traveling the greater part of the time. I

endorse the sentiments of the gentleman from Allegheny (Mr. Harry White) and trust that when we do adjourn it will not be for a time longer than until next Monday.

Mr. DARLINGTON. Mr. President: I fully concur, for my part, with the views expressed by the gentleman from Allegheny, (Mr. White,) as well as those of the gentleman from Erie (Mr. Walker.) I am very well satisfied that nothing will be accomplished by adjourning. We will gain nothing in the progress of the business here. By remaining in session we are in the daily habit, I presume, all of us, of consulting with each other, making the acquaintance of each other, gaining information from each other as to our various views, and thus making ourselves better prepared for the discharge of the duties we came here to perform. I am satisfied, further, that we ought not to adjourn over until the committees are announced. If it be not on Monday, let us remain until such other day, adjourning from day to day, until it does suit the President's convenience to announce the committees. Then we should remain in session until all those committees should organize, decide when they should meet, proceed to meet, and discuss the subjects that are before them. In other words, I am in favor of proceeding all next week, and the week after, and the week after, until we are ready to adjourn to Philadelphia towards the last of December. I have no idea of adjourning to go home, pleasant as it is to me to be with my family. When I undertook this duty I renounced all those things in accepting this duty. Pleasant as it would be to eat my Thanksgiving dinner at home, I am prepared to eat it here. Let us not be mocked at and derided by the people for inattention to our duties. I have no fear of the public voice. I can do anything here that any gentleman will do, in despite of the public voice. I am prepared to act understandingly in the discharge of my duty whether the people like it or not. But, at the same time, I do not like myself to undertake the discharge of a duty and not stick to it. I say, therefore, that I think we ought not to adjourn over longer than until Monday, and then meet from day to day and proceed to discharge our duties, which cannot be discharged otherwise than together, until we are ready to adjourn finally.

Mr. MANTOR. Mr. President: I desire to trouble the House with but a few words.

I concur heartily in the sentiments expressed here in reference to an adjournment until next Monday. There are many of us here in the hall this morning who live at a great distance. I am convinced that if the members who live in the immediate vicinity of Harrisburg understood the inconvenience under which we labor, they would vote to remain here, from day to day, until the time should come to adjourn over to meet in Philadelphia. My venerable friend, the delegate at large from Erie, (Mr. Walker,) has often expressed his wish to me, since this Convention has been in session, that it would continue its sessions, from day to day, and from hour to hour, until the work is accomplished. It seems to me that if we adjourn now, upon the eve of our work, without the appointment of a committee, and return to our homes, we will, sir, become the laughing-stock of our constituency, and we would not, in my humble opinion, be worthy of their consideration. I have come here to this Convention for the purpose of work. I stand here this morning, perhaps sacrificing not so much as some, yet it seems to me that I have a duty devolving upon me, and I desire to perform that duty and return again to the business calling of my life. But, sir, if we should adjourn here, upon the eve of our work, we shall find ourselves, by and by, in a condition in which the people of this Commonwealth will discard the work we are doing. The fact of it is, when we look to the State of New York we see their Convention adjourning, from day to day, and they remained in session nearly one year, and the people became tired, the press became wearied, and the result of it was that a large portion of the work that had been done by that body of able and experienced men was laid aside on the shelf. For one, I am opposed to any adjournment only until Monday.

Mr. BEEBE. Mr. President: I entirely concur with the views expressed by my friend from Crawford (Mr. Mantor) and my friend from Erie (Mr. Walker.) I wish to take such action as I believe will enable the body of this Convention to work in harmony and to work the most speedily; but, sir, it is well known that by virtue of the act of Assembly we assembled here at a time immediately after an exciting political canvass. The time of most every member of this Convention is occupied here to the neglect of his private business. Now this may be

wrong or it may be right; but it is evident that we were compelled to come here without having given this subject that thought which is desirable, and that the people nor the press had given any expressions upon the subject. And thus we stand here now. And when the committees are announced, for my part, I believe the work of this Convention would be forwarded if we should then adjourn, arrange all our matters, enjoy our Thanksgiving and Christmas, and meet in Philadelphia for the purpose of commencing and continuing the work. I therefore concur in the sentiments expressed by the gentlemen from Erie and Crawford in having the Convention meet at the earliest time these reports can be had, and then adjourn to the earliest time in Philadelphia.

While up I wish to mention one matter referred to here—that it is the opinion that the Convention is governed in its action by the fact that members have railroad passes in their pockets. I presume the statement of the gentleman will go out to the public, and for myself I desire to say that I have no railroad passes nor tickets, and I think it is the sentiment of many of the members that they do not intend to have any.

Mr. JOHN PRICE WETHERILL. Mr. President: I fully agree with the remarks made by the gentlemen who oppose adjournment until Tuesday week; and, sir, I would say, as coming from Philadelphia, that my colleagues from Philadelphia are ready to meet from day to day until this entire work submitted to us has been gone through with, and that they will just as constantly and faithfully perform their duties from day to day as any other members of this Convention. And because Philadelphia happens to be located a little nearer Harrisburg than some locations, I deem it to be unkind for any one to suggest that on that account the Philadelphia delegation here assembled will not perform their full and entire duty. As I understand it, we are here for work and for nothing else. I appeal to every member of this Convention, if we adjourn from day to day until Tuesday next or Tuesday week, what advantage will it be to us if we were to perform the enormous amount of duty which we performed yesterday, and which we have continued and will be likely to perform to-day? Will not that duty be in the future, for at least a week or ten days, just similar to the duty of yesterday and to-

day? It is nothing in the world, sir, in my opinion, but a waste of time. We were here yesterday an hour and a half, and the balance of the time we were idling about Harrisburg. Now, sir, I am not one of those who are willing to do anything of the sort. If we have work to perform in this Convention I am willing to meet in the morning, in the afternoon or in the evening; but I do not like, sir, to meet one hour of the day and have the balance of the day idle upon my hands.

Now, sir, as I understand it, what we want to do is this: To go to work, and we cannot go to work until the committees are announced. It seems to me, sir, that inasmuch as that is a very important duty, full and ample time should be given the President of this Convention, in order that he may know the qualifications of each member and their peculiar fitness for the committees upon which they may be placed. It is folly for us to confine him to one day or two days, but we should give him ample and full time in order that these committees may be properly appointed, and in order that the committee work, the gist of the whole thing, shall be performed to the satisfaction of this Convention and the people. I, sir, for that reason, and that alone, favor the adjournment from to-day until Tuesday week, so that the President of this Convention, without hurry and without haste, may thoroughly sift the qualifications of members, so that when the committees are appointed every man may be in the right place. With that done, we can go to work, and until that is done no work of any account can be accomplished by this body.

Mr. KAINE. Mr. President: The remarks of the gentleman who has just taken his seat are all very well, but let us see as to their application. He desires to adjourn for the purpose of enabling the President to complete the committees. The committee appointed to designate what committees should be appointed by the Chair for this House made report, perhaps, on last Thursday; it then became the duty of the President to appoint those committees, and for the ostensible purpose of allowing the President time to appoint those committees, this Convention adjourned until Wednesday of the present week. It did not suit me to go home, Mr. President; I live too far away; but it suited the gentleman from Philadelphia who has just taken his seat, I have no doubt, and in less than two hours after the adjournment of this Convention last

Friday, I will venture to say, there were not twenty members of this Convention in the city of Harrisburg, and yet the President was to remain here and appoint the committees. Who was there left here with whom he could consult upon that subject? It is not to be supposed, Mr. President, well known as you are throughout this Commonwealth, that a very great many of the members of this Convention are known personally to you, and it would be impossible, as I know your honor thought yourself, to discharge the duties of appointing the committees of this Convention without a personal consultation with many members from different parts of the State. If the Convention will adopt the proposition of the gentleman from Philadelphia who has just taken his seat, and adjourn now until week after next, the train that leaves here this afternoon at two o'clock, I will venture to say, will take every delegate from the city of Philadelphia home, and a great many more, and you will be left in the same position precisely as you were a week ago, not a single member here with whom you can consult in reference to the formation of your committees. I am willing to adjourn to-day if you see proper, but would prefer waiting until to-morrow. I have no objection to meeting next Monday, and whether we meet in the morning or at three o'clock in the afternoon, to accommodate gentlemen from Philadelphia, I am perfectly satisfied, but I am not willing to adjourn any longer.

I have had some little experience here, Mr. President—more or less for the last twenty years—and I know, since railroad facilities have become so very great, exactly how it is here. The Legislature, conventions, and other bodies of which I have been a member, adjourn for the ostensible purpose of having something done during their absence. Nothing is done in their absence. So it will be here. A gentleman the other day offered a resolution that the committees should meet here once a week after the Convention adjourns over to Philadelphia; and supposing that I should be appointed a member of a committee, living, as I do, at the extreme south-western corner of the State, and a gentleman from Wayne, the extreme north-western corner, should be a member, we would have a nice time coming here once a week to meet in committee. My opinion is that the Convention should remain here, that they should meet perhaps every morning at eleven

o'clock, and remain in session until one as a Convention. That would give the committees an opportunity every morning to have a meeting of some three or four hours, and time to meet in the afternoon some three or four hours more. They could meet again the next day, and committees ready to report could do so. Gentlemen having propositions could present them to the Convention, and they could be referred to the proper committees. My word for it, that is the only way in which the business of this Convention can be done.

The gentleman thought that what we did here yesterday was of no value at all. I differ with him entirely. It is just exactly what I want, and what many members desire. They want to know what is the opinion of the people upon these subjects; they want to know what amendments are to be proposed in this Convention; they want to know what is likely to be before them. We come here no doubt most of us strangers to each other; we don't know each other's views, and we want to know and hear the views of the members of this Convention upon the various subjects which we are brought here to act upon in proposing amendments to the Constitution; and we cannot do that unless we are here together. You have upon your table, Mr. President, I have no doubt, from fifty to a hundred resolutions proposing to amend the Constitution and instructions to committees. Is it supposed by members who have offered those resolutions—(that seems to be the opinion of many)—that upon the appointment of the committees those resolutions will be referred to them as a matter of course? That will not be the course. Those resolutions will be taken up and proceeded with to a second reading, and it will be for the Convention to say whether those instructions shall be referred to the committees or not. Mr. President, there are subjects enough upon the table now to take up a month of debate in this Convention. Is that nothing?

I am not opposed to going to Philadelphia when the proper time comes, as has been said, and, as has been suggested in the papers, I am not afraid of Philadelphia. I am not afraid of any malignant influences arising or coming over me in Philadelphia as a member of this Convention. I know that some reports have got abroad, whether they are true or not, with regard to the reputation of Philadelphia. I am not afraid of them.

Philadelphia, Mr. President, to me is surrounded with many happy memories. All the Conventions that have ever sat to make Constitutions for Pennsylvania have sat in Philadelphia; all the Presidents of those Conventions have been residents of Philadelphia; the Declaration of Independence was promulgated from there, and the Constitution of the United States was made there. I have no fears in regard to going to Philadelphia, but I don't want to adjourn every day or every week to allow members to go to Philadelphia, when I think it is their duty to stay here and attempt, at least, to discharge their duties. I am in favor of the amendment, and I do not care whether we adjourn to Monday at ten o'clock in the morning or three in the afternoon.

Mr. JOHN PRICE WETHERILL. I desire to correct the remark made by the gentleman from Fayette (Mr. Kaine.) He stated that I, in my remarks, said that the hour and a half or more occupied by the Convention yesterday was time idled away. I said just the reverse—that it was time well occupied; but that the hour and a half that he and I spent at the quarter sessions yesterday afternoon I considered a waste of time.

Mr. J. R. REED. Mr. President: I believe I have not trespassed upon the time of this Convention but once. I trust the gentlemen from other sections than the city of Philadelphia will permit me to resent the good natured attack of my friend from Pittsburg. I am in favor of the resolution offered by my colleague to adjourn until Tuesday the third of December, to meet here at twelve o'clock, and for very good reasons, as I conceive. I have not had the honor to be a member of any other deliberative body, and I am unaccustomed to their course of proceedings; and I am further so unfortunate as to be a resident of that city which seems to be the object of the attack of gentlemen around me, and I can see for no good reason. But, sir, as I have said, I am in favor of adjourning until Tuesday week for this reason: To-morrow is Saturday, as we well know. Suppose we adjourn to meet on Monday or Tuesday next? Wednesday next is a day set apart by the authorities of this State and the National administration as a holiday; it is not probable that the members of this Convention will permit their devotional exercises to be interfered with by their duties in this body; I trust not. I look about me and see gentlemen who are

prominent in religious denominations, and it is not customary for them to neglect those duties. I suppose, Mr. President, that by giving you a week and some two or three days to ascertain the fitness of gentlemen for positions on the Committees, we would be obliging you and giving the members of this Convention ample time to go to their respective homes to indulge in their Thanksgiving dinner and return, and I did not suppose that the public spirit of this State would be violated, or that the people would think that this Convention was not willing to discharge their duty readily and with alacrity. I am sorry to learn that it seems to be the impression of some gentlemen in this body that there is any delegate in this hall who is not ready and willing to meet with them and to concur with them in every measure which they may introduce which looks to the quick discharge of the duties for which we are assembled here.

The question recurred on the amendment as modified, which would make the resolution read as follows:

Resolved, That when the Convention adjourns to-day it be to meet next Monday at three o'clock P. M.

On the question, will the Convention agree so to amend?

The yeas and nays were required by Mr. Mann and Mr. Temple, and were as follow, viz:

YEAS.

Messrs. Achenbach, Ainey, Alricks, Andrews, Armstrong, Baily, (Perry,) Bailey, (Huntingdon,) Beebe, Bowman, Broomall, Black, Chas. A., Brown, Buckalew, Campbell, Carter, Cassidy, Church, Clark, Collins, Cochran, Corbett, Curtin, Dallas, Darlington, De France, Dimmick, Ellis, Edwards, Elliott, Ewing, Finney, Fulton, Funck, Gilpin, Guthrie, Hall, Hanna, Harvey, Hazzard, Horton, Howard, Kaine, Lamberton, Lawrence, Long, M'Allister, M'Clean, M'Connell, M'Murray, MacVeagh, Mann, Mantor, Minor, Mott, Newlin, Patterson, D. W., Patterson, T. H. B., Patton, Porter, Purviance, John N., Reed, Andrew, Reynolds, James L., Rooke, Runk, Russell, Sharpe, Smith, H. G., Stewart, Struthers, Turrell, Walker, Wetherill, J. M., White, David N., White, Harry, White, J. W. F., Wright and Meredith, *President*—75.

NAYS.

Messrs. Addicks, Baer, Baker, Bannan, Barclay, Boyd, Corson, Cronmiller, Curry,

Dodd, Dunning, Elliott, Hemphill, Hay, Heverin, Hunsicker, Landis, Lilly, M'Camant, Niles, Palmer, G. W., Palmer, H. W., Purviance, Samuel A., Read, John R., Ross, Simpson, Smith, Henry W., Smith, W. H., Temple, Wetherill, John Price, Woodward and Worrell—32.

So the question was determined in the affirmative.

The resolution as amended was then adopted.

RESOLUTIONS.

Mr. RUSSELL offered the following resolution, which was read and laid on the table:

Resolved, That the Committee on Education be instructed to consider and report upon the expediency of inserting in the Constitution a section requiring the Legislature to appropriate annually not less than one million of dollars for the purpose of education, to be distributed among the several school districts in such way as the Legislature may determine.

Mr. COCHRAN offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on County, Township and Borough Officers, when appointed, be instructed to inquire into the expediency of introducing into the Constitution of this State the following provisions, in substance, to wit:

There shall be established in the city of Philadelphia, and in every county of this State containing a population of thirty thousand souls and upwards, according to the census and enumeration made by the authority of the United States in the year 1870, a probate court, of which there shall be one judge learned in the law, whose term of office shall be ten years, if he shall so long behave himself well, and who shall be subject to removal for the same causes and in the same manner as judges of the superior court. A judge and also a clerk of said court shall be elected in each county in which said court is authorized by this section at the first general election held in this Commonwealth after the adoption of this amended Constitution. The term of office of said clerk shall be five years, but he shall be removed by the judge whenever it shall be judicially made to appear to his satisfaction that said clerk has been guilty of extortion or any other malfeasance in office; and in the event of such removal being made, the vacancy shall be supplied by an appointment of a suc-

cessor, to be made by said judge, to continue until the expiration of ten days after the next ensuing general election, at which a successor to said clerk shall be chosen for the full term of five years. Said judge and clerk shall each be commissioned by the Governor, and the probate courts shall be organized and go into operation on the first Monday of December succeeding their first election.

Each probate court shall be a court of record, having a seal, bearing for a device the coat of arms of this Commonwealth, encircled by the words "Probate court of ——— county, Pennsylvania." The jurisdiction of said court shall extend to all matters and cases now acted upon by and committed to the register of wills, the registers' court and the orphans' court in the respective county in which it shall be established by virtue of this section, and shall have the power to send, certify and direct issues of fact to be tried in the superior court, as such issues may now be sent, certified and directed by the register, registers' court and orphans' court to the court of common pleas. The judge of said probate court shall be entitled to receive from the treasurer of his proper county, in quarter-yearly payments, such salary, not less than \$2,500 annually, as may be fixed and appointed by the Legislature, and which shall not be diminished during his continuance in office. The clerk of such probate court shall receive such salary as the Legislature shall direct, to be paid out of the funds of the proper county. All fees now by law payable to the register of wills and clerk of the orphans' court shall be collected by the clerk of said court, who shall give bond in such sum as the Legislature shall appoint, with such security as one of the judges of the superior court shall approve, conditioned for the faithful and punctual payment of all such fees collected, or that ought to have been collected by him, every three months into the county treasury, and shall not be entitled to receive any part of his salary until such payment shall have been made.

SECTION —. At the first general election held in this Commonwealth after the adoption of this amended Constitution, there shall be elected in each county three persons, citizens of said county, of whom one shall be learned in the law, in choosing whom each qualified elector shall be entitled to vote for two and no more, who shall constitute a county board, and whose term of office shall be three years. The county board shall transact all the busi-

ness now transacted by, and possess all the powers and authorities of the board of county commissioners, and shall also have authority and jurisdiction to entertain, act and decide upon all petitions and proceedings for viewing, opening, laying out, vacating and changing public and private roads and bridges, for granting tavern and all other licenses now granted by the court of quarter sessions, for erecting, dividing and changing the lines of townships, for fixing and changing the places of holding elections and creating new election districts, for establishing independent school districts, for erecting and chartering boroughs, for changing the names of persons, for creating and chartering all corporations which may now be incorporated by the court of common pleas, and upon all other such matters and things relating to and regulating the local business and affairs of the respective county as shall be placed under the jurisdiction of said county board from time to time by the Legislature. The said board shall have a clerk and seal, and the proceedings of said board, certified from its minutes by the president thereof, attested by the clerk, and authenticated by its seal, shall be received in evidence in all cases in which the original proceedings duly proved would be received in any court of record. The member of said board required to be learned in the law shall be the President thereof, and its members shall receive such annual salary, not less than \$1,000 each, as shall be directed by law, which shall be paid in equal quarterly-yearly payments, together with the compensation of their clerk, which shall be fixed by them, out of their county stock. All fees now by law payable to the clerk of the court of quarter sessions, or any other officer whatever, for or on account of any of the matters and things by this section placed under the jurisdiction of the county board, shall be collected by them and paid every three months into the county treasury, and no part of the salary of the members of said board or their clerk shall be paid until this provision shall be complied with.

The members of the county board first elected as above provided shall meet and organize in the commissioners' office of their respective counties on the first Monday of December next succeeding their election, when the powers and duties of the present boards of county commissioners shall cease and determine.

SECT.—. At the first general election held

in this Commonwealth after the adoption of this amended Constitution there shall be elected three persons, citizens of said county, who shall be county auditors, each qualified elector to vote for two candidates for county auditor and no more. The term of office of the county auditors shall be three years. They shall audit, settle and adjust the accounts of the clerk of the probate court, the members and clerk of the county board, the sheriff, county treasurer, directors of the poor, and all other officers or persons entrusted with the receipt, custody and disbursement of the public moneys, bonds and property of the county. The auditors elected in accordance with the provisions of this section shall enter upon the discharge of their duties on the first Monday of January next succeeding the time of their election, and shall have power, at all times, to examine the books and papers of the several officers whose accounts it is their duty to settle, and to forbid and prevent the payment of all charges and claims against and upon the county until they shall be satisfied of their justice, honesty and lawfulness, or until the liability of the county to pay such charges and claims shall be established by due legal proceedings.

SECT. —. In all the counties in this Commonwealth in which a county almshouse and hospital, or other institution for the support of the poor, at the common expense of the people of the county, has been established and erected, there shall be elected, at the first general election held in this Commonwealth after the adoption of this amended Constitution, five persons, citizens of such county, who shall be directors of the poor and house of employment of said county. At said election and each succeeding election for such officers, each qualified elector may vote for three and no more candidates for said office. Each person so elected shall hold his office for the term of three years, and shall enter upon the discharge of his duties on the first Monday of January next after his election.

SECT. —. Vacancies in the office of probate judge shall be filled in the same manner as is provided in this Constitution for filling vacancies in the office of judge of the superior court. Vacancies occurring in the county board, county auditors and directors of the poor shall be filled by appointments, to be made by the judges of the superior court of the district. The officers so appointed to fill vacancies shall, in all cases, hold their appointments until

the time at which the terms of their respective predecessors would have fully ended.

Resolved, That the Committee on Judiciary, when appointed, be instructed to inquire into the expediency of introducing into the Constitution of this State the following provisions, in substance, to wit:

SECT. 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in a superior court, in a probate court, and wherever no probate court shall be hereinafter provided, in an orphans' court and registers' court for each county, in justices of the peace, and in such other courts as the Legislature may from time to time establish.

SECT. 2. The judges of the several superior courts shall be elected by the qualified electors of the respective districts over which they are to preside or act as judges. They shall be two in number in each district, and shall be learned in the law. They shall be elected at the same time, and each elector shall be entitled to vote for only one candidate. The term of office shall be twenty years, and said judges shall not be re-eligible. They shall be commissioned by the Governor for said term, if they shall so long behave themselves well; but for any reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of the members elected to each branch of the Legislature. The first election shall take place at the general election of the Commonwealth next after the adoption of this amended Constitution, and the commissions of all the judges of the court of common pleas, who may be then in office, shall expire on the first Monday of December following, when the terms of the new judges shall commence. Any vacancies happening by death, resignation or otherwise of any or either of the judges of said superior court shall be filled by appointment by the Governor, with the advice and consent of the Senate, to continue until the expiration of the term for which the judge, by reason of whose death, resignation or other circumstances said vacancy occurred, was elected. Should the Senate not be in session when such vacancy shall occur, the Governor shall appoint a person to fill the vacant judgeship, and issue a commission to him, empowering him to act until a successor shall be appointed by the Governor, with the advice and consent of the Senate, and no longer. The judges of said superior

courts shall receive adequate salaries, 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 or under the government of the United States, or of any other State of this Union.

SEC. 3. The jurisdiction of the said superior courts shall extend to the hearing and decision of all issues of law or fact in all cases, civil or criminal, and in all actions in law or equity, except those intrusted and committed to the probate court and county board by this Constitution in other articles thereof.

SEC. 4. The judges of said superior court shall not sit together in the trial and hearing of causes, but shall in succession hold the courts in each county of their district, subject to such temporary arrangement as circumstances may require, and as they may agree among themselves.

COMMUNICATION FROM THE AUDITOR GENERAL.

A communication from the Auditor General was read, being in answer to a resolution of inquiry passed yesterday, stating that the whole amount of money paid by the State for public printing for the year ending June 30, 1872, is \$29,674 70; for stock, fine paper, maps, envelopes and other materials, \$15,279 39; for binding and lithographing, \$9,139 65. The communication, which was signed by the Auditor General, further declared that "there had been no expenditure of money for printing under the existing contract outside of the schedule of rates prescribed by the act of Assembly."

RESOLUTIONS.

Mr. JOHN N. PURVIANCE offered the following resolutions, which were read and laid on the table:

Resolved, That the Committee on Education be instructed to report that the General Assembly shall levy a special annual tax upon all railroads and insurance corporations, which shall be exclusively devoted to the maintenance of public schools.

Resolved, That the seat of government shall be and remain permanent at the city of Harrisburg, unless otherwise located by a majority vote of the Legislature, and by a majority of the qualified electors of the State.

Resolved, That no bank shall be established otherwise than under a general banking law.

Mr. M'MURRAY offered the following resolution, which was read and laid on the table:

Resolved, That the seventh rule be amended, as follows:

Strike out all after the first paragraph, and insert in lieu thereof the following: "Calling the list of counties alphabetically, to allow members to present letters, petitions, memorials, remonstrances and accompanying documents, and to allow of the proper reference."

Mr. WRIGHT offered the following resolution, which was twice read and adopted:

Resolved, That the proper officers of this Convention be requested to draw their warrants upon the Treasurer of the Commonwealth for the amounts allotted to each member for stationery, to wit: Fifty dollars.

Mr. HUNSICKER offered the following resolution, which was read and laid on the table:

Resolved, That the Committee upon the Declaration of Rights be instructed to inquire into the expediency of amending section eleven of article nine of the present Constitution, so that the same shall read:

"That all courts shall be open, and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay; and that the judgment, decree or sentence of every subordinate court shall be subject to review by the Supreme Court of the State. Suits may be brought against the Commonwealth in such manner in such courts and in such cases as the Legislature may by law direct."

Mr. BEEBE offered the following resolution, which was read and laid on the table:

Resolved, That it is the sense of this Convention that the paper furnished by the Clerk, for the use of the Convention, shall be printed with an appropriate heading.

Mr. FUNCK offered the following resolutions, which were read and laid on the table:

Resolved, That there should be but one person elected under a general law to collect State, municipal, county and local taxes of every kind in a district, township, borough or ward in a city, who should receive a salary fixed by law for his services, and the Committee upon Revenue, Taxation and Finance is hereby instructed to inquire into this subject.

Resolved, That the Committee upon Private Corporations be and the same is hereby instructed to inquire into and report upon the expediency of annulling all charters heretofore conferred on corporate bodies with banking and discounting privileges, in such manner, however, that no injustice shall be done to the incorporators.

Resolved, That the Committee on Private Corporations be and the same is hereby instructed to inquire into and report upon the expediency of withholding from the Legislature the power to confer banking and discounting privileges upon corporations other than banks of issue.

Mr. JNO. PRICE WETHERILL offered the following resolution, which was read and laid on the table:

Resolved, That the names of the absentees, or those not voting upon the call of the yeas and nays, shall be announced by the Secretary after reading the list and placed upon the Journal.

Mr. LILLY offered the following resolution, which was read and laid on the table:

Resolved, That the Judiciary Commit-

tee be requested to examine, consider, and, if they deem expedient, report a life tenure for the judges of the superior court, the judges presiding over judicial districts, and such other judges as are required to be learned in the law; said tenure to cease at seventy years of age, or upon impeachment for cause before th retirement at the age of seventy years, to draw the full pay received by said judge or judges as when receiving full pay; *Provided*, Impeachment shall be a forfeiture of all pay or emoluments.

Mr. J. R. READ offered the following resolution, which was read and laid on the table:

Resolved, That the Legislature shall not grant any extra compensation to any public officer, servant, agent or contractor, nor increase or diminish any salary or compensation, except that of judicial officers, during the term of service.

Mr. J. M. BAILEY moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until Monday next, at three o'clock P. M.

EIGHTH DAY.

MONDAY, November 25, 1872.

The Convention met at three o'clock, pursuant to adjournment, the President, Hon. William M. Meredith, in the Chair.

Prayer was offered by the Rev. G. W. Stelling, of the Fourth street Lutheran church, Harrisburg.

The Journal of the last day's session was read and approved.

COMMUNICATION FROM THE AUDITOR
GENERAL.

A communication from the Auditor General was read, giving a statement of the amounts of money paid into the State Treasury for the several years since January, 1867, by the offices of the prothonotary of the district court, prothonotary of the Supreme Court, register of wills, &c., of Philadelphia, which was read and laid on the table.

LEAVE OF ABSENCE.

Messrs. Purman, H. W. Palmer, S. A. Purviance, Rooke and Lucius Rogers, Assistant Clerk, obtained leave of absence for a few days.

STANDING COMMITTEES.

The PRESIDENT announced the following to constitute the standing committees of the Convention:

1. *On Legislature.* Messrs. MacVeagh, Hopkins, David N. White, Gilpin, Niles, Achenbach, John Price Wetherill, Dallas, Horton.

2. *On Legislation.*—Messrs. Harry White, J. S. Black, Dimmick, Purman, Mann, Corbett, Finney, John R. Reed, Ewing, S. H. Reynolds, Hanna, Hall, Curry, T. H. B. Patterson, Andrews.

3. *On Executive Department.*—Messrs. Curtin, Jno. N. Purviance, Chas. A. Black, Walker, Biddle, Fell, Lamberton, Armstrong, Bowman.

4. *On Judiciary.*—Messrs. Armstrong, Woodward, Russell, Cuyler, S. A. Purviance, Sharpe, MacVeagh, Kaine, Jas. L. Reynolds, Dallas, Broomall, Boyd, Craig, Wright, Bartholomew.

5. *On Suffrage, Election and Representation.*—Messrs. M'Allister, Buckalew, Ful-

ton, Brown, Simpson, Elliott, Lilly, Ellis, J. W. F. White, M'Murray, Rooke, Cassidy, Carter, Campbell, Ainey.

6. *On Impeachment and Removal from Office.*—Messrs. Biddle, Andrews, Gibson, Harry White, Davis.

7. *On Commissions, Offices, Oath of Office and Incompatibility of Office.*—Messrs. Kaine, Baker, Boyd, H. W. Palmer, Jno. M. Bailey, Stewart, M'Clean, Beebe, Struthers.

8. *On Education.*—Messrs. Darlington, Chas. A. Black, Stanton, Wherry, Runk, Landis, Lear, Hall, Minor.

9. *On Cities and City Charters.*—Messrs. Walker, Guthrie, Littleton, Metzger, Jas. L. Reynolds, Alricks, Pughe, Henry W. Smith, John Price Wetherill.

10. *On Counties, Townships and Boroughs.*—Messrs. Lawrence, Lamberton, Darlington, Henry W. Smith, Howard, Bredhead, Struthers, Landis, Parsons.

11. *On County, Township and Borough Officers.*—Messrs. S. A. Purviance, Gowen, Carey, Elliott, Lear, Brown, Mantor, Andrew Reed, Runk.

12. *On Militia.*—Messrs. Porter, Hay, Lilly, G. W. Palmer, Stanton.

13. *On Public and Municipal Debts and Sinking Funds.*—Messrs. Buckalew, Ainey, Guthrie, Addicks, De France, Parsons, Temple, Littleton, Van Reed.

14. *On State Institutions and Buildings.*—Messrs. Turrell, Mott, MacConnell, Worrell J. W. F. White, Temple, M'Culloch.

15. *On Religious and Charitable Corporations and Societies.*—Messrs. Mann, Alricks, Minor, Hunsicker, Carter, Worrell, Collins.

16. *On Railroads and Canals.*—Messrs. Cochran, Curtin, Barr, Horton, T. H. B. Patterson, M'Allister, Sharpe, Rooke, Beebe, Howard, Campbell, M'Culloch, Hemphill, Joseph, Bailly, Funck.

17. *On Private Corporations, Foreign and Domestic, other than railroads, canals and religious and charitable corporations and societies.*—Messrs. Woodward, Turrell, Dodd, Collins, Heverin, Dimmick, Clark,

Corson, Barclay, Stewart, Barr, J. W. F. White, Harvey, Baker, Simpson.

18. *On Declaration of Rights.*—Messrs. Hopkins, MacConnell, Wright, Corson, Clark, Edwards, Gibson, Lawrence, Newlin.

19. *On Future Amendments.*—Messrs. Funck, Cassidy, Davis, Brodhead, Bannan.

20. *On Constitutional Sanctions.*—Messrs. J. S. Black, Bowman, Cronmiller, Bannan, De France, Porter, Addicks, Hunsicker, Bardsley.

21. *On Schedules.*—Messrs. Bartholomew, Corbett, Mantor, G. W. Palmer, D. W. Patterson, Gilpin, Hanna, Barclay, Hazzard.

22. *On Revision and Adjustment.*—Messrs. Gowen, Knight, Church, D. W. Patterson, H. W. Palmer.

23. *On Accounts and Expenditure of the Convention.*—Messrs. Hay, Cochran, Patton, Jno. N. Purviance, Joseph Baily.

24. *On Printing and Binding.*—Messrs. Newlin, W. H. Smith, Russell, H. G. Smith, Cochran, Cuyler, David N. White.

25. *On Industrial Interests and Labor.*—Messrs. Carey, Long, Fell, M'Camant, Pughe, Andrew Reed, Edwards, Achenbach, Fulton.

26. *On Agriculture, Mining, Manufactures and Commerce.*—Messrs. Finney, J. M. Wetherill, Knight, W. H. Smith, Curry, Dunning, Hazzard, Mott, Ewing.

27. *On Revenue, Taxation and Finance.*—Messrs. Broomall, Church, Niles, Van Reed, Bardsley, Purman, Ewing, Ross, Jno. M. Bailey.

RESOLUTIONS.

Mr. HARRY WHITE offered the following resolution, which was twice read:

Resolved, That the Constitution be referred to the different committees, as follows:

So much thereof as relates to the formation, meetings and terms of members of Legislature, to the Committee on Legislation.

So much thereof as relates to the power of the Legislature and the manner of legislation, to the Committee on Legislation.

So much thereof as relates to the organization, powers and duties of Executive Department, together with veto and pardoning power, to the Committee on Executive Department.

So much thereof as relates to the creation and jurisdiction of the different

courts, together with the manner of selecting aldermen and justices of the peace, their jurisdiction and term of office, as well as the term of office of the judges of the courts, to the Committee on the Judiciary.

So much thereof as relates to the qualification of electors, the conduct of electors and the matter of representation, to the Committee on Suffrage, Elections and Representation.

So much as relates to impeachment, misbehavior in and removal from office, to the Committee on Impeachment and Removal from Office.

So much thereof as relates to issuing commissions, oaths of office, public offices and officers, which are inconsistent with each other, to the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office.

So much thereof as relates to the question of education, to the Committee on Education.

So much thereof as relates to the formation of counties, townships and boroughs, to the Committee on Counties, Townships and Boroughs.

So much thereof as relates to the offices of counties, townships and boroughs, to the Committee on County, Township and Borough Offices.

So much thereof as relates to the military department, to the Committee on the Militia.

So much thereof as relates to the debt of the Commonwealth and Sinking Fund, together with what relates to the powers of municipalities to create debt, to the Committee on Public and Municipal Debts and Sinking Funds.

So much thereof as relates to the institutions and buildings owned by the Commonwealth, to the Committee on State Institutions and Buildings.

So much thereof as relates to the creation and powers of religious and charitable corporations and societies, to the Committee on Religious and Charitable Corporations and Societies.

So much thereof as relates to the construction, management and control of railroads and canals, together with the powers, privileges, management and control of foreign railroads and canal corporations in the Commonwealth, to the Committee on Railroads and Canals, Foreign and Domestic.

So much thereof as relates to the creation, government, powers and privileges of corporations, to the Committee on Pri-

vate Corporations, Foreign and Domestic, other than railroads, canals, and religious and charitable corporations.

So much as relates to the ninth article of the Constitution, known as the Declaration of Rights, to the Committee on Declaration of Rights.

So much of the Constitution as relates to revenue, taxation and the management of public funds, to the Committee on Revenue, Taxation and Finance.

So much thereof as relates to amendment, to the Committee on Future Amendments.

That questions relating to industrial interests and labor, to the Committee on Industrial Interests and Labor.

Questions relating to agriculture, mining, manufacturing and commercial interests, to the Committee on Agriculture, Manufactures and Commerce.

With instructions to the respective committees to report what, if any, alterations or amendments relating to the subjects respectively referred are necessary and proper.

That the chairmen of the respective committees be furnished, by the Clerk, with a copy of this resolution.

Mr. MACVEAGH. Mr. President: This resolution is of some importance, and I think we are not ready to act upon it at present. I would like an arrangement to postpone it until to-morrow morning, so that it can be printed for the information of the members.

Mr. HARRY WHITE. In offering this resolution I had no desire whatever to interfere with the fullest information upon the matter. The Convention will observe that this is classifying the different parts of the Constitution according to the organization of the committees, and is a chart to control the committees in the subject matter of their duties hereafter, to avoid conflict of duty, and concludes with a resolution that the respective committees be required to report what, if any, amendments are necessary and proper. I merely call the attention of the Convention to this, so that they will understand what it is, and I have no objections whatever to letting it go over until to-morrow. My object in offering it now was to enable the committees to go to work immediately.

Mr. MACVEAGH moved that the resolution be postponed until to-morrow.

The motion was agreed to.

Mr. HARRY WHITE moved that the list of standing committees, together with the resolution just presented, be printed.

The motion was agreed to.

Mr. COCHRAN offered the following resolution, which was twice read:

Resolved, That all resolutions now lying on the table of the Convention, which relate to proposed amendments to the Constitution, be referred to the several committees to which they respectively relate; such resolutions as name the committee to be referred to the committee named therein respectively, and those in which committees are not named to be referred to the appropriate committee by the President.

Mr. KAINE. I merely desire to inquire whether it is intended by that resolution, if carried, to refer to the different committees the resolutions of instruction that have been offered here?

Mr. COCHRAN. Mr. President: I will state in reply to the inquiry that I do not understand that any resolution of binding instruction has been proposed to any committee. If I recollect aright, the resolutions all propose to instruct the committees to inquire into the expediency of such and such amendments. I do not understand that there is any resolution offered which instructed any committee peremptorily to report any proposed amendment, but simply to inquire into the propriety of the proposed amendments. If there was any resolution that contained a peremptory instruction I would not be in favor of referring it in that shape.

Mr. KAINE. I understand there are resolutions instructing the committees peremptorily to report certain amendments. To such I am opposed. I move to amend, by adding "except resolutions, if any, containing peremptory instructions to committees to report amendments to the Constitution."

Mr. COCHRAN. I accept the gentleman's modification. The resolution does not propose that the President shall undertake to define the province or duties of the committees, or to determine in what respects they may clash, but there were some of the resolutions offered here that did not indicate the proper committee to which they were proposed to be referred. The only effect of this resolution is, that where the committee is not indicated in the resolution, it is the duty of the President of the Convention to refer it to the proper committee.

Mr. BUCKALEW. That amendment is certainly very unnecessary. As long as the Convention has not voted instructions,

the committee will not be bound by the form of the resolution. I do not see any necessity for the amendment.

Mr. KAINE. It can do no harm.

Mr. COCHRAN. I accepted the suggestion of the gentleman from Fayette (Mr. Kaine) in order to avoid any discussion upon the collateral propositions. I do not see any necessity for it myself. None of those resolutions have been adopted by the Convention, but have simply been read and laid on the table. If now referred to the committee I apprehend it would not be with the binding force of an instruction of the Convention to report so and so.

Mr. KAINE. I do not so understand it.

Mr. COCHRAN. If the gentleman from Fayette (Mr. Kaine) would so agree, I would suggest that he withdraw his amendment.

Mr. MANN. I apprehend there is no use in imposing upon the President the labor of looking over those resolutions that were offered. I understood the President to intimate that he would rather be relieved of the labor. I certainly think he ought to be. Why not trust to the judgment of the Clerk to refer these resolutions? He has to look them over. In order that the President may be relieved from that labor, I move to amend, so that the Clerk, instead of the President, make the references.

Mr. COCHRAN. I do not think the Clerk is as proper an officer to do that as the President. But if so desired, I will so modify the resolution. I am not strenuous upon the subject.

Mr. KAINE. I remember very well that at the time some of these resolutions were offered, they struck my mind as containing instructions to committees—peremptory instructions. Now, sir, I do not think there is any need of the resolution of the gentleman from York, (Mr. Cochran,) that we are now considering, at all. I know it was intended by the Committee on Rules that the thirtieth rule adopted by this Convention should cover this whole thing. That rule, I think, directs the President to refer everything upon that table to the proper committees, without the resolution of the gentleman from York, which we are now considering.

Mr. COCHRAN. I am not certain of that, for the simple reason that when those resolutions were offered we had no committees. I apprehend that the rule applies to resolutions offered when the com-

mittees are appointed and regularly constituted; but until that has taken effect, in order to get these resolutions to the committees, and meet the purposes of those who presented them, it seems to me necessary to pass this resolution. I think it better to pass the resolution, and then we are sure those resolutions will go to the proper committees.

The PRESIDENT. None of those motions were made before the rules were adopted, and the Chair conceives that under the rules they will all go to the proper committees without a resolution.

Mr. COCHRAN. Under that ruling of the Chair I will withdraw the resolution.

Mr. DILLY offered the following resolution, which was read and referred to the Committee on Counties, Townships and Boroughs:

Resolved, That the Committee on County and Borough Officers be requested to examine into the expediency of providing for the election of a county commissioner from each township and borough, to form a county board, to which shall be referred all matters of laying out roads, locating and building bridges, passing ordinances relative to cattle and other animals running at large in said county, and such other matters as shall be referred to them by the Legislature of the State by general law.

Mr. PATTON offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, That in order to prevent fraud, and to secure intelligent voting, the Committee on Suffrage, Election and Representation be instructed to inquire into the expediency of reporting the following amendatory article to the Constitution:

ARTICLE —. The qualified voters at the elections in this Commonwealth shall vote by open, written or printed ballot, with the name of the person voting the same endorsed on the back thereof in his own handwriting; and the names of the voters at such elections shall be recorded in numerical order, and the number opposite the name of each person voting shall also be endorsed by the clerk or clerks of the election board on the back of said ballot.

Mr. BARCLAY offered the following resolution, which was read and referred to the Committee on Executive Department:

Resolved, That it is the sense of this Convention that the new Constitution should provide that the pardoning power

should be taken entirely out of the hands of the Governor and be vested exclusively in some body of men above the reach of temptation.

Also, the following resolution, which was read and referred to the Committee on Cities and City Charters:

Resolved, That the following article shall be inserted in the new Constitution:

That no city or county, whose population shall be more than five hundred thousand, shall be allowed to increase its corporate debt beyond the amount of fifty millions of dollars, and no city or county, whose population shall be less than five hundred thousand, shall increase its corporate debt beyond the amount of one hundred thousand dollars, unless expressly authorized so to do by a direct vote of the citizens thereof at a special election to be held for that purpose.

Also, the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the following article be introduced into the new Constitution:

Every person may freely write or speak and publish his opinions upon all subjects, being responsible for the abuse of that right, and no law shall be passed to abridge the liberty of speech or the liberty of the press; and in all prosecutions for libels the truth may be given in evidence to the jury, and if the jury shall believe that the matter represented as libelous is true, and was published with good and not from vindictive motives, and for unjustifiable ends, the party shall be acquitted; in all such prosecutions the jury alone shall have the right to determine the law and the fact.

Also, the following resolution, which was read and referred to the Committee on Judiciary:

Resolved, That the Committee on the Judiciary, about to be appointed, be instructed to inquire into the expediency of providing in the new Constitution—

That the judges of the Supreme Court shall hereafter be appointed by the Governor of the Commonwealth, by and with the advice and consent of two-thirds of the entire body of the Senate, said judges to be commissioned for the term of twenty years; and that all other judges shall be appointed by the Governor, subject to the condition that the commissions of such judges shall cease and expire on the first day of January next ensuing the date thereof, unless such appointment shall be approved of and ratified at the next gen-

eral election after such appointment by a majority of the voters of such judicial district.

In case such appointment shall be ratified as aforesaid, the judge thus appointed shall hold office for the term of ten years, (for which he shall have been conditionally commissioned), and until the person appointed as his successor shall be ratified by the popular vote as aforesaid.

In case of any such rejection of any such appointee, the same person shall not be re-appointed for the district in which he shall have been rejected.

The above provisions shall not apply to the judges now in office, each of whom shall continue to hold until the expiration of his respective commission, and until the person appointed as above as his successor shall be approved of and ratified as aforesaid.

Mr. J. N. PURVANCE offered the following resolution, which was read and referred to the Committee on Revenue, Taxation and Finance:

WHEREAS, The annual receipts of the State Treasury derived from the various sources of revenue amount to the sum of over seven million dollars, an amount largely exceeding the necessary expenses of the State; therefore,

Resolved, That the Committee on Revenue, Taxation and Finance be requested to report upon the expediency of a constitutional provision to the effect that the sum of at least one million dollars be set apart annually by the State Treasurer for the payment of the principal of the State debt, which amount shall be applied towards the payment of said debt as the same falls due, and until due shall be invested at a rate of interest not less than equal to the rate of interest upon the State debt.

Mr. D. N. WHITE offered the following resolution, which was read and laid on the table:

Resolved, That the following propositions be referred to the Committee on Legislation for consideration, to wit:

"No license to traffic in intoxicating liquors shall hereafter be granted in this Commonwealth, but the Legislature shall by law provide against the evils resulting therefrom."

"Neither the Legislature nor any county, city, borough, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help sup-

port or sustain any school, or literary, or scientific or charitable institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or by any public corporation to any church or for any sectarian purpose whatever."

Mr. LANDIS offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation inquire into the expediency of so amending the Constitution as to provide that the Legislature shall enact no special law creating any corporation, nor shall its charter be amended, extended or changed, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State; but the Legislature shall provide by general laws for the organization of all corporations hereafter to be created.

Also, the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation inquire into the expediency of so amending the Constitution as to provide that the State shall be divided into seventeen (17) Senatorial districts, to be represented each by three members of the Senate and nine members of the House of Representatives, all to be elected by the cumulative system of voting.

Mr. WHERRY offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the compensation to be allowed for official service in the several departments of the government shall be fixed in the Constitution, and shall not be increased or lessened by the legislative department.

ADJOURNMENT.

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

Resolved, That when this Convention adjourn to-morrow it adjourn to meet at twelve o'clock on the first Tuesday after the second Monday in January, 1873.

On the question, will the Convention proceed to the second reading and consideration of the resolution?

The yeas and nays were required by Mr. Harry White and Mr. MacVeagh, and were as follow, viz:

Y E A S .

Messrs. Addicks, Armstrong, Bannan,

Barclay, Bartholomew, Beebe, Black, Chas. A., Black, J. S., Lowman, Boyd, Brown, Buckalew, Campbell, Church, Cochran, Collins, Corbett, Davis, Dimmick, Dodd, Ellis, Finney, Gilpin, Hanna, Harvey, Hemphill, Landis, Lilly, Mantor, Minor, Porter, Pughe, Purviance, Samuel A., Read, John R., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, Henry¹ W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, John Price, Wright and Meredith, *President*—51.

N A Y S .

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Carter, Clark, Curry, Darlington, De France, Edwards, Ewing, Fulton, Guthrie, Hay, Hazzard, Horton, Howard, Kaine, Lamberton, Lawrence, M'Allister, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mott, Purviance, John N., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Wherry, White, David N., White, Harry and White, J. W. F.—37.

So the question was determined in the affirmative.

And the resolution was read a second time.

Mr. SIMPSON. I move to amend, by striking out the words "after the second Monday," making it the "seventh of January." That will give members ample time to spend Christmas and New Year's at home and get to Philadelphia in time to meet with the Convention.

Mr. STEWART accepted the amendment.

Mr. DAVID N. WHITE. I move to amend, by striking out all after the word "resolved," and inserting the following:

"That when this Convention adjourn to-morrow it adjourn to meet on Tuesday, the third day of December."

Mr. MACVEAGH. I have been hoping, Mr. President, that this matter would not be brought before the Convention to-day because of the very limited number of members here. Many are upon their way here, to my knowledge, who expect to be here to-morrow. They did not expect that serious business would come before the Convention, meeting, as it did, at three o'clock. Now, if my recollection is right, somebody said when that hour was named that it would be for the announcement of the committees. But there are members who are not here whom I am very sure we should have with us, or at least afford them an opportunity of being with us before we proceed with the con-

sideration of this resolution. That seems to me exceedingly desirable. It is a matter of very considerable importance, and certainly no harm can result—inasmuch as the resolution only contemplates action to-morrow—in letting it go over until to-morrow. At the instance of gentlemen about me I would therefore move that the further consideration of the resolution be postponed until to-morrow.

On the question, will the Convention agree to the motion of Mr. MacVeagh?

The yeas and nays were required by Mr. MacVeagh and Mr. D. N. White, and were as follow, viz:

Y E A S.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Carter, Clark, Cochran, Darlington, De France, Edwards, Ewing, Finney, Fulton, Guthrie, Hay, Hazzard, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mott, Patton, Purviance, John N., Reed, Andrew, Reynolds, James L., Russell, Wherry, White, David N., White, Harry, White, J. W. F. and Meredith, *President*—39.

N A Y S.

Messrs. Addicks, Armstrong, Bannan, Barclay, Bartholomew, Beebe, Black, Chas. A., Black, J. S., Bowman, Boyd, Brown, Buckalew, Campbell, Church, Collins, Corbett, Curry, Davis, Dimmick, Dodd, Ellis, Gilpin, Hanna, Harvey, Hemphill, Horton, Lilly, Mantor, Minor, Porter, Pughe, Purviance, Samuel A., Read, John R., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, H. G., Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, Jno. Price and Wright—50.

So the question was determined in the negative.

The question recurred on the amendment of Mr. White.

MR. MACVEAGH. Mr. President: I desire the Convention to bear with me for a few moments. I cannot forbear saying that I trust the Convention will yet see that it is wise to adopt this amendment. It prevents an adjournment of six weeks; it provides for an adjournment of ten days. I do so because I am seriously impressed with the necessity of our meeting now, and as soon as possible organizing these committees and going to work upon the work of the committees. A very great

proportion of the work of this Convention will be done in its committees, at least a very considerable portion of it, and now it is proposed, after having met here as briefly and for as little time as we have, that we shall adjourn over for six weeks without taking a single step, except the appointment of our committees. Nothing whatever towards proceeding with the work of this Convention has been done. The committees have been appointed, the work is to be assigned to them, and then the Convention proposes to run away from the work for a period of six weeks. I see around me certain gentlemen here who have engagements that require their attendance, that they are able and active members of this body, and we cannot get along without them; but they will have engagements in January, and in February and in March. Some of them are not here to-day. Some of them, I believe, will be here to-morrow; but if not this Convention must proceed with the work given them to do, and not adjourn over this long period of time. The idea in the minds of members was to meet here, go on with the preliminary work of the organization, then to secure the appointment of our committees, which has been done, and then the committees would meet under the sanction of the Convention and proceed with the work referred to them by the Convention. Now if two weeks be given to work I have not the slightest doubt that each committee will be able to report the text of the portion of the Convention referred to it. Then we would be ready to go to work in Philadelphia in the body of the Convention; but if we adjourn now who can tell, who can even guess, when that work will be ready? The committees can submit the text upon which the majority of the committee shall agree. The people would then know something of what we propose to do. We could then receive from them suggestions and give them that weight and thought they would be entitled to, and give them that weight in the body of the Convention to which they would be entitled. But now, because it does not suit the convenience of gentlemen to remain here, we are about to adjourn for six weeks. Already our sessions have been so fragmentary and few as to create remark, and justly so, We met for forty-eight hours, and then went away for a week almost. We came back, and after a very brief session adjourned again. Now we have met the third time and propose to be in session a

day and a quarter and adjourn for six weeks. What is there special about January that enables us to do committee work better then than in December? It is simply a postponement because the Convention is composed of gentlemen of large professional business interests that they think will require their attention now; but those interests will require the same attention six weeks hence, and we are simply postponing the work we were assigned to do. I cannot, therefore, forbear entering my earnest protest against this long adjournment.

Mr. MANN. Mr. President: I rise simply to enter my protest, as earnestly as I can, against the suicidal course gentlemen propose to take. I have already received from prominent citizens outside of the district I have the honor in part to represent, communications in which they make mention of these repeated adjournments, saying that they are already uneasy and disappointed at the tampering course of this Convention.

Now, just after we have heard these committees announced, it cannot be possible that the proposed adjournment of six weeks will have any other effect than to dissatisfy the people much more. Are we going to blast the objects of this Convention at the very outset? There seems to be an entire indifference to the voice of the people upon this question.

The only excuse I have heard for these long adjournments is, that the work of the Convention may be prepared in the meanwhile, and that when we meet in January we will be better prepared to go to work. I undertake to say, from the little experience I have had in such matters, that if we adjourn until January we will not make one step in advance during the recess. The way to prepare the work of this Convention is to go to work, and the way to do that is to commence now. "Honest Horace Greeley" was somewhat ridiculed during the last campaign for having said that "the way to resume specie payments was to resume;" but that expression was true, nevertheless; and the way to commence work is to begin to work.

As the gentleman from Dauphin (Mr. MacVeagh) has said, we shall be no better prepared for work in January than now. There will be the same obstacles then as now, and we shall not have advanced one step.

The adjournment of this Convention will adjourn all its committees, unless it

be one or more which happen to be formed of delegates living in the same section of the State. It would be impossible for all the committees to meet in consultation, and they will do absolutely nothing.

The only way we can commence the work is to call the committees together and have the members interchange sentiments. Here are already two or three hundred different propositions, to be referred, under the direction of the President, to the different committees. These are to be read—if there is any respect to be paid to reference—and considered by the different committees. When? How? If we adjourn to-morrow the chairmen of committees will have these propositions; the other members will know nothing about them. There can be no conference or committee work in the proper sense of the term. The chairmen may read over the propositions, but the others will have no information upon the subject, and nothing whatever will be accomplished.

If we remain together the committees can meet in the afternoon and evening; and if the Convention meets but a single hour in the morning an interchange can be had on the different propositions, and we can make progress.

Here are one hundred and thirty-three gentlemen, and every one thinks he can make a Constitution acceptable to the people. I think I can. I suppose the feelings of other delegates are somewhat similar to my own in this respect. But before we can make a Constitution sixty-seven delegates will have to agree; and it will take a great deal of explanation and argument ere gentlemen representing widely different interests can come to an agreement. It must be so; there must be a mingling together and an interchange of views, and in no other way can we successfully do the work assigned us.

What reason can be given for the long delay in the business of the Convention as proposed? Where is the intelligent man that can be satisfied by any explanation you may endeavor to give for this unnecessary adjournment? Not a single valid reason has been given yet; and for that reason, if no other, it seems to me that the majority of this Convention should refuse to adjourn and agree at once to go to work.

Mr. BUCKALEW. The usual time for the meeting of deliberative bodies in this State, after long experience, has been

fixed early in January, and I see no objection to fixing the permanent sessions of this body at the usual time, but there was a reason for calling this body together at an earlier day, and that reason was connected entirely with its organization. For my part I supported an early day for calling the Convention together for that reason and for that reason only. Now when our organization is perfected it will be perfectly proper that we adjourn to meet at the usual time.

MR. LAWRENCE. Mr. Speaker: I agree very fully with my friend from Dauphin (Mr. MacVeagh) and my friend from Potter (Mr. Mann) in reference to this question. It appears to me that we are trifling with this great question, and I am sure the people agree with me. If we adjourn to-morrow to meet in Philadelphia at the time named in the resolution, and an election were to be held next Tuesday to send us here, or to declare whether there will be amendments to the fundamental law of the State, I venture to say that the people would vote it down by an overwhelming majority. I, too, have had some experience here as well as the gentleman who has just spoken. I know how it has usually been when the Legislature meet here, for the first two or three weeks. They do nothing for weeks, sometimes nothing for a month or more, except to meet and talk in public houses and wait for the committees. Now, sir, we have waited here two weeks, exercising this christian virtue called patience, and we have given you ample time to form your committees according to your judgment, knowing you had that judgment, and had a desire to perform your duty with fidelity to the people. You have to-day announced your committees through the Clerk, and I trust that although some members may feel that they have not received at your hands that recognition to which they were entitled, yet we all agree that what you have done is for the best. We have been here two weeks, and tell me, any of you, what we have done except that, through your President, we have organized these committees.

The people have elected us for a specific purpose. We come here to carry out that purpose, which was to change, modify or amend, if you choose, the fundamental law of the State. Now have we even commenced that work? Yet we propose, as my friend says, to go home and stay until the first Tuesday in January, losing six weeks valuable time right in the

winter season when some of us can best afford to be here. I know there are some gentlemen upon this floor with a large practice—legal gentlemen—and you are glad, as I was, that the people have elected these men of legal ability to help change this fundamental law. I am glad we are surrounded by so much legal talent. But the remark of the gentleman from Dauphin (Mr. MacVeagh) implied that these gentlemen are always employed, or some of them, and will be as fully employed in January as now. Some of us are differently situated. I am as anxious to be with my family as any gentleman on this floor I think. I have not seen them since I came here. I would be glad to be at home and take my dinner with them on Thursday. But I know the people have delegated to me a high duty to perform, and I shall not allow my private interests to clash with my public ones. And I think that if gentlemen do not know now they will know hereafter that the people expect them to perform those duties with fidelity, and do not expect them to run home every few days to attend to some private interest. There may be private duties that require to be attended to, and we are then willing to give them leave of absence, as we have to-day. But I say, right here now, on the twenty-fifth day of November, when we are almost upon the first of December, and all comfortably situated and our committees formed, that it is a high duty we owe to the people to engage in our work, in our committees, and prepare these amendments to the Constitution. If gentlemen think otherwise they can vote to adjourn. I shall, of course, have to submit, but I shall submit entering my protest against it. What gentleman can now go before the people and say he has been performing his public duty here by voting to adjourn until the seventh of January? I don't know what I would say to my people. They would say: "We agreed that you should meet in Harrisburg at a certain time and perform this duty, and we expect you to perform it, or at least to engage in it." As a gentleman said on the floor the other day, and a very forcible remark it was, we have performed this duty so reluctantly, and progressed with it so slowly that the people have become discouraged, and in advance have prejudged the case to vote down the product of our labors. I appeal to gentlemen now, if they are determined to send us home, that some of us are farmers, and

that this is the best time, during the month of December, for us to be here. But, for my part, I would greatly prefer to labor now until about the middle of next month, and then we can go home and meet in January. I voted against going to Philadelphia because I have been many long winters in Harrisburg, and have always been treated with great kindness, and feel much at home among the people here. But as the majority have said they will go to the great city of Philadelphia I shall be glad to go with them. I am as proud of that city as you are. But I say let us sit two or three weeks until we organize our committees and ascertain, at least, what we are expected to do.

Mr. BOYD. Mr. President: I am very much pained to learn that the people of Dauphin are disappointed in their high and perhaps just expectations of this august body. We have been informed that they are already disappointed, if not disgusted, from the fact that a Constitution has not already been prepared. I am equally pained to learn that my friend from Potter (Mr. Mann) is in the same situation, and that his constituents are all disappointed in their expectations of this body. And I also am doubly, if not trebly, pained to learn that the constituents of the gentleman from Washington (Mr. Lawrence) are overwhelmed with grief in the same direction. After the overwhelming vote that has been pronounced twice here to-day upon this question, we occupying back seats, of course very kindly submit to rebukes that gentlemen are pleased to renounce upon those sitting here, who voted so largely in the majority. Well, sir, we can stand it. I am happy to inform you, sir, that the people of my county (Montgomery) are delighted with their representatives upon this floor. [Laughter.] They are rejoiced to know that we are getting along well and bravely. I have not been troubled with letters from my constituents requesting me to urge this Convention on to its duties. I have been home, sir, since our last adjournment, and I have been treated with the greatest satisfaction and delight, and indeed a small rejoicing in my immediate vicinity, that we have so materially and deliberately considered what we have done. [Laughter.]

Now, then, an appeal has been made—and I know it has been directed to me personally—to furnish gentlemen with reasons to give their constituents why something more has not been done. Now

I will tell them what to say. Haven't we here in three days pulled the old Constitution to pieces, and haven't we sent up to that desk materials out of which to construct a new one? And is not everything now in condition to go to work and have these respective committees rig together the material that has been placed there and put it in shape? I have no doubt at all, even in the absence of those distinguished gentlemen whom the distinguished member from Dauphin informed us possessed such high ability, and who cannot be here, or who must be here else this body cannot move? By the time we get back in January those distinguished gentlemen will probably get through with their distinguished engagements, and will be able to assist us in putting together what appears now to be an unseemly shape lying upon the Clerk's desk, and then, with their transcendent ability, I have not heard their names, they will be able to assist us in molding things into shape, and we will be able to vote upon an adjournment *sine die*. Why, sir, with the ability of such gentlemen in embryo, and with the acknowledged ability of two or three gentlemen upon this floor to assist them, we have nothing to do here upon the back seats but to vote as they direct. [Laughter.]

Now, sir, I submit, with the distinguished gentleman from Columbia, (Mr. Buckalew,) that there was wisdom in his suggestion; and you will excuse me, Mr. President, if I take up time in discussing questions of adjournment, because, it seems to me, they are among the most momentous subjects discussed in deliberative bodies. There is so much time consumed, and there is so large a draft upon the talent of the body in discussing such questions, that I may be pardoned, having no ability, for occupying a few minutes. It seems to me we have been doing work. I have been here every day; and it is no small matter to sit here and listen to two or three gentlemen doing all the talking. I have been exhausted. I have been tired at night, after going around and seeing different gentlemen of this Convention, and conferring with them and obtaining their views, and after going around and obtaining other views in other directions and in other quarters. [Laughter.] Until one and two o'clock in the morning have I been kept up. When I come in here in the morning I can hardly say that sufficient rest has been accorded me. We have been here

day after day, and have become tolerably well acquainted with each other in this body; and I think, now, since the committees have been appointed, there is nothing to do before the committees go to work, and when they do get to work of course they will perform their duties with promptness and dispatch; and when that is done of course all the important questions will come up for consideration.

Now, sir, of what avail is it to keep us here? We have an adjournment, of course, over Thursday. The week is therefore gone. I believe the week after the Electoral College meets in this hall to cast their votes for President and Vice President of the United States. There is another broken week. And I am credibly informed—not by any distinguished gentlemen who have cases to try in the courts—but I am credibly informed that it would be necessary for Mr. Selfridge and the officers in charge of this hall to have possession of it at least one week before Christmas, in order to prepare it for the House of Representatives in January. So that there will not be an uninterrupted week between this and the first of January that we could occupy this Chamber if we desired to go to work upon the Constitution. I think, therefore, it is the most sensible thing to adjourn, according to this resolution, and I trust it will carry by the same decisive vote that the preliminary motion was carried, and that we will not be subjected to any more lectures by gentlemen who think we do not do exactly as they would have us do.

Mr. DARLINGTON. Mr. President: If the Convention will bear with me a moment I promise not to detain them long. I do not know that anything I can say will be likely to change the views of any gentleman here. Somehow or other the views of gentlemen here seem to have changed since the vote was taken the other day. It was, sir, I think, the last day we sat last week, if I am not mistaken, that this body determined, by a very decided vote—some seventy-four to thirty—that they would not adjourn over, but would go on with the work.

Now, sir, there is not a majority of this Convention here to vote one way for this purpose. The seventy-four that the other day refused to vote for this adjournment are now reduced to thirty-eight; but you have got fifty in favor of it—seventeen less than a majority of the Convention.

Now what I mean to suggest to thoughtful gentlemen here is, that no decision

like this can well receive the sanction of the whole body of one hundred and thirty-three, as it ought to do, when it is pressed upon our consideration in so thin a house as this. A number of our brethren are away attending to their business, and will be here probably by to-morrow. The answer, I know, to this is that they ought to be here, and if we choose to vote it down we can do so. I am aware of the power that exists here. But as to the right to do it—the propriety of doing it. We are here a Convention of one hundred and thirty-three gentlemen, justly supposed to be among the thoughtful men of the land, who can confer together, consider the propositions of each other with candor and fairness, and endeavor to form a judgment which shall be satisfactory to ourselves, at least, if we go to work to do it. Now, sir, when should this work begin? I appeal to the thoughtful gentlemen of this Convention—and in using that expression I appeal to all, because I have a right to presume they are all thoughtful men—whether we are performing the duty that was assigned to us by our constituents, or the duty that we, in our inner consciences, feel we ought to perform. I am here no place hunter; I am here not in fear of any constituency, but to perform the duty imposed upon me, just as every other member is to perform the duty devolving upon him, and he must answer to his own conscience how he discharges it. How are we prepared, in consideration of our duty to ourselves, to resolve upon an adjournment for six weeks? Is it a sufficient answer to the objection that there are gentlemen here who have professional engagements elsewhere? I might be supposed to be in favor of removing to Philadelphia; it is very near my home, and I would be only too well pleased to go there at the proper time, where I can see my family. But, sir, I am in for the war; I enlisted for the war. I expected to fight it out upon this line until the first of January, and I am here for the purpose, as I said the other day, of work. But still, if the majority of my fellows say it is better for us to adjourn, I cheerfully submit. What I object to now, is that less than a majority of the whole body are insisting upon adjourning, when less than two days ago we decided we would not, by a very decided vote.

It is suggested that these committees can work in the absence of the Convention. I have had but little experience

in that, but I rather suppose we should not be found working in the absence of the Convention. If we get away it is because we have professional business to attend to; that being of personal interest to us would be more likely to be attended to by most of us than the public duty. Nor do I apprehend that we should be deterred from sitting here by the fact that the Electoral College is to meet in this building. It need not meet here. There is a Senate Chamber amply large for them; they would not need to disturb us nor would they. They always meet one day, and end their sessions in a day or so. As to taking time to fit up the hall, I suppose we will all be willing to get away in time for them to move these extra benches and have the room swept. We will try not to leave the room dirty.

Now, again, I earnestly appeal to the thoughtful men of this House whether we are discharging the duty we owe to ourselves by running away from it by reason of our private affairs. For one, I came here to attend to my public duties, and not our private affairs; and I hope, if any gentleman thinks his private affairs are of more importance than these public duties, which he may never be called upon to attend to again, I hope he will have leave of absence to attend to it; but I hope he will not insist upon us all going home because he has got private business. That remark does not refer to any particular one, but to all who think their private interests call them away.

MR. CURTIN. MR. President: This certainly is the proper place, and this is the proper city for a Convention called to amend the Constitution to work in, and this is the proper hall for its sessions to sit in. We are here by the Executive Department, where all the members of this Convention can have access for information necessary and proper for our proceedings. We have the free use of the best law library in the State, and with all these facilities this is the proper place for this Convention; and, as I understand it, we have resolved to go to Philadelphia on the first of January from necessity, because there is not a hall sufficiently commodious for the sessions of the Convention, and no accommodations for the members in the city of Harrisburg during the sessions of the Legislature. I certainly will vote for the amendment to the resolution, and will not give my vote for an adjournment for so long a period.

Now it has been suggested in this dis-

cussion that the committees can only act in the presence of this body; that if they are once separated it would be impossible, and the valuable time of this Convention would be consumed by an adjournment. Mr. President, we are in the presence of a public sentiment demanding reasonable and judicious reforms to our organic law, and it is not the language of flattery to say that this Convention enjoys, in a large measure, the confidence of the people of the State. We can only justify the expectation of the public as to what we will do, and we can only retain the confidence of the public by working patiently until the work given us to do is performed.

MR. SIMPSON. I believe, Mr. President, that I represent upon this floor as intelligent a constituency as is represented by any other delegate. I have been a member of the legislative body, and I know the difficulty of getting to work in its inception. We are to-day, sir, for the first time, in condition to begin the real work of this Convention, and that work must be done in the committees at the commencement. Every measure that comes before this body must first be digested by the committee, examined into, prepared and presented, first be discussed here in committee of the whole and afterwards in Convention. We now know to what particular committees each member of this body is assigned, and I take it, with the intelligence I see around me, and with my knowledge of the ability of this Convention, that the time spent between now and January will be well spent by the members in directing their attention to the particular subjects referred to them, so that when they meet in Philadelphia in January they will be prepared to discuss the questions submitted to them far better than in the few days intervening between now and next Tuesday. The amendment is that when we adjourn to-morrow we adjourn to meet to-morrow week. One day will be Thanksgiving day, and some gentlemen will have some distance to travel to their homes and return. What time will we have in the interim to study upon the subjects committed? We have books and Constitutions of the States that I desire to examine upon the various questions that will be submitted to me. You have placed me upon two committees; I desire to perform my duties intelligently and to the satisfaction of the people I represent; I shall strive so to do, but I want a little

time. When I accepted the nomination to this Convention I accepted it prepared to leave all my private business and serve the people faithfully and well; but I want to be prepared to perform that duty intelligently and faithfully, so that when the reports of the committees that I am upon come before this body they will come not in a crude and unprepared shape, but prepared so that the Convention will have little to do but pass upon them except to vote "yea" or "nay."

Mr. HARRY WHITE moved that the Convention do now adjourn.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. MacVeagh and Mr. Harry White, and were as follow, viz :

YEAS.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Buckalew, Carter, Cochran, Curtin, Darlington, De France, Edwards, Ewing, Fulton, Guthrie, Hay, Hazzard, Horton, Howard, Kaine, Lamberton, Lawrence, M'Allister, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mott, Paterson, D. W., Purviance, John N., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Wetherill, John Price, Wherry, White, David N., White, Harry, White, J. W. F. and Meredith, *President*—41.

NAYS.

Messrs. Addicks, Armstrong, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Charles A., Black, J. S., Bowman, Boyd, Brown, Campbell, Church, Clark, Collins, Corbett, Curry, Davis, Dimmick, Dodd, Elliott, Ellis, Fell, Finney, Gilpin, Hanna, Harvey, Hemphill, Landis, Lilly, Mantor, Minor, Patton, Porter, Pughe, Purviance, Samuel A., Read, John R., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M. and Wright—53.

So the question was determined in the negative.

The question recurred on the amendment.

Mr. MACCONNELL. Mr. President: It seems to me, before the Convention adjourns, whether for three or six weeks, it would be well for us to take time to let the committees come together; let them see one another; let them, as it were, or-

ganize and get into a shape for doing committee work. It seems to me that would be reasonable and proper, and should commend itself to the consideration of thoughtful men of the Convention, and that includes all the gentlemen in the Convention. I rise, therefore, if it is in order, to move to strike out the words "to-morrow," and insert "next Wednesday;" that will give us to-morrow. The chairmen of the various committees can call the committees together. Let us get together; let us see one another; let us talk a little while, at least; let us see what we are going to do, and let the various committees make arrangements as to what each member is to turn his attention to. It does seem to me that would be an advisable course to pursue. If in order I move the amendment.

The PRESIDENT. It will be in order after the question is taken on the present amendment.

Mr. EWING. Mr. President: I shall vote against the amendment offered by my colleague from Allegheny, (D. N. White,) because I am opposed to all adjournments. I do not want to stay over four or five days more in Harrisburg to meet only a day or two more.

On the question, will the Convention agree to the amendment offered by Mr. D. N. White?

The yeas and nays were required by Mr. D. N. White and Mr. Ewing, and were as follow, viz :

YEAS.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Carter, Cochran, Darlington, De France, Edwards, Fulton, Hay, Hazzard, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, M'Culloch, M'Murray, MacVeagh, Mann, Purviance, John N., Read, John R., Reed, Andrew, Reynolds, James L., Russell, Wherry, White, David N., White, Harry, and White, J. W. F.—33.

NAYS.

Messrs. Addicks, Armstrong, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Charles A., Black, J. S., Bowman, Boyd, Brown, Buckalew, Campbell, Church, Clark, Collins, Corbett, Curry, Curtin, Davis, Dimmick, Dodd, Ellis, Ewing, Fell, Finney, Gilpin, Guthrie, Hanna, Harvey, Hemphill, Lilly, M'Connell, Mantor, Minor, Mott, Patterson, D. W., Patton, Porter, Pughe, Purviance, Samuel A., Reynolds, S. H., Runk,

Sharpe, Simpson, Smith, H. G., Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, Jno. Price, Wright and Meredith, *President*—60.

So the question was determined in the negative.

Mr. MACCONNELL moved to amend, by striking out the word "to-morrow," and inserting "next Wednesday."

The amendment was agreed to.

Mr. J. W. F. WHITE moved to amend, by striking out all after the word "resolved," and inserting the following:

"That the Convention will remain in session at Harrisburg, without adjourning more than two days at any one time, until the 20th day of next December, when it will adjourn to meet in Philadelphia on Tuesday, the 7th day of January following."

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. D. N. White and Mr. D. W. Patterson, and were as follow, viz:

YEAS.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Bowman, Carter, Curtin, Darlington, De France, Edwards, Ewing, Fulton, Guthrie, Hay, Hazzard, Heverin, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, M'Clean, MacConnell, M'Culloch, MacVeagh, Mann, Mott, Patterson, D. W., Purviance, John N., Read, John R., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Wherry, White, David N., White, Harry, White, J. W. F. and Meredith, *President*—42.

NAYS.

Messrs. Addicks, Armstrong, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Charles A., Black, J. S., Boyd, Brown, Buckalew, Campbell, Church, Clark, Cochran, Collins, Corbett, Curry, Davis, Dimmick, Dodd, Elliott, Ellis, Fell, Finney, Gilpin, Hanna, Harvey, Hemphill, Lilly, M'Murray, Mantor, Minor, Parsons, Patton, Porter, Pughe, Purviance, Samuel A., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, John Price and Wright—55.

So the question was determined in the negative.

Mr. JOSEPH BAILY moved that the Convention do now adjourn.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. Jos. Baily and Mr. D. N. White, and were as follow, viz:

YEAS.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Bowman, Buckalew, Carter, Cochran, Curry, Curtin, Darlington, DeFrance, Edwards, Ewing, Finney, Fulton, Guthrie, Hanna, Hazzard, Horton, Howard, Kaine, Lamberton, Lawrence, M'Allister, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Mott, Patterson, D. W., Purviance, John N., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Wherry, White, David N., White, Harry, White, J. W. F. and Meredith, *President*—43.

NAYS.

Messrs. Addicks, Armstrong, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Charles A., Black, J. S., Boyd, Brown, Campbell, Church, Clark, Collins, Corbett, Davis, Dimmick, Dodd, Ellis, Fell, Gilpin, Harvey, Hemphill, Landis, Lilly, Mantor, Minor, Patton, Porter, Pughe, Purviance, Samuel A., Read, Jno. R., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, Jno. Price and Wright—49.

So the question was determined in the negative.

Mr. BOYD called the previous question.

The call was seconded by Messrs. Corbett, Addicks, Lilly, Simpson, Barclay, Turrell, Fell, Stanton, Church, S. H. Reynolds, Hanna, Sharpe, Stewart, Bartholomew, Dimmick, Runk, J. S. Black, H. W. Smith and W. H. Smith.

On the question, shall the main question be now put?

The yeas and nays were required by Mr. Harry White and Mr. D. W. Patterson, and were as follow, viz:

YEAS.

Messrs. Addicks, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Chas. A., Black, J. S., Boyd, Brown, Campbell, Church, Collins, Corbett, Dimmick, Dodd, Fell, Finney, Gilpin, Hanna, Harvey, Hemphill, Lilly, Mantor, Minor, Patton, Porter, Pughe, Purviance, Samuel A., Reynolds, S. H., Runk, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Stan-

ton, Stewart, Struthers, Turrell, Van Reed, Walker, Wetherill, J. M. and Wright—43.

N A Y S.

Messrs. Achenbach, Ainey, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Bowman, Buckalew, Carter, Clark, Cochran, Curry, Curtin, Darlington, Davis, De France, Ellis, Edwards, Ewing, Fulton, Guthrie, Hay, Hazzard, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, MacConnell, M' Murray, MacVeagh, Mann, Mott, Patter-

son, D. W., Purviance, John N., Read, John R., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Temple, Wetherill, John Price, Wherry, White, David N., White, Harry, White, J. W. F. and Meredith, *President*—48.

So the question was determined in the negative.

Mr. JOHN PRICE WETHERILL moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until ten o'clock to-morrow morning.

NINTH DAY.

TUESDAY, November 26, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, Hon. William M. Meredith, in the Chair.

Prayer was offered by Mr. Curry, a member of the Convention.

The Journal of yesterday was read and approved.

Messrs. Niles, Elliott, Baer, Church and Beebe obtained leave of absence for a few days.

QUESTION OF PRIVILEGE.

Mr. D. W. PATTERSON. Mr. President: I rise to a question of privilege. The *State Journal* of to-day says that D. W. Patterson yesterday offered a resolution requiring every voter to vote an open ballot with his name endorsed upon the back. That is my name, but I offered no such resolution, nor am I in favor of any amendment of that kind. Indeed, I think the policy of that resolution would be a step backwards in reform.

PRINTING.

Mr. HANNA offered the following resolution, which was twice read:

Resolved, That the Clerk of this Convention be instructed to have printed and bound in such form as shall be convenient for the members, five hundred copies of the rules of the Convention, with the names of the officers and members of the Convention, with their post office address, together with the standing committees of the Convention and the names of the members thereof.

Mr. KAINE. Mr. President: A resolution passed this House some days ago authorizing the printing of a thousand copies of the rules of this Convention, a copy of which has been given, I believe, to every member. The printer informed me that he only printed two hundred copies in that shape, expecting that the Convention would make some other order, perhaps in regard to the form, or have some additions made to it.

Now, sir, if this resolution is passed in that shape, why there will be two orders

out for printing these rules. If the gentleman will modify his resolution so as to take up the other one and not have two sets of rules printed I am perfectly content.

Mr. HANNA. I am informed that only about one hundred and fifty copies of the rules ordered by the Convention have been supplied. The object of this resolution is not only to supply the members with a copy of the rules, but to furnish a convenient book of reference, to contain the names of members and officers, and their post-office addresses, and the names of the members of the different standing Committees. The rules have been printed and laid upon our desks this morning, it is true, but that is in an inconvenient shape, and will be lost. This is merely to provide us with a pocket directory. It would be a matter of convenience for us personally to have such a pocket directory for ready reference.

Mr. HANNA modified his resolution, by adding, "*Provided*, That the further operation of the order heretofore made for printing the rules be suspended."

On motion of Mr. Harry White the following proviso was added:

"*Provided further*, That the same shall not cost more than twenty cents a piece."

Mr. DODD moved to amend, by striking out the last proviso and adding, "*Provided further*, That the printing referred to be done by the State Printer, at rates not exceeding those provided by existing laws."

Mr. RUSSELL moved that the subject be referred to the Committee on Printing.

The motion was agreed to.

REPORTING.

Mr. HAY, from the Committee on Accounts and Expenditures, made report from the committee, as follows:

"That it has had in careful consideration the resolution referred to it on the 20th instant, directing it to report 'what is the proper amount of compensation to be paid to a stenographer and his assistants;' and that the sum of \$1 40 per thousand ems would be the proper amount of compensation to be paid to a stenographer and as-

sistants for reporting the debates and proceedings of the Convention, which sum should include all stationery and other materials used by them in doing the work, and that there shall be no allowance for adjournments or any other or further compensation whatever; the said stenographer to furnish fairly written, legible printer's copy of the full proceedings and debates of each day in time to have the same printed and laid upon the delegate's desks at the opening of the session of the next succeeding day; and further, that no responses to resolutions of inquiry of the Convention, letters, petitions, memorials or remonstrances should be included in the said reporting, unless by the special order of the Convention.

"And the committee, therefore, reports for the action of the Convention the following resolutions:

"*Resolved*, That the compensation of the official reporter of the Convention, including the services of his assistants, for reporting the full debates and proceedings of the Convention, be and the same is hereby fixed at one dollar and forty cents per thousand ems; that the said sum shall include the cost of all stationery and other materials used in doing the work, and that the said reporter shall furnish fairly written, legible printer's copy of the said debates and proceedings of each day, in time to have the same printed and laid upon the delegates' desks at the opening of the session of the following day.

"*Resolved*, That no responses from any of the departments or other sources, to resolutions of inquiry of the Convention, letters, petitions, memorials or remonstrances shall be included in the said reporting, unless by the special order of the Convention."

The first resolution was read a second time.

MR. HARRY WHITE. This may be very intelligent to the Committee on Accounts and Expenditures; it doubtless is. I simply want to vote intelligently. This question of the compensation per thousand ems is doubtless the right principle. I would very much like to know from the Chairman of that committee what it will likely cost per page of the size of the *Congressional Globe* or *Legislative Journal*. I have no idea upon the subject.

MR. HAY. I can inform the gentleman that the committee did make a calculation as to what the reporting would cost per page, the size of the *Congressional Globe* or of the Illinois Debates, and based

upon the information which they obtained from the different reporters who are in the city. We are informed that one of those pages contains about seven thousand ems, which, at the rate the committee has reported, would be \$9 80 per page. The Illinois Convention paid for the same reporting \$2 20 per thousand ems. The committee have reported a reduction of about fifty per cent. upon the price paid to the reporters of the Illinois Convention. We are informed, also, that the price paid for the reporting of the New York Convention was \$1 60 per thousand ems, so that the price reported by this committee is less than the price paid in both of those States. In Illinois the reporters were also additionally paid for all adjournments of the Convention at the rate of \$50 per day, which was an allowance for keeping their corps of reporters together during adjournments. This committee have reported that no such allowance shall be made. The reporters in the Illinois Convention were also allowed stationery and materials used in making their reports. The committee has considered it advisable that the price paid to the official reporter of this Convention should not include any stationery, and that he should receive no other compensation whatever than that which is regulated by the quantity of the matter which he furnishes. I believe that the compensation which has been reported by the committee is a moderate compensation and yet a fair one. The committee did not deem it proper to report the least possible sum for which the reporting could be done, unless such reporting could be done by really competent reporters. We believed that if the reports are made at all they should be good reports. While the sum we have reported may not possibly be the least sum for which the reporting can be done, still we believe it is the least price for which competent reporters are willing to work.

MR. FUNCK. Mr. President: No resolution has yet passed this House in favor of reporting and printing the debates of this Convention. The other day, when that question was up, I committed myself as little as possible upon the question; my desire was to get information. I have since satisfied myself that the expense will be out of all proportion to the value of the work. Therefore, for the purpose of testing the sense of the Convention, I move to lay the resolution upon the table.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. Stanton and Mr. Hanna, and were as follow, viz:

YEAS.

Messrs. Addicks, Ainey, Andrews, Barclay, Bartholomew, Beebe, Biddle, Brown, Church, Collins, Corbett, Darlington, Davis, Dimmick, Fell, Funck, Hanna, Harvey, Hopkins, Lamberton, Landis, Lawrence, Lilly, Long, M'Culloch, MacVeagh, Mann, Minor, Patton, Pughe, Reynolds, James L., Runk, Russell, Sharpe, Smith, Henry W., Smith, W. H., Stewart, Turrell, Van Reed, Walker, Wetherill, John Price, White, David N., White, Harry, Woodward, Wright and Meredith, *President*—46.

NAYS.

Messrs. Achenbach, Armstrong, Bailly, (Perry,) Bailey, (Huntingdon) Baker, Banan, Black, Chas A., Bowman, Boyd, Brodhead, Buckalew, Campbell, Carey, Clark, Cochran, Corson, Curry, Cuyler, DeFrance, Dodd, Dunning, Edwards, Ellis, Ewing, Finney, Fulton, Gilpin, Guthrie, Hall, Hay, Hazzard, Hemphill, Horton, Howard, Hunsicker, Kaine, M'Allister, M'Camant, MacConnell, M'Murray, Mantor, Mott, Patterson, D. N., Patterson, T. H. B., Porter, Purman, Purviance, John N., Read, John R., Reed, Andrew, Reynolds, S. H., Simpson, Smith, H. G., Stanton, Struthers, Temple, Wetherill, J. M., Wherry and White, J. W. F.—60.

So the question was determined in the negative.

The question recurred on the adoption of the first resolution.

Mr. COCHRAN. Mr. President: I wish to make a very few remarks upon this subject, because I am aware that there is an apparent inconsistency in my course in regard to it. I voted upon a former occasion against the official reporting of the proceedings of this Convention, and my views and opinions upon that subject are not changed this morning; therefore I voted against the indefinite postponement of this resolution. I believe, myself, that in this day individual enterprise is always anxious to see where its interests lie; and if it was believed that the reports of this Convention would pay the cost of publication, the moment the thought of reporting the Convention by itself was out of the way, individuals would be found to enter upon this work and to do it, and under

that conviction I voted against official reporting. I am of opinion, too, that if those reports are not of so much interest as that, it is not worth while to report them at all. But the Convention at that time passed a resolution requiring their Committee on Accounts and Expenditures to report what would be the proper compensation of a stenographer, who should be the official reporter of its proceedings. That committee took this matter into consideration, and have considered it as fully and impartially as they were able to do under the circumstances. They have arrived at a conclusion which, according to my judgment, is as nearly fair, proper and just, without being too liberal and extravagant, as they could reach under those circumstances.

I do not wish to defeat this resolution by a side blow. I wish the Convention to determine whether or not they will pay this compensation and appoint an official reporter. So far as I am individually concerned, and entirely in consistency with my views, I shall vote that this is a proper compensation, but shall not by that vote commit myself in any way to the appointment of an official reporter of this body. If the body then vote to have an official reporter they will do it without my vote; but I simply indicate, by voting for this resolution, that the compensation here fixed is as nearly a proper compensation for the services to be rendered as it is possible for us to attain, at least with our present light, and I must say that we had the views and opinions of gentlemen of intelligence, who were fully acquainted with this subject, and who came before the committee with what seemed to me a candid spirit and desire to give us their best judgment in the premises.

Mr. T. H. B. PATTERSON offered the following amendment, which was agreed to:

"*Provided further*, That no discussions on questions of order or adjournment shall be reported or printed among the debates."

Mr. LILLY offered the following amendment:

"*Provided further*, That nothings shall be reported by the official reporter not actually said in debate upon the floor of the Convention."

Mr. LILLY. I offer that because of the absence of the gentleman from Allegheny, (Mr. Purviance,) who offered such an amendment to the original resolution referred to the Committee on Accounts. It

is usual, I understand, for persons to get up on the floor of such bodies and say a few words, and then go to the reporter and write out a speech that will cover two or three pages of the Debates of the Convention. Now I want to prevent that. I don't want to see them alter their speeches in that way; I want them to be reported exactly as they talk here.

Mr. HAY. I call the attention of the gentleman to the fact that the Convention has already taken such order as that indicated in his amendment. The resolution referred to the Committee on Accounts and Expenditures was amended, on motion of Mr. Purviance, so as to add that "such report shall be limited to speeches and discussions actually made and delivered in the body of the Convention." It seems to me the amendment is unnecessary.

Mr. LILLY. It is not in the resolution before the House. I understood that it was considered in the committee, and they thought the committee had no right to report upon anything but the actual cost of the reporting, and that was all they intended to report. It can do no harm to adopt this amendment at this time.

Mr. HAY. The committee was not directed to report upon anything except the proper amount to be paid a stenographer and his assistants. The only thing, it seems to me, now properly before the Convention is the question of the proper amount of compensation to be paid to the official reporter and his assistants. It is not whether there shall be an official report made, but whether the amount reported is a proper compensation in case the reports are ordered.

The amendment was agreed to.

Mr. RUSSELL moved to amend, by adding the following:

"*Provided further*, That no one shall be elected official reporter except one who will give it his personal attention."

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. Harry White and Mr. David N. White, and were as follow, viz:

Y E A S.

Messrs. Addicks, Andrews, Armstrong, Baker, Bartholomew, Beebe, Biddle, Bowman, Boyd, Brown, Carey, Carter, Collins, Corson, Curry, Darlington, Davis, De France, Dunning, Edwards, Ewing, Fell, Finney, Fulton, Funck, Gilpin, Hanna, Harvey, Hazzard, Horton, How-

ard, Knight, Lawrence, Lilly, Long, MacConnell M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Minor, Mott, Patterson, D. N., Patterson, T. H. B., Porter, Purviance, John N., Reynolds, James L., Runk Russell, Sharpe, Smith, Henry W., Stanton, Struthers, Turrell, Van Reed, Walker, Wetherill, John Price, White, David N., White, Harry, White, J. W. F., Woodward, Wright and Meredith, *President*—64.

N A Y S.

Messrs. Achenbach, Bailey, (Perry,) Bailey, (Huntingdon,) Bannan, Black, Charles A., Brodhead, Buckalew, Campbell, Church, Clark, Cochran, Corbett, Curtin, Cuyler, Dodd, Ellis, Gowen, Guthrie, Hall, Hay, Hemphill, Hopkins, Hunsicker, Kaine, Lamberton, Landis, M'Allister, M'Camant, Patton, Pughe, Purman, Read, John R., Reed Andrew, Reynolds, S. H., Ross, Simpson, Smith, W. H., Temple, Wetherill, J. M., Wherry and Worrell—41.

So the question was determined in the affirmative.

Mr. BRODHEAD moved to amend, by adding the following:

"*Provided further*, That the reports of committees and other written matter submitted to the Convention shall not be paid for as reported matter."

The amendment was agreed to.

Mr. HARRY WHITE moved to amend, by adding the following:

"*Provided further*, That before the reporter elect shall enter upon his duties the Committee on Accounts and Expenditures shall make and report to the Convention a written contract with him, in pursuance of the terms of the report of the Committee on Accounts and Expenditures."

The amendment was agreed to.

Mr. MANN. Mr. President: This resolution reported from the committee has now been so amended that it is very difficult to understand its clear import. It seems to me that it would be proper to have a little better understanding of it, and that we may see whether we really desire this resolution as originally reported by the committee, and altered on the spur of the moment. I move that we go into committee of the whole for the purpose of restoring the original resolution as reported from the committee.

The PRESIDENT. The Chair is of opinion that the committee of the whole would not have power to do that.

Mr. MANN. That is the practice in ordinary parliamentary bodies. I so understand it—that it is competent for this Convention to go into committee of the whole for a special purpose.

Mr. HARRY WHITE. My friend, with all deference to his large parliamentary experience, is certainly in error about going into committee of the whole on a resolution.

Mr. MANN withdrew his motion.

Mr. HUNSICKER moved to refer the whole question back to the committee.

The motion was not agreed to.

The first resolution, as amended, was then agreed to.

The second resolution was read and was not agreed to—the substance thereof having been added to the first resolution.

Mr. WHERRY offered the following resolution, which was twice read :

Resolved, That the Convention proceed to elect, *viva voce*, one official stenographic reporter, in accordance with the resolution reported by the Committee on Accounts and Expenditures and adopted by the Convention.

On the question, will the Convention adopt the resolution ?

The yeas and nays were required by Mr. D. N. White and Mr. Cochran, and were as follow, viz :

Y E A S.

Messrs. Achenbach, Addicks, Armstrong, Bailey, (Huntingdon,) Baker, Bauman, Bartholomew, Beebe, Bowman, Boyd, Brodhead, Brown, Buckalew, Campbell, Carter, Clark, Corson, Curtin, Cuyler, Darlington, Davis, De France, Dodd, Edwards, Ellis, Ewing, Finney, Gilpin, Gowen, Guthrie, Hall, Harvey, Hay, Hazzard, Hemphill, Horton, Howard, Hunsicker, Kaine, Long, M'Allister, M'Canant, M'Connell, M'Murray, Mantor, Minor, Mott, Patterson, D. N., Patterson, T. H. B., Porter, Purman, Purviance, John N., Read, John R., Sharpe, Simpson, Smith, H. G., Smith, W. H., Stanton, Struthers, Temple, Turrell, Wetherill, J. M., Wherry, White, J. W. F., and Worrell—65.

N A Y S.

Messrs. Ainey, Andrews, Baily, (Perry,) Biddle, Black, Charles A., Carey, Church, Cochran, Collins, Corbett, Curry, Dimmick, Dunning, Fell, Fulton, Funck, Hanna, Hopkins, Knight, Lamberton, Landis, Lawrence, Lilly, M'Culloch, MacVeagh, Mann, Patton, Pughe, Reed, An-

drew, Reynolds, James L., Reynolds, S. H., Ross, Runk, Russell, Smith, Henry W., Stewart, Van Reed, Walker, Wetherill, John Price, White, David N., White, Harry, Woodward, Wright and Meredith, *President*—44.

So the question was determined in the affirmative.

The *PRESIDENT* announced that nominations would now be received.

Mr. JOHN N. PURVIANCE nominated Charles Flowers.

Mr. BARTHOLOMEW nominated the firm of Mason & Martin as official stenographers.

The Convention refused to receive the nomination of a firm, as the resolution only provided for the election of one stenographer.

Mr. BARTHOLOMEW withdrew the name of the firm of Mason & Martin, and nominated A. M. Martin.

Mr. CUYLER nominated Mr. D. F. Murphy.

Mr. HANNA nominated Alexander J. M'Cleary, of Philadelphia.

On motion of Mr. Temple the nominations closed, and the Convention proceeded to vote for the candidates nominated, with the following result :

FIRST BALLOT.

| | | |
|---------------------|----|--------|
| D. F. Murphy..... | 46 | votes. |
| Chas. Flowers..... | 35 | " |
| A. M. Martin..... | 24 | " |
| A. J. M'Cleary..... | 5 | " |

SECOND BALLOT.

| | | |
|--------------------|----|---|
| Chas. Flowers..... | 43 | " |
| D. F. Murphy..... | 52 | " |
| A. M. Martin..... | 15 | " |

THIRD BALLOT.

| | | |
|--------------------|----|---|
| D. F. Murphy..... | 58 | " |
| Chas. Flowers..... | 54 | " |

D. F. Murphy having received a majority of all the votes cast was declared elected stenographer for the Convention.

Mr. BUCKALEW offered the following resolution, which was twice read and adopted :

Resolved, That the acting reporters be continued until the meeting of the Convention in Philadelphia.

RESOLUTIONS.

Mr. KAINE offered the following resolution, which was twice read and adopted :

Resolved, That the Committee on Accounts report by to-morrow the account of said members for stationery, postage and contingent expenses and mileage for one session, according to the provisions of

the act of Assembly convening this Convention.

Mr. HAY offered the following resolution, which was twice read and adopted :

Resolved, That the delegates furnish to the Clerk a statement of their respective places of residence, with the distance of the same from Harrisburg, for the use of the Committee on Accounts and Expenditures of the Convention.

Mr. WHERRY offered the following resolution, which was twice read and adopted :

Resolved, That the Constitution of this Commonwealth, the act of Assembly authorizing a popular vote on the question of amending the Constitution, the act of April 11, 1872, to provide for calling a Convention to amend the Constitution of the State, and the returns of the election held under the first mentioned act be prefixed to the Journal of this Convention.

Mr. WHERRY offered the following resolution, which was twice read :

Resolved, That the Secretary of the Commonwealth be requested to furnish the Secretary of this Convention with a certified statement of the number of votes given in each county for and against a Convention at the general election in the year 1871.

Mr. WOODWARD offered the following resolution, which was read and laid on the table :

Resolved, That the rules be amended, by adding the following, to be Rule XL :

"That after the reading of the Journal each day the Secretary shall call the roll of members, note the absentees, and publish their names in two daily newspapers of opposite politics."

Mr. WORRELL offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That all the courts of the Commonwealth shall adopt and publish rules for the orderly transaction of business, having regard, as far as practicable, to the chronology, the suit or issue, or prosecution or indictment.

Mr. M'CAMANT offered the following resolutions, which were read and referred to the Committee on Industrial Interests and Labor :

Resolved, That the Legislature shall prohibit the employment of children under the age of twelve years in any mine, breaker or manufactory in the State.

Resolved, That eight hours shall constitute a legal day's work, and that the Legislature shall prohibit, by penalty, any individual, firm or corporation discharging

an employee for refusing to work longer hours; and that all laborers and mechanics employed by the State, or by any county, city, township or borough, on contracts or otherwise, shall conform to these hours, and shall receive the same compensation therefor as for ten hours' labor.

Mr. M'ALLISTER offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of so amending the second section of the fifth article of the Constitution that the president judges of the several courts of common pleas shall hold their offices for the term of fifteen years, and shall not be re-eligible.

Mr. H. W. SMITH offered the following resolution, which was referred to the Committee on Judiciary :

Resolved, That the second section of the fifth article of the Constitution be changed to read as follows :

The judges of the several courts shall hold their offices during good behavior, 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 shall receive for their services an adequate compensation, to be fixed by law, which shall be neither increased nor diminished during their continuance in office; the Governor shall nominate, and by and with the advice and consent of the Senate, appoint the judges; and shall fill all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session; *Provided*, That in acting on executive nominations, the Senate shall sit with open doors, and in confirming or rejecting the nominations the vote shall be taken by yeas and nays. Any person appointed judge after confirmation by the Senate shall forever there after be incapable of holding any other office under the Constitution and laws of Pennsylvania other than that of a judge.

Mr. HAZZARD offered the following resolution, which was read and referred to the Committee on Declaration of Rights :

Resolved, That trial by jury in all cases in which it has hitherto been used shall remain inviolate, except in suits in justices' courts permission may be made by law for trial by jury of less than twelve men, and in each case two-thirds of their number may find a verdict; but a trial by

jury may be waived by the parties in all civil suits.

Mr. HAZZARD offered the following resolution, which was read and referred to the Committee on Counties, Townships and Boroughs :

Resolved, That article twelve of the Constitution be so amended as to strike out the words "of such county," and insert "of two-thirds within the new boundary," and that the matter be referred to the Committee on Counties, Townships and Boroughs.

Mr. CAMPBELL offered the following resolution, which was read and referred to the Committee on Judiciary.

Resolved, That the Committee on the Judiciary take into consideration the following proposed change in the Judiciary system :

SECT. 1. In the city of Philadelphia, in lieu of the present aldermanic system, there shall be chosen justices' courts.

SECT. 2. The justices of said courts shall be at least thirty years of age and not over sixty-five, and shall be regularly admitted practicing attorneys of some court of record in said city for at least five years previous to their election.

SECT. 3. The said city shall be divided by the Legislature every ten years into districts, containing at least forty-five thousand inhabitants, according to the next preceding federal census, in each of which districts there shall be elected three justices in the manner hereinafter set forth.

SECT. 4. Said districts shall be of equal population as near as may be, and in their formation the wards composing each district shall be contiguous to each other, and not more than one ward shall be divided in any two districts.

SECT. 5. Said justices shall all be elected upon the same day throughout the city, except in cases of vacancies, occurring by death, resignation or disability, which shall be filled by special elections for the unexpired terms.

SECT. 6. In voting for said justices each voter may cast as many votes for one candidate as there are justices to be elected in the district, or may distribute the same, or equal parts thereof, among the candidates, as he shall deem fit, and the three candidates highest in votes shall be declared elected.

SECT. 7. Said judges shall be paid uniform annual salaries, which shall not be increased or diminished during their term of office.

SECT. 8. The salaries of said justices shall be the only compensation allowed them, and all fees, costs or fines which shall be received by them shall be paid over monthly to the county treasurer.

SECT. 9. Proceedings in said justices' courts shall be oral, and no written pleadings shall be used or permitted.

SECT. 10. The jurisdiction of said justices' courts shall extend to all matters or causes now cognizable aldermen of said city, but the limit of their jurisdiction in civil causes shall be extended from the sum of \$99 99 to the sum of \$250, and in criminal causes to misdemeanors where the imprisonment is not for a longer time than one month, nor where the fine imposed is not greater than \$100: *Provided*, That the judgments of said courts, in causes where the amount involved is not greater than \$25, shall be final.

SECT. 11. Juries of seven persons may be empanelled for the trial of causes in said courts when such trial is demanded by any defendant or persons accused of committing a misdemeanor: *Provided*, That a majority of any jury may render a verdict, which shall be as conclusive as it rendered by the whole number.

Mr. PUGHE offered the following resolution, which was read and referred to the Committee on Executive Department :

Resolved, That the proper committee be instructed to inquire into the expediency of establishing a bureau of statistics, especially providing for an efficient system of registrations of births, marriages and deaths.

Mr. AINEY offered the following resolution, which was read and laid on the table :

Resolved, That joint sessions be authorized and recommended by such standing committees as have referred to them different branches of the same subject matter, to the end that their reports may be in harmony and consistent; and when so convened the chairman of the committee first named in the list of the committees shall preside.

Mr. CARTER offered the following resolution, which was read and referred to the Committee on Militia :

Resolved, That the proper committee be directed to inquire whether those members of religious societies who are opposed to war on christian principles should not be exempted from the penalties of refusal to perform military service.

Also, the following resolution, which was read and referred to the Committee on Suffrage :

Resolved, That the appropriate committee be instructed to inquire whether the general State elections be held on the first Tuesday after the first Monday in November, unless changed by a two-thirds vote of both branches of the Legislature.

Mr. COLLINS offered the following resolution, which was read and referred to the Committee on Education:

Resolved, That no part of the funds of any school district shall, in any manner, be placed under the control of any religious denomination, or in any manner be appropriated to the support of any school unless the same is regularly established by and under the exclusive control of the directors of such school district.

Mr. GILPIN offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on the Declaration of Rights be directed to inquire whether section seventeen, article ninth of the Constitution of Pennsylvania should not be altered and amended so as to read, "That no *post facto* law, retroactive law or any law impairing contracts, shall be made, nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made."

Mr. TEMPLE offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into the propriety of so amending the Constitution as to guarantee to men and women an equal right of suffrage.

Mr. CORSON offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, That the word "white" be stricken from article three, section one of the Constitution.

Mr. DODD offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be instructed to add thereto "no retroactive law shall be enacted."

Mr. HANNA offered the following resolution, which was read and laid on the table:

Resolved, That rule seven be amended, as follows, viz:

"After the Journal has been read the words 'and roll of members called;'" and that the following additional rule be adopted, viz:

XLIII. That the roll of the members shall be called upon the assembling of the Convention, and the names of the members present, together with the names of the absentees, shall be enrolled on the Journal of the Convention.

Mr. BRODHEAD offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be instructed to inquire into the propriety of amending the eleventh section of the Declaration of Rights so that it shall read as follows:

"That all courts shall be open, and every man, for an injury done him in his lands, goods, person or reputation, and in the management of his business and estates, and of those entrusted to him in a trust or fiduciary capacity, shall have remedy in the due course of law by himself or his counsel, and right and justice administered without sale, denial or delay."

Mr. HOWARD offered the following resolution, which was read and referred to the Committee on Public and Municipal Debts and Sinking Funds:

Resolved, That the Committee on Legislation be instructed to consider and report upon the propriety of requiring the Legislature to prepare and pass two appropriation bills at each session, the first one to be entitled "An act to provide for the ordinary and necessary expenses of the Commonwealth," and in this act provide for all the ordinary and necessary expenses, including payments of the principal or interest of the public debt, and no appropriation in said act to be made for any other purpose. Second: That at any time, not less than ten days after the final passage of said first act, another bill may be introduced and passed, entitled "An act making appropriations for miscellaneous purposes," this second act to embrace charitable and such other appropriations as the Legislature may have authority to make.

Also, the following resolution, which was read and referred to the Committee on Public and Municipal Debts and Sinking Funds:

Resolved, That as soon as the funds, assets and securities in the Sinking Fund at the time this provision shall be in force shall be paid out and applied according to law, the said Sinking Fund shall be dis-

continued, and no money or other valuable thing shall be placed in said Sinking Fund after this provision shall be in force, except payments on account of obligations now in said Sinking Fund.

Also, the following resolution, which was read and referred to the Committee on Revenue, Taxation and Finance:

Resolved, That the Committee upon Taxation, Revenue and Finance be instructed to consider and report upon the propriety and expediency of creating a financial Board of Control, to consist of the heads of departments of this Commonwealth, whose duty it shall be to prescribe a mode of depositing all public funds and the manner of drawing for the same, and that all public funds shall be deposited, upon sufficient security, after due public notice, with such banks, brokers, or exchange brokers doing a banking business in this State as shall agree to pay the Commonwealth the best rate of interest on daily or weekly balances, and pay all drafts on demand; said Board to have power to remove deposits when the safety of the same shall require it.

Also, the following resolution, which was read and referred to the Committee on Education:

Resolved, That the Committee on Education are instructed to consider and report a plan whereby authority shall be given by general law to prescribe the number and kind of books that shall be used in the public schools of this Commonwealth, and to report whether it would not conduce to the public good that no change in books should be made oftener than once in fifteen years.

Also, the following resolution, which was read and referred to the Committee on Public and Municipal Debts and Sinking Funds:

Resolved, The Legislature shall not have power to create commissioners to perform any public duty for any city, county or township, with power to borrow money, or levy taxes, or to execute police or municipal functions; and the Legislature shall not have authority to confer any of the powers of city, county or township officers upon commissioners, trustees or persons other than the regular and duly elected and properly constituted authorities of the same.

Also, the following resolution, which was read and referred to the same committee:

Resolved, That all bonds, obligations, contracts or agreements, or other evi-

dences of indebtedness to the Commonwealth by corporations, whether such evidence of indebtedness shall be found in bonds, contracts, agreements, obligations, or in any act or acts or provisions of the Legislature, and now in or pledged to or assigned to the Sinking Fund by the Constitution, or any act of the Legislature, and to be applied to the payment of the public debt, shall be and remain as now provided by law, and the Legislature shall have no power to release, satisfy, remit, exchange, or in any manner modify or impair the same; and the same shall so remain until the same shall be extinguished by payment as now provided by law, and all the proceeds shall be applied to the payment of the public debt and to no other purpose.

Also, the following resolution, which was read and referred to the Committee on Revenue, Taxation and Finance:

Resolved, That the Legislature shall not delegate power to individuals or private corporations to levy taxes, and all property, except public property, shall be taxed according to its value; and the Legislature shall be prohibited from exempting property from taxation; and all taxation and valuation shall be uniform throughout the State, and the Legislature shall prescribe regulations for carrying this latter clause into effect. No poll tax shall be levied, except for school purposes, and for that purpose a poll tax shall be levied of not less than one dollar on each poll.

Also, the following resolution, which was read and referred to the same committee:

Resolved, That every law which imposes, repeals, continues or revives any tax shall distinctly recite the tax and the object to which it is to be or has been applied, and it shall not be sufficient to refer to any other law to fix or explain such tax or object.

Also, the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That every citizen of this Commonwealth owes paramount allegiance to the Constitution and government of the United States, and that no law or ordinance of this Commonwealth, or of the citizens thereof, in contravention or subversion thereof, can have any binding force.

Also, the following, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to consider and report upon the subject of prohibiting the Legislature from increasing the fees, salaries or emoluments of persons in office, so that such increase shall inure to the benefit of persons in office at the time of such increase; and also to prohibit the Legislature from conferring such power upon any public authorities.

Mr. D. W. PATTERSON offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to consider the expediency of incorporating in the article upon suffrage the following section, to wit:

SECTION — Every male person of lawful age, having residence in any precinct, election district, township or borough in this State, shall be entitled to vote upon any proposition submitted at any meeting or election to raise money by taxation upon the property of such person liable to taxation for any purpose whatever; and no person shall vote upon any proposition submitted to raise money by taxation at any such meeting or election unless such person is the owner of property that would be subjected to a tax, if the proposition so submitted should be carried at such meeting or election.

Also, the following resolution, which was referred to the same committee:

Resolved, That the public interest does not demand the recognition of the principle of "minority representation or cumulative voting" (so called) in the Constitution of the State; that the said principle is not only an innovation upon existing suffrage, customs and systems, but also upon the democratic equality of the citizen, and is also at variance with the cardinal doctrine of our representative democracy or republican form of government.

Also, the following, which was referred to the same committee:

Resolved, That the Committee on Suffrage, Election and Representation be requested to consider the expediency of giving the Legislature full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

Mr. J. P. WETHERILL offered the following resolution, which was read and referred to the Committee on Private Corporations:

Resolved, That the Committee on Railroads and Corporations be requested to inquire into the expediency of amending the Constitution so as to enlarge the rights of stockholders, as follows:

"In all elections for managers of any incorporated company under the laws of this State every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him for as many candidates as there are managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of managers multiplied by his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and no by-law shall deprive any stockholder of this privilege.

Mr. CLARK offered the following resolution, which was read and referred to the Committee on Future Amendments:

Resolved, That the Committee on Future Amendments be instructed to inquire into the expediency of providing in the Constitution for the assembling of a Convention once in every thirty years to amend or revise the same; and of designating the qualifications of persons to be eligible as delegates to said Convention, the mode or manner of their election, by what department of the government the said Convention shall be called, and whether any, and if any, what restrictions of the powers of the Convention may be imposed by the terms of the call under which the Convention shall be assembled.

Mr. BARTHOLOMEW offered the following resolution, which was read and referred to the Committee on Judiciary:

Resolved, That the proper committee be requested to inquire into the expediency of preventing any person elected or appointed to a judicial office from accepting any office, not judicial, during the term for which such person shall have been elected or appointed, nor for four years after the expiration of the term as aforesaid.

Mr. J. N. PURVIANCE offered the following resolution, which was read and referred to the Committee on Legislature:

Resolved, That the Committee on Legislature be instructed to inquire into the expediency of providing that the members of the General Assembly shall receive for their services the sum of ——— dollars per day during the first session held under this Constitution, and ten cents for each mile

necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor General, and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers and all other incidental expenses and perquisites; but no change shall be made in the compensation of members of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the Speaker of their respective Houses and entered on the Journals, and published at the close of each session.

Also, the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of providing that the General Assembly shall make no appropriation of money out of the State Treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject; that no money shall be drawn from the Treasury, except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the Auditor General thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution.

Also, the following resolution, which was read and referred to the Committee on Executive Department:

Resolved, That the Committee on Executive Department be instructed to inquire into the expediency of providing that the Auditor General shall, within forty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item and to whom and for what paid.

TEMPORARY ADJOURNMENT.

Agreeably to order, the Convention resumed the consideration of the resolution relative to temporary adjournment.

Mr. HARRY WHITE moved to amend, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That when this Convention adjourns on Wednesday next it will adjourn to meet on Friday, the 29th inst., at ten o'clock A. M., after which it will meet, from day to day, in Harrisburg, until December 13, adjourning on Saturdays at twelve o'clock M., until three o'clock on the following Mondays."

The amendment was not agreed to.

Mr. HAY moved to amend, by striking out "the first Tuesday of January," and insert "the fifteenth day of January."

The amendment was not agreed to.

Mr. WHERRY moved to amend the resolution, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That when the Convention adjourns on Wednesday it adjourn to meet on Monday next at three o'clock P. M."

The amendment was not agreed to.

On agreeing to the original resolution, as amended, to adjourn from to-morrow until Tuesday, the seventh of January, to meet in Philadelphia—

The yeas and nays were required by Mr. Harry White and Mr. Stanton, and were as follow, viz:

Y E A S .

Messrs. Achenbach, Addicks, Armstrong, Baker, Bannan, Barclay, Bartholomew, Beebe, Biddle, Black, Charles A., Bowman, Boyd, Brodhead, Brown, Buckalew, Campbell, Carey, Church, Collins, Corbett, Corson, Curry, Cuyler, Davis, Dimmick, Dodd, Dunning, Ellis, Fell, Finney, Gilpin, Gowen, Hanna, Harvey, Hemphill, Hunsicker, Knight, Lilly, Long, M'Camant, M'Murray, Mantor, Minor, Newlin, Patterson, T. H. B., Patton, Porter, Pughe, Purman, Read, John R., Reynolds, S. H., Ross, Runk, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, John Price, Woodward, Worrell and Wright—69.

N A Y S .

Messrs. Abricks, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Carter, Clark, Cochran, Curtin, Darlington, De France, Edwards, Ewing, Fulton, Funck, Gibson, Guthrie, Hall, Hay, Hazzard, Hopkins, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, MacCon-

nell, McCulloch, MacVeagh, Mann, Mott, Patterson, D. W., Purviance, John N., Reed, Andrew, Reynolds, James L., Russell, Wherry, White, David, N., White, Harry, White, J. W. F. and Meredith, *President*—42.

So the question was determined in the affirmative.

RESOLUTIONS.

Mr. BUCKALEW offered the following resolution, which was twice read :

Resolved, That the first five committees, as appointed by the President, meet at Philadelphia on the third day of January, to prepare reports for the action of the Convention when it shall meet pursuant to the resolution of adjournment.

Mr. MACVEAGH moved to amend, by striking out all after the word "resolved," and inserting in lieu thereof the following :

Resolved, That the standing committees be requested to proceed to the business assigned to them during the recess of the Convention, so as to be able, if practicable, to report to the Convention on its re-assembling in Philadelphia.

The amendment was not agreed to.

On the question, will the Convention agree to the original resolution?

The yeas and nays were required by Mr. MacVeagh and Mr. DeFrance and were as follow, viz :

YEAS.

Messrs. Achenbach, Ainey, Andrews, Armstrong, Bailey, (Huntingdon,) Baker, Barclay, Beebe, Biddle, Black, Charles A., Bowman, Brown, Buckalew, Campbell,

Carey, Church, Curry, Dodd, Ellis, Gibson, Gilpin, Hall, Hay, Hazzard, Hemphill, Hunsicker, Kaine, Landis Lawrence, Lilly, Long, M'Allister, M'Camant, M'Culloch, M'Murray, Mantor, Minor, Mott, Patterson, D. W., Patton, Purman, Read, John R., Reynolds, S. H., Sharpe, Simpson, Smith, H. G., Smith, W. H., Temple, Wetherill, J. M., Wetherill, Jno. Price, Wherry, White, Harry, White, J. W. F., Wright and Meredith, *President*—55.

NAYS.

Messrs. Addicks, Alricks, Bailly, (Perry,) Bannan, Bartholomew, Brodhead, Carter, Cochran, Corbett, Corson, Curtin, Darlington, Davis, De France, Dimmick, Dunning, Edwards, Ewing, Finney, Fulton, Funck, Guthrie, Hanna, Hopkins, Horton, Howard, MacConnell, MacVeagh, Mann, Newlin, Patterson, T. H. B., Porter, Pughe, Purviance, John N., Reynolds, James L., Runk, Russell, Smith, Henry W., Stanton, Struthers, Turrell, Van Reed, Walker, White, David N. and Woodward—45.

So the question was determined in the affirmative.

On motion, the unanimous consent of the Convention was given, authorizing the President to refer to their appropriate committees the resolutions offered before the announcement of the committees, and which were laid on the table without specifying the said references upon the Journal.

Mr. SIMPSON moved that the Convention do now adjourn.

The motion was agreed to, and the President adjourned the Convention until to-morrow morning at ten o'clock.

TENTH DAY.

WEDNESDAY, November 27, 1872.

The Convention met at ten o'clock A. M., pursuant to adjournment, the President, William M. Meredith, in the Chair.

Prayer was offered, and the Journal of yesterday's proceedings read and approved.

RESOLUTIONS.

Mr. WOODWARD. Mr. President: I am instructed by the Committee on Private Corporations to present the following resolution:

The resolution, as follows, was twice read:

Resolved, That the Auditor General be requested to inform the Convention what private corporations, foreign or domestic, (other than railroad and canal companies, and religious and charitable corporations,) exist and are doing business in this State, and that he state, in tabular form, the name and location of said corporations, the general character of their business, the amount of their respective capitals actually paid in, with references to the several acts of Assembly under and by authority of which the said corporations claim to exercise their respective franchises.

Mr. KAINE. I would like to inquire of the honorable chairman who has just offered this resolution what the corporations are in reference to which he desires this information.

Mr. WOODWARD. The Committee on Private Corporations had a meeting this morning, and they considered the first duty for them to do was to inform themselves as to what corporations exist in Pennsylvania. This resolution was the result of their deliberations. We want information from the Auditor General, supposing him to be the proper officer from whom to obtain it, as to what corporations exist, where they are, what their capital is, &c.

The resolution was adopted.

Mr. WOODWARD. By direction of the same committee I also offer the following resolution:

The resolution, as follows, was twice read and adopted:

Resolved, That the Secretary of the Treasury of the United States be respectfully requested to inform this Convention, in tabular form, of the number of national banks in Pennsylvania, their names and location, the date of their incorporation, their capital stock respectively, and which of them are employed as fiscal agents of the national government in collecting, depositing and disbursing the revenues of said government, and to what amount annually any of said banks are so employed.

Mr. BARTHOLOMEW offered the following resolution, which was twice read and unanimously agreed to:

Resolved, That the members of this Convention hereby express their thanks to John A. Smull, Esq., Resident Clerk of the House of Representatives, for the valuable services rendered this Convention by him during their session in Harrisburg.

Mr. M'ALLISTER. By instruction from the Committee on Suffrage, Election and Representation I offer the following resolution:

The resolution was read as follows:

Resolved, That the resolutions and propositions presented to the Convention, and referred to the Committee on Suffrage, Election and Representation, be printed for the use of the committee.

The resolution was read a second time.

Mr. M'ALLISTER. I will say that at an early stage of the session the Convention determined against the printing of resolutions and suggestions. At a meeting of this committee last evening it was thought necessary to have the resolutions touching this subject before the committee, and this resolution authorizing the printing of the resolutions and propositions, referred to the Committee on Suffrage, Election and Representation, was thought advisable, and I was instructed to offer it.

Mr. EWING. Mr. President: I believe several committees have instructed their chairmen to report similar resolutions. I therefore offer an amendment, to strike out the words "the Committee on Suffrage,

Election and Representation," and insert the words "all standing committees."

Mr. HARRY WHITE. I call the attention of the Convention to this proposition. The Convention will observe that it involves a very large item of expense. It is a very liberal resolution. But I am not sure that something of this kind ought to be adopted. I would like to have had the sense of the Convention on the propriety of this proposition however. It is familiar to the members of this Convention that day after day we have been flooded with a series of resolutions and propositions. Some gentlemen have offered them out of respect to some constituent who sent them here; others have been deliberated upon and carefully prepared. This resolution contemplates the publication of every proposition that has been presented in this Convention. I submit that it will make a volume which will be very large, and the item of expense will be very considerable to the State. I merely call the attention of the Convention to the fact that I believe the Congressional rule is—certainly the legislative rule is such—that in all deliberative bodies when printing is done, when a bill is read in place it is referred to the appropriate committee, and not until that committee report it is it printed, although some special proposition may be printed on the request or order of the House. Now I submit whether it would not be better for the chairman of each individual committee to make the request for the printing of a certain class of propositions. The chairmen of committees have some responsibility attached to them, and they are expected to exercise some discretion in that regard, and if it is the pleasure of the Convention to have those propositions printed I think there should be some discretion in the matter. I am not, therefore, in favor of the proposition of the gentleman from Allegheny (Mr. Ewing.)

Mr. WHERRY moved to amend the amendment, by striking out the words proposed to be inserted, and inserting the following words:

"Of all the committees who have directed their chairmen to ask for the printing of the same."

Mr. EWING. I cannot see any advantage in the amendment to the amendment. It will include nearly everything. In regard to the cost I apprehend certain gentlemen here have taken up time in talking upon the question unnecessarily at an expense that would more than cover

the entire cost of this printing. It would be a very small matter to print the whole thing. I repeat that it is a very small matter, as, of course, it is not to be done in book form; but all the members of the Convention want to see these various propositions. Some members would like the opportunity of examining these propositions if they are not on the committees, and we do not want the chairmen to determine what they shall see and what they shall not. We want them all. The amendment I offered is the simplest and, I think, will reach all.

The amendment to the amendment was not agreed to.

The amendment was not agreed to.

The resolution was not agreed to.

Mr. HUNSICKER offered the following resolution, which was twice read:

Resolved, That all resolutions relating to amendments to the Constitution be printed for the use of the Convention.

Mr. HUNSICKER. Mr. President: The reason I offer that resolution is that we all desire to be informed of the propositions made for the amendment of the organic law. You cannot rely upon the public newspapers, because they are so emasculated and duplicated there that even the authors cannot recognize them.

Mr. HARRY WHITE. I would ask who is to do the printing?

Mr. BUCKALEW. The State Printer.

Mr. HARRY WHITE. We have no contract with the State Printer. I do not think it is a business proceeding to rush headlong into all these things and trust to luck, and come in with a large bill in the end.

Mr. NEWLIN. I will say that the Committee on Printing will make a report on this subject to-day.

Mr. DARLINGTON. I move to postpone the further consideration of the matter for the present.

The motion of Mr. Darlington was not agreed to.

The question recurred on agreeing to the resolution of Mr. Hunsicker.

Mr. BUCKALEW. I think there is a misconception in regard to the matter of expense. In my opinion the printing of all these propositions in pamphlet form, and distributing them to the members, will cost a very small amount of money, certainly not more than two or three hundred dollars. It will be observed they are all very short, and many of them will go on a single page, public document size. Now if gentlemen who have presented

propositions here expect to have them considered they must be printed. In manuscript they pass into the hands of the chairman, and then perhaps not until January. Some are not written in the best chirography, and it is difficult to read them, and members will not trouble themselves to peruse them. Now with this long interval until January there are peculiar reasons why we should have them in print, because every member will then have an opportunity to deliberate at home and consider everything that has been suggested here. I think, for my part, that the gentleman from Indiana, (Mr. White,) whose care over the treasury is proverbial throughout the Commonwealth, has, in this case, exerted his patriotic motives upon a comparatively small point.

MR. JOHN PRICE WETHERILL. I do not agree that there is a necessity for the printing of all these resolutions. We have elected two Transcribing Clerks, and it would be very easy for them to draw off these resolutions and refer them to the committees. It seems to me that we will have plenty of committee work to do between this and January without reading over and considering the immense mass of resolutions offered in this Convention during the last four or five days. Therefore, inasmuch as the time of each member of the committees will be very fully occupied, I do not see that there is any great force in the reason given by the gentleman from Columbia (Mr. Buckalew.) My impression is that a great number of the resolutions offered have been copied almost word for word from the different Constitutions of the States, which we have already printed upon our desks. It seems to me that with these Constitutions and with the information the Secretary of State has already given us, and with the resolutions carefully drawn up by the Transcribing Clerks, and presented to the chairmen of the committees, the whole matter will be satisfactorily settled. But a few moments ago we refused, by a large majority, to print these resolutions, and it seems to me that we should not, in so short a time, alter that decision.

MR. KAINE. I would like to know, if this resolution should be passed, how these resolutions are to be printed—whether they are to be printed *seriatim*, as offered here from day to day in a book pamphlet, or whether the Clerk or some other person will undertake to arrange them alphabetically or by committees?

If they are to be printed as offered here I think they would be of very little value, and I doubt very much whether a single member of this Convention would examine them. It would be a work of great labor to undertake to look over and examine all of them, and the expense of printing would certainly be very considerable. I concur in the remarks of the gentleman from Philadelphia, (Mr. Wetherill,) that we have two Transcribing Clerks, whose business it is—and it was the intention of the committee that made the report upon that subject that they should copy these very things, and hand them to the various committees to which they were referred and to which they belong. If the proposition was that certain resolutions, or whatever resolutions the chairman of any particular committee might desire to have printed for their especial information, or for the information of the Convention, it would be more reasonable, but to just print everything that has been offered, just as it has been offered, without regard to order, or subject matter, or anything else, I think would do no good whatever.

MR. M'ALLISTER. I hold fourteen resolutions in my hand referred to the Committee on Suffrage, Election and Representation. Half a dozen others have been presented and referred to the same committee this morning. That committee have decided not to meet again until the third day of January. These resolutions will be in the hands of the chairmen of the various committees and not in the hands of the members of the committees. The gentleman from Fayette (Mr. Kaine) has remarked that the members of this Convention will not read these resolutions when printed in pamphlet form. Probably they will not read only those referred to them, but, I think, a gentleman would be very derelict in duty if he refuses to read a resolution referred to a committee of which he is a member. Why shall not every member of the committees to which these resolutions have been referred have an opportunity to reflect on them and prepare himself for action on them? It seems to me that the only way we can discharge our duty is by having before us the subject matter referred to us that we may examine it properly. It was with that view that the committee instructed me, as chairman, to ask that the portion of the resolutions specifically referred to the Committee on Suffrage, Election and Representation should be printed for their use, and it was

arranged that they should be sent to their post-office addresses so that every member could be working on them. It does seem to me a very important matter that this information should be made accessible in some way, not to the chairman alone, but to every member of the committees.

Mr. GIBSON moved to amend, by striking out all after the word "resolved," and inserting the following:

"That a sufficient number of copies of the resolutions presented to be printed, so as to furnish each member of every committee with a printed copy of the resolutions referred to his committee."

Mr. LAMBERTON moved to amend the amendment of Mr. Gibson, by adding the following words:

"And when printed that they be sent by mail, during the recess, to the members of the Convention."

Mr. MACVEAGH. I am not in favor of the original resolution nor of the last amendment read but could we not have unanimous consent to postpone this matter until the Committee on Printing report, which it is ready to do? I move to postpone the further consideration of this question until the Committee on Printing have reported this morning.

The PRESIDENT. The motion is not in order to postpone to any definite time to-day.

Mr. MACVEAGH. I move, then, that the whole subject be laid upon the table.

The motion of Mr. MacVeagh was agreed to.

Mr. BOWMAN offered the following resolution, which was twice read and unanimously agreed to:

Resolved, That this Convention tender their thanks to General James L. Selfridge, Clerk of the House, and Thomas M'Camant, for their services at the commencement of the session.

Mr. BRODHEAD offered the following resolution, which was twice read and unanimously agreed to.

Resolved, That our thanks are hereby tendered to the clergy of the city of Harrisburg for their attention and services in behalf of this Convention.

Mr. COCHRAN. Mr. President: I believe it is in order to state simply the object of a resolution before offering it. I have a resolution here which I would propose to offer on the subject of printing, for I feel very well convinced that the best thing this convention can do is to get rid of this subject before they adjourn. I ask that it be read for information, and if

it incites discussion I do not wish to press it.

The resolution, as follows, was twice read, and, on motion of Mr. Newlin, referred to the Committee on Printing and Binding:

Resolved, That five thousand copies of the debates and proceedings of this Convention, as reported by the official reporter, be printed, four thousand to be supplied in sheets at the commencement of the second day's sitting after the debates and proceedings have occurred, and one thousand to be bound in the style of the *Congressional Globe*. The form of publication shall be quarto, three columns to the page, the type used brier, except that reports, the subject matter under debate, and the yeas and nays shall be printed in minion. The paper shall be of quality equal to that on which the further supplement to the act of ninth of April, Anno Domini eighteen hundred and fifty-six, regulating the public printing and binding," laid on the table of members, was printed. The expense of the whole shall not exceed the sum of twenty thousand dollars; and Benjamin Singlerly, of Harrisburg, is hereby selected and employed to do the work, subject to the supervision of the Committee on Printing, and to removal by this body, should he fail to comply in all respects with the terms of this resolution. The number of volumes to be printed under this contract not to exceed two, of one thousand pages each.

REPORTS FROM COMMITTEES.

Mr. HAY, from the Committee on Accounts and Expenditures, made a report, which was read.

[For report see Journal.]

The resolution accompanying the report was twice read, considered and agreed to.

On motion of Mr. Buckalew, the contract entered into between the committee and D. F. Murphy, elected phonographic reporter, was approved by the Convention; whereupon, Mr. Murphy appeared and was duly qualified,

[For contract, see report of committee in Journal.]

Mr. NEWLIN, from the Committee on Printing and Binding, made the following report:

To the Constitutional Convention:

The Committee on Printing and Binding, to whom was referred the following:

Resolved, That the Committee on Printing and Binding, when appointed, be directed to report whether the contract between the State and the present public printer entitles such printer to the printing and binding of the Convention, and if their report on this subject be in the negative, then to receive and report bids for the printing and binding of the Convention,

Respectfully report that the contract between the State and the present public printer does not entitle such printer to the printing and binding of the Convention.

They further report that they have not had time to receive and report to the Convention bids for its printing and binding, as contemplated by said resolution.

(Signed) JAS. W. M. NEWLIN,
Chairman.

The report was laid on the table.

Mr. W. H. SMITH presented the following minority report:

The undersigned, members of the Committee on Printing, dissent from the decision of the majority in relation to the right of Mr. Singerly to the printing of the Convention under his contract with the State. In our opinion he has a just claim to the printing of the Convention under his contract.

(Signed) D. N. WHITE,
WM. H. SMITH.

HARRISBURG, November 26, 1872.

The report was laid on the table.

Mr. NEWLIN, from the Committee on Printing and Binding, made the following report, which was read and laid on the table:

To the Constitutional Convention:

The Committee on Printing and Binding, to whom was referred the following:

Resolved, That five hundred copies of the rules, standing committees and list of the names of delegates and officers, and their postoffice addresses, &c., be printed,

Respectfully report that said resolution should be adopted, and that the resolution heretofore adopted and partly executed, ordering one thousand copies of the rules to be printed, be rescinded.

The Convention resumed the consideration of the resolution referred to in the said report, and which was offered by Mr. Hanna on the twenty-sixth instant.

And the question recurring, will the Convention agree to the amendment proposed by Mr. Dodd?

It was determined in the affirmative, and the resolution as amended was agreed to.

Mr. NEWLIN, from the Committee on Printing and Binding, made the following report, which was read:

To the Constitutional Convention:

The Committee on Printing and Binding report the following:

Resolved, That the State Printer is not entitled, under his contract with the State, to the printing and binding of the Convention.

The resolution was read a second time.

Mr. NEWLIN. Mr. President: At this hour, so late, I hesitate to say much upon this question. But I desire, as briefly as possible, to state to the Convention the reasoning upon which the report of the Committee on Printing is based, or rather the report of the majority of the Committee. It seems to me that, in a great measure, the sense of this Convention was tested upon this point, last week, in the vote upon the adoption of so much of the report of the committee of fifteen as recommended that a standing committee be created, to be called the Committee on Declaration of Rights. In other words, sir, this resolution brings up the whole question of the powers and rights of this Convention, which are, or are claimed to be, inherent in it as a Convention, without regard to any grant from any act of Assembly, or any other power of existing government. And I will here say, before proceeding to consider other points embraced in this question, that in the Illinois Convention of 1862 there was almost exactly a similar provision brought before that body. There was an existing contract existing between the State of Illinois and an officer denominated the State Printer. In that case the act of Assembly calling that Convention ordered expressly that all the printing of the Convention should be done by the State Printer, so that, in that respect, the case was stronger in Illinois than it is here. But the Convention, by a motion, elected a printer of its own, after debating extensively the whole question of the power of the Convention—the power inherent in the Convention outside of any ordinary legislation. They proceeded, by a very large majority, to decide that the Convention had full authority to elect its own printer, without regard to the provisions of the act of Assembly.

Now there are two or three considerations to which I will call the attention of the House in connection with the contract of Mr. Singerly. I have nothing to say with regard to the terms of that contract, whether they are cheap or not. I know nothing about that at present; I have not considered it. There is this about it, that those gentlemen connected with the Convention who have been members of the Legislature know that, although Mr. Singerly's contract, in general terms, authorizes him to do all the State printing, it is a fact not denied that he does not, at the present time, under that contract, claim to do the printing of the *Legislative Record*. So under that contract there is a portion of the public printing that he does not even pretend to claim. However, as the committee decided the question upon the broad ground that the Convention had full power in the premises in itself, the subsequent question as to the meaning of this particular contract, and the class of work it covered, was not considered and was not reached. The effect of adopting this resolution will be to throw open the printing of this Convention to public competition. Then if the State Printer bids lower than any one else, and we take the lowest responsible bidder, of course he can get that contract. But if not, the refusal to adopt this resolution would be to shut the door to competition, and to decide that the contract made by the Legislature is binding upon this Convention, when we have already decided that an express prohibition made by the same Legislature upon the same Convention has no binding effect whatever. This, Mr. President, is a very important subject, and goes at the bottom of the whole powers of the Convention. But inasmuch as we are late in the session of the day, and inasmuch as there is a general desire among members to get away, I will say no more at this time upon the subject.

Mr. KAINE moved to amend, by striking out the word "not."

Mr. GIBSON. Mr. President: I do not wish to take up any time in making any remarks before this Convention, but there is a very familiar principle of law that nothing not contemplated at the time of a contract can be included in it. That disposes of Mr. Singerly's claim to the printing. But there is nothing lost by passing this resolution, because I believe it is generally understood that no better contract can be got than the one with Mr. Singerly.

The amendment of Mr. Kaine was not agreed to, and the question recurred on the original resolution.

Mr. W. H. SMITH moved to amend, by striking out all after the word "resolved," and inserting the following:

"That B. Singerly be authorized and required to execute the printing and binding of this Convention under his contract for all the public printing of the Commonwealth."

The amendment was not agreed to, and the motion recurred on the original resolution.

Mr. HARRY WHITE moved to amend, by adding to the resolution the following:

"And that the Committee on Printing and Binding be and is hereby authorized to confer with B. Singerly, the State Printer, in relation to the printing of the Convention, and if he will agree to do all such printing according to the rates of his present contract for the printing of the State, to enter into a contract in writing with the said Singerly, and report the same to the Convention: *Provided*, The committee shall receive bids from all persons desiring to contract for said printing."

On the question, will the Convention agree to the amendment?

The yeas and nays were required by Mr. Harry White and Mr. Addicks, and were as follow, viz:

YEAS.

Messrs. Achenbach, Alricks, Andrews, Bailey, (Huntington,) Barclay, Black, Charles A., Bowman, Brown, Buckalew, Carter, Clark, Corbett, Corson, Curtin, Dimmick, Dodd, Dunning, Edwards, Ewing, Fulton, Gibson, Gilpin, Guthrie, Harvey, Hopkins, Horton, Howard, Kaine, Lamberton, Lawrence, M'Allister, MacConnell, M'Murray, MacVeagh, Mann, Mantor, Mott, Patterson, D. W., Patterson, T. H. B., Porter, Purman, Purviance, John N., Reed, Andrew, Reynolds, S. H., Smith, Henry W., Smith, W. H., Temple, White, Harry, White, J. W. F., Woodward and Wright—51.

NAYS.

Messrs. Addicks, Ainey, Baily, (Perry,) Baker, Bannan, Bartholomew, Biddle, Black, J. S., Boyd, Brodhead, Campbell, Cochran, Curry, Darlington, Davis, De France, Ellis, Funck, Hall, Hanna, Hay, Hazzard, Hemphill, Hunsicker, Landis, Lilly, Long, M'Camant, M'Culloch, Newlin, Patton, Pughe, Reynolds, James L.,

Ross, Runk, Russell, Sharpe, Simpson, Smith, H. G., Stanton, Stewart, Struthers, Turrell, Van Reed, Wetherill, J. M., Wetherill, John Price, Wherry, Worrell and Meredith, *President*—49.

So the question was determined in the affirmative.

Mr. BRODHEAD moved that the Convention do now adjourn.

The motion was not agreed to.

Mr. NEWLIN moved that the resolution be laid on the table.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. Lilly and Mr. Newlin, and were as follow, viz:

Y E A S.

Messrs. Addicks, Ainey, Baily, (Perry,) Baker, Bannan, Bartholomew, Biddle, Boyd, Brodhead, Buckalew, Campbell, Cochran, Darlington, Davis, De France, Ellis, Funck, Hall, Hanna, Hemphill, Hunsicker, Landis, Lilly, M'Camant, M'Culloch, Newlin, Patton, Reynolds, James L., Ross, Runk, Russell, Sharpe, Simpson, Smith, H. G., Stanton, Struthers, Temple, Turrell, Van Reed, Wetherill, J. M., Wetherill, John Price, Wherry and Worrell—43.

N A Y S.

Messrs. Achenbach, Alricks, Andrews, Bailey, (Huntingdon,) Barclay, Black, Charles A., Black, J. S., Bowman, Brown, Carter, Clark, Corbett, Corson, Curry, Curtin, Dimmick, Dodd, Dunning, Edwards, Ewing, Fulton, Gibson, Gilpin, Guthrie, Harvey, Hay, Hazzard, Hopkins, Horton, Howard, Kaine, Lamberton, Lawrence, Long, M'Allister, M'Connell, M'Murray, MacVeagh, Mann, Mantor, Mott, Patterson, D. W., Patterson, T. H. B., Porter, Purman, Purviance, John N., Reed, Andrew, Reynolds, S. H., Smith, Henry W., Smith, W. H., Stewart, White, Harry, White, J. W. F., Woodward, Wright and Meredith, *President*—56.

So the question was determined in the negative.

The question then recurred on agreeing to the resolution as amended.

Mr. NEWLIN moved that the Convention do now adjourn.

On the question, will the Convention agree to the motion?

The yeas and nays were required by Mr. Newlin and Mr. Lilly, and were as follow, viz:

Y E A S.

Messrs. Addicks, Ainey, Baker, Bannan, Bartholomew, Biddle, Black, J. S., Boyd, Brodhead, Buckalew, Campbell, Corson, Curry, Darlington, Davis, Ellis, Hanna, Hemphill, Hunsicker, Landis, Lilly, M'Camant, M'Culloch, Newlin, Patton, Reynolds, James L., Reynolds, S. H., Ross, Sharpe, Simpson, Smith, Henry W., Stanton, Stewart, Struthers, Temple, Turrell, Van Reed, Wetherill, J. M. and Wherry—39.

N A Y S.

Messrs. Achenbach, Alricks, Andrews, Baily, (Perry,) Bailey, (Huntingdon,) Barclay, Black, Charles A., Bowman, Brown, Carter, Clark, Cochran, Corbett, Curtin, De France, Dimmick, Dodd, Dunning, Edwards, Ewing, Fulton, Funck, Gibson, Gilpin, Guthrie, Hall, Harvey, Hay, Hopkins, Horton, Howard, Kaine, Lamberton, Lawrence, Long, M'Allister, MacConnell, M'Murray, MacVeagh, Mann, Mantor, Mott, Patterson, D. W., Patterson, T. H. B., Porter, Purman, Purviance, John N., Reed, Andrew, Runk, Russell, Smith, W. H., Wetherill, Jno. Price, White, David N., White, Harry, White, J. W. F., Woodward, Worrall and Meredith, *President*—58.

So the question was determined in the negative.

The question recurring, will the Convention agree to the resolution as amended?

Mr. HOPKINS moved the previous question, which was seconded by Messrs. Woodward, Kaine, M'Murray, Smith, W. H., Guthrie, Mott, White, J. W. F., Clark, Corbett, Bowman, Smith, H. W., Gibson, Edwards, Corson, Patterson, T. H. B., Davis and White, Harry.

On the question, shall the main question be now put?

The yeas and nays were required by Mr. Simpson and Mr. Addicks, and were as follow, viz:

Y E A S.

Messrs. Achenbach, Alricks, Andrews, Black, Charles A., Bowman, Brown, Carter, Clark, Corbett, Corson, Curtin, Dodd, Dunning, Edwards, Ewing, Fulton, Funck, Gilpin, Guthrie, Hazzard, Hopkins, Horton, Howard, Kaine, M'Allister, M'Connell, M'Murray, Mantor, Mott, Patterson, T. H. B., Porter, Purman, Purviance, John N., Smith, Henry W., Smith, W. H., White, Harry, White, J. W. F., and Woodward—38.

N A Y S.

Messrs. Addicks, Ainey, Baily, (Perry,) Bailey, (Huntingdon,) Baker, Bannan, Bartholomew, Biddle, Black, J. S., Boyd, Brodhead, Buckalew, Campbell, Cochran, Darlington, Davis, De France, Dimmick, Ellis, Hall, Hanna, Harvey, Hemphill, Hunsicker, Lamber-ton, Lawrence, Lilly, Long, M'Camant, M'Culloch, MacVeagh, Mann, Newlin, Patterson, D. N., Patton, Reed, Andrew, Reynolds, James L., Reynolds, S. H., Ross, Runk, Russell, Simpson, Smith, H. G., Stanton, Struthers, Temple, Tur-rell, Van Reed, Wetherill, J. M., Weth-erill, John Price, Wherry, Worrell and Meredith, *President*—52.

So the question was determined in the negative.

And the question recurring, will the Convention agree to the resolution as amended?

Mr. MACVEAGH rose to a question of order, viz:

"That when the previous question is moved, and the question, shall the main question be now put, is determined in the negative, the main question goes over for the day."

The Chair submitted the question to the Convention for decision; and on the question, is the point of order well taken?

A division was called, resulting in a vote of fifty-two in the affirmative to twenty-three in the negative. So the question was determined in the affirmative, and the Chair declared the main question out of the House for the day.

RESOLUTIONS.

Mr. STANTON offered the following reso-lution, which was read and laid on the table:

Resolved, That the Committee on State Institutions and Buildings be increased to eleven members.

Mr. DARLINGTON offered the following resolution, which was read and referred to the Committee on Executive Depart-ment:

Resolved, That the Executive Commit-tee be instructed to inquire into the ex-pediency of so amending the Constitution as to provide that the judges of the Su-preme Court shall, from time to time, ap-point eight discreet and competent per-sons, who shall compose the council of pardons. They shall serve without pecuniary compensation, but their travel-ing expenses shall be paid by the Trea-sury. They shall be convened at the seat

of government whenever the Governor shall require them. No pardon shall be granted without the consent of at least four of the council, and in no case shall a pardon be granted before conviction.

Also, the following, which was read and referred to the Committee on Legislature:

Resolved, That the Committee on the Legislature be instructed to inquire into the expediency of so amending the Con-stitution as to provide that Senators shall be chosen by single districts; where a district shall be composed of two or more counties they shall be contiguous, and form, as nearly as practicable, compact territory; when a city or county shall be entitled to two or more Senators it shall be divided by ward or township lines; no city or county shall be entitled to more than five Senators; Representatives shall be chosen by single districts of contigu-ous and compact territory, composed of wards and townships, without to county lines.

Mr. STANTON offered the following reso-lution, which was read and referred to the Committee on Judiciary:

WHEREAS, Numerous cases have oc-curred in legal practice in which parties have been convicted of murder under cir-cumstances in which juries have had their sympathies justly and properly excited in favor of the accused, and which juries were yet obliged to find a verdict of guilty, trusting to the pardoning power of the Governor to exercise a clemency which was beyond their own power; therefore,

Resolved, That the Committee on Judi-ciary be directed to inquire into the ex-pediency of so amending the Constitution as to provide for the rendition of the verdict "guilty with extenuating circumstances," which verdict shall not render the ac-cused liable to death, but to imprison-ment for a term of years.

Also, the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suf-frage, Election, &c., be instructed to con-sider the propriety of so amending the Constitution as to provide that the time of holding the general elections of this Com-monwealth shall be on the first Tuesday of November in each year.

Mr. W. H. SMITH offered the following resolution, which was read and referred to the Committee on Declaration of Rights, intended to take the place of section seven of ninth article, and to be referred to the committee on that article.

In all prosecutions for libel the truth may be given in evidence. And if it appear to the jury that the matter charged to be libelous is true, and was published for good motives and justifiable ends, the accused shall be acquitted. The jury shall have the right to determine the law and the facts.

Mr. STRUTHERS offered the following resolution, which was read and referred to the Committee on Industrial Interests and Labor:

Resolved, That the Committee on Industrial Interests and Labor be instructed to inquire and report as to the expediency of a clause in the Constitution to prevent legislation interfering with the rights of the employer and employee, to regulate the hours of labor and prices to be paid for the same by mutual agreement.

Mr. EWING offered the following resolution, which was read and referred to the Committee on Private Corporations, Foreign and Domestic, &c.:

Resolved, That the Committee on Corporations be requested to inquire and report as to the expediency of inserting in the Constitution the following provisions:

First. The Legislature shall provide, by general law, for the supervision and examination of the condition, business and assets of all insurance companies doing business in the Commonwealth.

Second. After July 1, 1874, no fire insurance company (other than mutual) shall be permitted to transact business or take risks on property in any city in this Commonwealth, having a population of fifty thousand or upwards, unless such company shall at the time have a paid up and unimpaired capital of not less than five hundred thousand dollars.

Also, the following resolution, which was read and referred to the Committee on Cities and City Charters:

Resolved, That the Committee on Cities and City Charters be requested to inquire and report as to the expediency of providing in the Constitution as follows:

1st. The electors of every city shall choose a mayor, whose term of office shall be two years, and who shall be chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed.

2d. In cities having a population of one hundred thousand or upwards the mayor shall be a salaried officer, and not entitled to any fees or perquisites in addition to his salary, and he shall not exercise any judicial functions, civil or criminal. He

shall have a qualified veto on acts and ordinances passed by the city councils, the mode and manner of the exercise of which shall be provided for in the charters of such cities.

Mr. COLLINS offered the following resolution, which was read and referred to the Committee on Judiciary:

Resolved, There shall be exempt from the liens of judgments, decrees of courts, and from levy and sale, under the process or order of any court at law or equity in this State, when the cause of action shall have accrued, after the adoption of the Constitution, except for non-payment of taxes, or for a debt incurred for the purchase or improvement thereof, a homestead to the value of not less than one thousand dollars, or in lieu of a homestead, personal property of a like value to every debtor, for the use of such debtor, such exemption to continue after the desertion or death of a husband for the benefit of his wife or widow and minor children. Such homestead shall not be alienated by the husband without the consent of the wife, obtained in such manner as shall be provided by law.

Mr. LAMBERTON offered the following resolution, which was read and referred to the Committee on Executive Department:

Resolved, That the Committee on Executive, &c., be instructed to inquire into the expediency of so amending the Constitution as to provide for a council advisory to the Governor, to be composed of ex-Governors of the Commonwealth, to consider and pass upon applications for pardons and remission of forfeitures.

Mr. C. A. BLACK offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

In all prosecutions and civil suits for libel the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

Also, the following resolution which was read and referred to the Committee on Legislature:

No appropriation shall be made by the Legislature for extra pay or other compensation beyond necessary clerk hire, of any committee, standing or special, appointed by the Senate or House of Representatives, when sitting at the seat of government, and only for actual and

necessary expenses when sitting elsewhere.

Also, the following resolution, which was read and referred to the Committee on Legislation :

In case of a contested election in the Senate or House of Representatives the person only who is declared to be entitled to a seat, by the House in which the contest takes place, shall receive from the State such compensation as received by other members, and no appropriation shall be made by the Legislature for the pay of witnesses or other expenses of either party.

Mr. BRODHEAD offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on the Judiciary be requested to take into consideration the propriety of a constitutional provision authorizing every man of good moral character to practice as an attorney in the several courts of this Commonwealth.

Mr. RUNK offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That no person who has been or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly or to any office of profit or trust in this State.

Mr. WHERRY offered the following resolution, which was read and referred to the Committee on Agriculture, Mining, Manufactures and Commerce :

Resolved, That the Constitution ought to provide for the election of a State Commissioner of agriculture, mining, manufactures and statistics, who shall hold his office for — years, and perform such duties as shall be prescribed by law.

Mr. LILLY offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on Judiciary be requested to take into consideration the question of residence, and report a section clearly defining what constitutes a residence.

Mr. ROSS offered the following resolution, which was read and referred to the Committee on Militia :

Resolved, That the Committee on Militia be requested to inquire into the expe-

diency of providing, by legislative enactment, that the expenses of the military department of the State government shall be paid out of the general fund, and that no militia, or other special tax, shall be levied or collected for any military purpose.

Mr. TEMPLE offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Judiciary Committee be requested to inquire into the propriety of so amending the Constitution as to abolish the grand jury system.

Mr. ROSS offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation :

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into the expediency of to amending section four of article third of the Constitution that the same shall provide that qualified electors of the Commonwealth, though in actual military service under requisition from the President of the United States, or by the authority of this Commonwealth, shall exercise the right of suffrage in all elections by the citizens only when present at the respective places of election of which they are residents.

Mr. JOHN M. WETHERILL offered the following resolution, which was read and referred to the Committee on Private Corporations, Foreign and Domestic, &c.:

No corporation shall be created for agricultural purposes, nor shall any existing corporation be authorized to hold lands for such purposes.

Mr. CAMPBELL offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on the Judiciary take into consideration the following suggestion :

That the only intermediate courts between the justices' courts, or justices of the peace, and the Supreme Court shall be courts of common pleas, which shall be holden by judges elected in counties in the ratio of one judge to every thirty-five thousand inhabitants, and that said judges shall be elected by the cumulative system for terms of ten years.

Mr. ANDREWS offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Legislature be required to provide by law, with proper restraint, (and penalties for the violation

of same,) for the sale of vinous, spiritous and alcoholic liquors for medicinal, mechanical, chemical and sacramental purposes.

Mr. GIBSON offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on the Judiciary take into consideration the propriety of abolishing the oath as administered in courts of justice or elsewhere, and to provide that a solemn promise to tell the truth, the whole truth and nothing but the truth shall, in case of violation of the same, subject the party so offending to the penalties of perjury, as originally provided by the founders of the Commonwealth.

Mr. C. A. BLACK offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation :

The Governor shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment. But no reprieve or pardon shall be granted without the recommendation, in writing, of all the members of the court before whom the person applying for a reprieve or pardon was convicted, and of the Attorney General or district attorney who prosecuted for the Commonwealth. And such recommendations shall be recorded and filed in the office of the Secretary of the Commonwealth.

Mr. H. G. SMITH offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of so amending the Constitution as to provide that the Legislature shall make no appropriation of money, except by vote of a majority of each House elected, upon the call of the yeas and nays; that what is known as the general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State government; that all other appropriations shall be made by separate acts of Assembly, no such act to embrace more than one item of expenditure.

Mr. WORRELL offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That no bill apportioning Senators or Representatives, or Representatives in Congress, shall become a law unless it be approved by three-fifths of each

branch of the Legislature; the votes of both Houses to be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the Journals of each House respectively.

Mr. MOTT offered the following resolution, which was read and referred to the Committee on Judiciary :

Resolved, That the Committee on the Judiciary be requested to take into consideration the propriety of extending the term of the judges of the Supreme Court to twenty years, and made ineligible for a second term, and to be retired for imbecility on account of any dispensation of Providence, or extreme old age, in such manner as the committee may devise.

Mr. CAMPBELL offered the following resolution, which was read and referred to the Committee on Declaration of Rights :

Resolved, That the Committee on Declaration of Rights take into consideration the following proposed addition to that section of the Constitution :

That married women shall have the same rights over the acquisition, control or disposition of their separate property, real or personal, as men have over theirs.

Mr. RUNK offered the following resolution, which was read and referred to the Committee on Legislature :

Resolved, That the House of Representatives shall consist of three hundred members, each member to be elected from a separate district, composed of contiguous and compact territory, the population of which districts shall be as nearly equal as practicable without a division of the territorial limits of election precincts: *Provided*, that each county shall have at least one Representative.

Also, the following resolution, which was read and referred to the Committee on Legislature :

The Senate shall consist of one hundred members, each to be elected from a separate district of contiguous and compact territory, the population of which districts shall be as nearly equal as practicable, except in the city and county of Philadelphia, from which there shall be nine Senators, elected from like separate districts of contiguous and compact territory: *Provided*, That each county shall have at least one Senator.

Mr. M'MURRAY offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation :

Resolved, Every male citizen of the United States over twenty-one years of

age, who has resided within the State one year, within the county six months, and within the election district sixty days next preceding any election held therein, and who has paid a State or county tax that has been assessed against him within two years next preceding such election, shall be a qualified voter; but no person of unsound mind, or pauper, shall be allowed to vote at any such election; and no housekeeper shall be permitted to vote in any election district except the one in which his family actually resides at the time he offers to vote.

No person in attendance at any college, seminary or other institution of learning within the State shall, by reason of such attendance, gain such a residence as will entitle him to vote at any election in the election district in which he may so reside, except he be a housekeeper, and his family actually reside therein.

No elector of the State shall ever be deprived of the right to vote at any election by reason of not having been registered or listed as a qualified voter.

The Legislature shall pass a law or laws depriving of the right of suffrage all persons convicted of treason, felony and bribery in elections.

Mr. C. A. BLACK offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, If any person shall give or offer to give, directly or indirectly, any bribe, present or reward, or any promise, or any security for the payment or the delivery of money, or any other thing to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States or Representative in Congress, or for any office of trust or profit created by the Constitution and laws of this State, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be such, at any election hereafter to be held in this State shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election in this Commonwealth.

Mr. MANN offered the following resolution, which was read and referred to the

Committee on Industrial Interests and Labor:

Resolved, That the Constitution of the State ought to be so amended as to secure to a wife, on the death of her husband, the same legal rights and privileges as are enjoyed by a husband on the death of his wife.

Mr. DE FRANCE offered the following resolution, which was read and referred to the Committee on Railroads and Canals:

Resolved, That every railroad now constructed, or hereafter to be constructed, in this State shall be substantially fenced by the owner thereof, and in case any railroad company shall neglect or refuse to fence its road the said company shall be responsible for all damage accruing to the property of the inhabitants thereof in consequence of such failure.

Mr. HARVEY offered the following resolution, which was read and referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads be instructed to inquire into the expediency of reporting the following as a Constitutional provision:

All railroads which are now or may hereafter be constructed are hereby declared public highways, and shall be open to all persons for the transportation of their persons and property, under such regulations as may be established by law; and the General Assembly shall, from time to time, pass laws establishing maximum rates of charges for passenger fare and for through and local freight.

Also, the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee upon Suffrage, Election and Representation be instructed to inquire into the expediency of amending article three, section one of the Constitution, so that it will read as follows:

In elections by the citizens every male citizen of the age of twenty-one years, having resided in this State one year and in the election district where he offers to vote three months immediately preceding such election, shall enjoy the rights of an elector; but a citizen of the United States who had previously been a qualified voter of this State, and removed therefrom and returned, shall, after residing in the State six months, and in the

election district three months, be entitled to vote.

Also, the following resolution, which was read and referred to the Committee on the Judiciary :

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of presenting a provision that each county having a population of fifty thousand or more shall be a separate judicial district.

Also, the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Committee on Legislation be instructed to inquire into the propriety of so amending article one section six of the Constitution, so as to provide that each county shall be a Senatorial district, and shall be entitled to one Senator; that the city of Philadelphia shall be a Senatorial district, and shall be entitled to six Senators, to be elected at large in said city, and that the city of Pittsburg shall be a Senatorial district, and entitled to one Senator.

Mr. ANDREWS offered the following resolution, which was read and referred to the Committee on Counties, Townships and Boroughs :

Resolved, A new county may be formed by act of Legislature as often or whenever two-thirds of the electors within the proposed boundary shall, at any annual elec-

tion, vote in favor of some: *Provided*, That no new county shall contain less than three hundred square miles, nor shall any line thereof pass within less than ten miles of any county seat.

Also, the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Legislature be required, as soon as the present contemplated Constitution is adopted or in force, to pass a law and by appropriate penalties prohibit the sale, giving away, or in any manner or form furnishing intoxicating liquors of any kind, by any person or persons, company or corporation, to or for any other person or persons, company or corporation, to be used as a beverage.

Mr. HOPKINS offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Representation :

Resolved, That the Committee on Suffrage, Election and Representation be requested to report an article forever disfranchising all persons who shall commit fraud in any election in this Commonwealth, whether by voting more than once, altering returns, bribing voters or in any other manner.

On motion of Mr. Temple, the President adjourned the Convention until Tuesday, January 7, 1873, to meet in the city of Philadelphia.

ELEVENTH DAY.

TUESDAY, *January 7, 1873.*

The Convention met at twelve o'clock M., pursuant to adjournment, in the city of Philadelphia, the hall used being one owned by the city and fitted up by the city authorities for the purpose, situate on Spruce street, between Fifth and Sixth streets.

The PRESIDENT took the Chair and announced that a quorum of members was present.

The Journal of proceedings of Wednesday, November 27, 1872, was read.

Mr. J. M. WETHERILL. I rise to correct the minutes of the Convention. A resolution, offered by myself, with regard to agricultural corporations, was referred to the Committee on Agriculture, Mining, Manufactures and Commerce. It is differently stated in the minutes, however.

The correction was ordered to be made, and the Journal, as corrected, was approved.

NATIONAL BANKS IN PENNSYLVANIA.

The PRESIDENT presented a communication from the Secretary of the Treasury of the United States, transmitting, in answer to a resolution of the Convention, a list of the national banks in Pennsylvania, their location, date of organization and capital stock, which was referred to the Committee on Private Corporations.

DRAWING FOR SEATS.

Mr. ARMSTRONG offered the following resolution, which was twice read and considered :

Resolved, That the Convention will now proceed to the selection of seats in the following manner: All seats shall be vacated. The Clerk shall prepare for every member a separate ballot, which shall be as nearly as possible alike, and shall be separately and closely rolled up and placed in a box, which shall then be well shaken and placed upon the President's desk. A page, blindfolded, shall withdraw the ballots, one at a time, and hand the same to the Clerk, who shall announce the name thus drawn. The person whose name is called shall immediately select his seat. Another ballot

shall then, in like manner, be drawn, and the person called shall select a seat, and so continuously until all the ballots are drawn. Each member who shall select his seat shall continue to occupy it until the drawing is completed. All seats vacant when any name is announced shall be subject to selection. The name of any person called who does not personally answer shall be laid aside until all the names in the box are called.

Mr. RUNK. I offer the following amendment :

"That the following persons be permitted to select seats without lot, to wit : Members of the former Constitutional Convention of this State, those who have held the office of Governor of the State, judges of the Supreme Court and members of the United States Senate." ["No! No!"]

The amendment was rejected.

Mr. HAY. I move to strike out all after the word "manner" and insert the following: "That numbers from one to one hundred and thirty-two, inclusive, be marked upon separate slips of paper and placed in a box, and that the roll of members be called, and that upon each name being called one of the slips of paper be taken from the box by the Clerk, and that the member thereon be the number of the seat of that member." ["No! No!"]

The amendment was not agreed to.

Mr. J. R. READ. I offer the following amendment :

"In the event of a person called not answering to his name the Assistant Clerk shall select a seat for him, and place a card upon it with the member's name thereon." ["No! No!"]

Mr. NILES. Mr. President: It strikes me that that is a very proper amendment. I know of members of this Convention who are unavoidably detained to-day on account of sickness, which has overtaken them on their way here, and it seems to me but fair that the Clerk or some of their friends should make a selection for them. My colleague (Mr. Elliott) is unable to be here. He started when I did, but was detained at Williamsport on account of the sickness of his wife.

Mr. D. W. PATTERSON. Mr. President: I hope that the amendment will prevail. One of my colleagues (Mr. H. G. Smith) met with an accident the other day and is unavoidably absent. I think the Clerk or some friend should be permitted to select a seat for him. The proposition embodied in the amendment is but fair, and I hope it will be accepted by the Convention.

Mr. LITTLETON. Mr. President: I desire to say that I have made a promise to select a seat for the gentleman from Indiana, (Mr. Harry White,) who is detained at Harrisburg by official business. It does seem to me that some such amendment is necessary.

Mr. J. M. BAILEY. Mr. President: I offer the following as a substitute for the amendment offered by the gentleman from Philadelphia (Mr. J. R. Read:)

"When the name of a member is called who does not personally answer the members from the same district shall have the privilege of selecting a seat for him." ["No! No!"]

The substitute was rejected.

The question being upon the amendment offered by the gentleman from Philadelphia, (Mr. J. R. Read,) it was rejected.

Mr. CUYLER. Mr. President: I move to strike out of the original resolution the words "a page blindfolded" and insert "the Clerk." I think it more befits the dignity of the body to draw in that manner.

The amendment was rejected.

The question being upon the resolution offered by the gentleman from Lycoming, (Mr. Armstrong,) it was agreed to.

A page was then blindfolded, the names of all the members placed in a box and the drawing commenced. As each name was called the members took seats, as follows:

| | |
|------------------------------|--------|
| No. 1. Mr. Andrew Reed, seat | No. 27 |
| 2. Mr. Wherry, | 49 |
| 3. Mr. Corson, | 26 |
| 4. Mr. Dallas, | 28 |
| 5. Mr. Niles, | 70 |
| 6. Mr. Ross, | 25 |
| 7. Mr. M'Murray, | 100 |
| 8. Mr. MacConnell, | 58 |
| 9. Mr. J. M. Wetherill, | 29 |
| 10. Mr. Clark, | 80 |
| 11. Mr. Hazzard, | 71 |
| 12. Mr. Corbett, | 50 |
| 13. Mr. Andrews, | 91 |
| 14. Mr. Carey, | 12 |
| 15. Mr. Brown, | 79 |

| | |
|-----------------------------|---------|
| No. 16. Mr. Collins, | 9 |
| 17. Mr. G. W. Palmer, | 99 |
| 18. Mr. Gibson, | 42 |
| 19. Mr. Kaine, | 48 |
| 20. Mr. Dimmick, | 8 |
| 21. Mr. W. H. Smith, | absent. |
| 22. Mr. Ellis, | 24 |
| 23. Mr. Funck, | 61 |
| 24. Mr. S. H. Reynolds, | 39 |
| 25. Mr. Achenbach, | 60 |
| 26. Mr. Dunning, | absent. |
| 27. Mr. Barclay, | 59 |
| 28. Mr. Horton, | 4 |
| 29. Mr. Hemphill, | 40 |
| 30. Mr. Craig, | 81 |
| 31. Mr. Cuyler, | 30 |
| 32. Mr. Parsons, | 90 |
| 33. Mr. Mantor, | 82 |
| 34. Mr. Hanna, | 47 |
| 35. Mr. Brodhead, | 18 |
| 36. Mr. Runk, | 52 |
| 37. Mr. Worrell, | 19 |
| 38. Mr. Hopkins, | absent. |
| 39. Mr. Russell, | 51 |
| 40. Mr. Ewing, | 20 |
| 41. Mr. Baer, | 120 |
| 42. Mr. Long, | 112 |
| 43. Mr. Newlin, | 10 |
| 44. Mr. Hay, | 72 |
| 45. Mr. Jno. R. Read, | 6 |
| 46. Mr. Knight, | 31 |
| 47. Mr. J. Price Wetherill, | 36 |
| 48. Mr. Bowman, | 69 |
| 49. Mr. Turrell, | absent. |
| 50. Mr. De France, | 7 |
| 51. Mr. S. A. Purviance, | 78 |
| 52. Mr. Van Reed, | 62 |
| 53. Mr. McCulloch, | 73 |
| 54. Mr. Guthrie, | 132 |
| 55. Mr. Armstrong, | 53 |
| 56. Mr. Mann, | 101 |
| 57. Mr. Porter, | 57 |
| 58. Mr. Church, | 89 |
| 59. Mr. Minor, | 43 |
| 60. Mr. Howard, | 41 |
| 61. Mr. Metzger, | 88 |
| 62. Mr. Fulton, | 77 |
| 63. Mr. Woodward, | 54 |
| 64. Mr. Lambertson, | 63 |
| 65. Mr. D. W. Patterson, | 35 |
| 66. Mr. Wright, | 37 |
| 67. Mr. Walker, | 56 |
| 68. Mr. J. S. Black, | 102 |
| 69. Mr. Buckalew, | 75 |
| 70. Mr. Mott, | 98 |
| 71. Mr. Fell, | 33 |
| 72. Mr. Cassidy, | 83 |
| 73. Mr. Campbell, | 55 |
| 74. Mr. Finney, | 122 |
| 75. Mr. Curry, | 119 |
| 76. Mr. Heverin, | 21 |

| | | | |
|------------------------------|---------|---|-----|
| No. 77. Mr. J. N. Purviance, | absent. | <i>Resolved</i> , That the members from the | |
| 78. Mr. Sharpe, | 11 | same districts as absent members be now | |
| 79. Mr. Harvey, | 64 | permitted to make choice of seats for | |
| 80. Mr. Hall, | 76 | them as the names of such absent mem- | |
| 81. Mr. MacVeagh, | 32 | bers are drawn, in a manner similar to | |
| 82. Mr. Curtin, | 1 | that already observed. | |
| 83. Mr. Cochran, | 34 | The names of absent members were | |
| 84. Mr. M'Clean, | 46 | then called and seats selected for them by | |
| 85. Mr. Addicks, | 17 | their colleagues, as follows: | |
| 86. Mr. Bartholomew, | 16 | Mr. Harry White, seat No. | 114 |
| 87. Mr. Edwards, | 45 | Mr. Dunning, | 130 |
| 88. Mr. Rooke, | 84 | Mr. Stewart, | 107 |
| 89. Mr. Elliott, | absent. | Mr. Turrell, | 127 |
| 90. Mr. Bardsley, | 14 | Mr. J. N. Purviance, | 113 |
| 91. Mr. C. A. Black, | 5 | Mr. Elliott, | 110 |
| 92. Mr. Lear, | 22 | Mr. W. H. Smith, | 108 |
| 93. Mr. Purman, | 74 | Mr. Struthers, | 123 |
| 94. Mr. Stewart, | absent. | Mr. Hopkins, | 109 |
| 95. Mr. Hunsicker, | 44 | Mr. Dodd, | 111 |
| 96. Mr. Biddle, | 115 | Mr. Pughe, | 128 |
| 97. Mr. H. W. Smith, | 2 | Mr. H. G. Smith, | 126 |
| 98. Mr. Stanton, | 65 | Mr. Patton, | 129 |
| 99. Mr. H. W. Palmer, | 131 | Mr. Landis, | 125 |
| 100. Mr. Harry White, | absent. | | |
| 101. Mr. Landis, | absent. | | |
| 102. Mr. J. W. F. White, | 68 | | |
| 103. Mr. Struthers, | absent. | | |
| 104. Mr. Bannan, | 66 | | |
| 105. Mr. Jos. Bailly, | 15 | | |
| 106. Mr. Davis, | 97 | | |
| 107. Mr. Gowen, | 23 | | |
| 108. Mr. Gilpin, | 94 | | |
| 109. Mr. T. H. B. Patterson, | 38 | | |
| 110. Mr. Carter, | 13 | | |
| 111. Mr. Beebe, | 92 | | |
| 112. Mr. Darlington, | 118 | | |
| 113. Mr. Temple, | 3 | | |
| 114. Mr. Broomall, | 96 | | |
| 115. Mr. Simpson, | 103 | | |
| 116. Mr. Patton, | absent. | | |
| 117. Mr. J. L. Reynolds, | 121 | | |
| 118. Mr. Littleton, | 67 | | |
| 119. Mr. Pughe, | absent. | | |
| 120. Mr. Cronmiller, | 87 | | |
| 121. Mr. H. G. Smith, | absent. | | |
| 122. Mr. M'Camant, | 85 | | |
| 123. Mr. Lilly, | 95 | | |
| 124. Mr. J. M. Bailey, | 93 | | |
| 125. Mr. Ainey, | 86 | | |
| 126. Mr. Boyd, | 124 | | |
| 127. Mr. Lawrence, | 117 | | |
| 128. Mr. Dodd, | absent. | | |
| 129. Mr. D. N. White, | 116 | | |
| 130. Mr. Alricks, | 105 | | |
| 131. Mr. Baker, | 104 | | |
| 132. Mr. M'Allister, | 106 | | |

ORIGINAL RESOLUTIONS.

The PRESIDENT. Original resolutions are now in order.

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

Resolved, That when this Convention adjourns it adjourn to meet to-morrow at twelve o'clock M., and that hereafter the daily sessions shall commence at that hour.

The question being, shall the Convention proceed to the second reading and consideration of the resolution? a division was called for, and being taken, resulted, affirmative forty-one, negative seventy-one. So the Convention refused to proceed to the second reading of the resolution.

THANKS TO CITY COUNCILS, &c.

Mr. RUSSELL. I offer the following resolution:

Resolved, That the thanks of this Convention be and they are hereby tendered to the city councils of the city of Philadelphia for the handsome and comfortable hall, committee rooms, etc., which they have furnished the Convention, and to the committee of councils and of the Convention who have had charge of the arrangements necessary for the sessions of the Convention in said city.

Mr. FELL. I hope that will be postponed until the last day of the session.

The resolution was read twice and agreed to.

SEATS OF ABSENT MEMBERS.

Mr. BRODHEAD offered the following resolution, which was twice read and agreed to:

SITTINGS OF CONVENTION.

Mr. BROOMALL. I offer the the following resolution :

Resolved, That, until otherwise ordered, the Convention will hold one session per day, commencing at ten o'clock A. M., and adjourning at two P. M.

Mr. SIMPSON. I rise to a point of order. That is already the rule of the House. We have already adopted that as a rule of the Convention; and therefore the resolution is unnecessary.

Mr. KAINE. I would inquire whether there is not a resolution on the minutes of this Convention, that we meet at ten o'clock and adjourn at two o'clock daily, until otherwise ordered. [Yes.] If that is the resolution, then it is the order of the Convention that we adjourn at two o'clock without any motion.

The PRESIDENT. Debate is not in order. The resolution referred to by the gentleman as having been heretofore adopted will be read.

The CHIEF CLERK read the following resolution, adopted on the thirteenth of November, 1872, on the motion of Mr. Dallas :

Resolved, That, until otherwise ordered, this Convention will hereafter meet at ten o'clock A. M. and adjourn at two P. M. of each day.

Mr. STANTON. I move to strike out "ten" and insert "eleven," and strike out "two" and insert "three."

The PRESIDENT. The resolution just read, adopted on a previous day, fixes the regular hour of meeting at ten o'clock A. M., and of adjournment at two P. M.; and therefore this present resolution is not in order, for it is identical with the standing order of the House.

Mr. J. W. F. WHITE. I move that the House do now adjourn.

The motion was not agreed to.

LEAVES OF ABSENCE.

Mr. LAWRENCE. I ask leave of absence for Mr. J. N. Purviance, who is detained at home by sickness, for a few days from to-day.

The PRESIDENT. That motion is not now in order; but by unanimous consent the application may be received at this time. [Consent.] The Chair will put the question on granting leave.

Leave was granted.

Mr. HAY. I ask leave of absence for my colleague, Mr. W. H. Smith.

Leave was granted.

Mr. BEEBE asked and obtained leave of absence for Mr. Dodd.

Mr. J. M. BAILEY asked and obtained leave of absence for Mr. Landis.

Mr. WHERRY asked and obtained leave of absence for Mr. Stewart.

Mr. S. H. REYNOLDS asked and obtained leave of absence for Mr. H. G. Smith.

DAILY SESSIONS.

Mr. GOWEN. I offer the following resolution :

Resolved, That until otherwise ordered by the Convention, its sessions shall be held at twelve o'clock M., and continue until four o'clock P. M., and that no session shall be held on Saturdays.

On the question of proceeding to the second reading of the resolution a division was called for, which resulted ayes forty-four, nays fifty-seven.

So it was determined in the negative.

Mr. DALLAS. I move that, until further ordered, the hour of meeting be from eleven in the morning until two in the afternoon.

Mr. DARLINGTON. Is that amendable?

The PRESIDENT. Certainly.

Mr. DARLINGTON. I move to strike out "eleven" and insert "ten."

Mr. KAINE. I rise merely to make an inquiry. My understanding of a resolution such as has been read here, which we adopted at Harrisburg, that we meet at ten and adjourn at two until otherwise ordered, is that that is the length of the session, and the moment two o'clock arrives the Speaker adjourns the House without any motion. That is certainly the rule. I insist that the House adjourn at two o'clock under that order until it is otherwise ordered.

The PRESIDENT. The Chair will state, in answer to the inquiry just made, that he has always been of opinion that an order of the House for adjourning at a particular hour is to be executed by the House, inasmuch as it involves a question of fact which the Chair might not be able to decide. If he is wrong in this impression he will cheerfully comply with the order of the House. If it is the general sense of the House that the Chair shall adjourn the body without a motion at the hour fixed, they will be kind enough to say "aye." [Many "ayes."] Those of the contrary opinion will say "no." [A few "nays."] The ayes appear to have it; the yeas have it. The House stands adjourned until ten o'clock to-morrow morning.

TWELFTH DAY.

WEDNESDAY, *January 8, 1873.*

The Convention met at ten o'clock A. M.

The Journal of yesterday's proceedings was read and approved.

MILITARY SERVICE.

Mr. BROOMALL offered the following resolutions, which were read and referred to the Committee on the Militia:

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of exempting from military service, and from all payments of money in lieu thereof, all members of such religious societies or sects as make opposition to war a fundamental principle of their creed or discipline.

Resolved, That said committee inquire into the expediency of prohibiting the Legislature from passing any law requiring or paying for any military service or exercises except during invasion or insurrection.

RAILROADS AND CANALS.

Mr. JOS. BAILY offered the following proposed article of amendment to the Constitution, which was read and referred to the Committee on Railroads and Canals:

ARTICLE—.

RAILROADS AND CANALS.

SECT.—. Every railroad and canal corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place, in this State, for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, and in which shall be kept, for public inspection, books, in which shall be recorded the amount of capital stock subscribed and by whom; the names of the owners of its stock and the amounts owned by them respectively; the amounts of stock paid in and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad

and canal company shall annually make a report, under oath, to the Auditor General, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads and canals as may be prescribed by law.

SECT.—. The rolling stock and all movable property belonging to any railroad or canal company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the Legislature shall not have power to enact laws exempting any such property from execution and sale.

SECT.—. No railroad or canal corporation shall have the right to invest in the stock, or purchase or lease the franchise and property or estate of any other railroad or canal corporation or company. Neither shall they have the right to purchase and hold, in the name of the officers of such corporations, or by trustees, any mineral or other lands, except such lands as may be necessary for the construction and convenient operating of such railroads and canals. And it is hereby declared that all railroads and canals heretofore constructed, or that may be hereafter constructed, in this State, are public highways, and all persons shall have equal right to transport their persons and property thereon, under such regulations as may be prescribed by law. And the Legislature shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads and canals of this State.

SECT.—. No railroad or canal corporation shall issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which such corporation was created; and all stock, dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. Railroad and canal corporations shall not have the power or right to apply their stock, assets or franchise to any

other use, or engage in any other business, either in the name of the corporation or through the instrumentality of agents, than the construction and maintenance of their respective railroads and canals, and to furnish such necessary and convenient appliances as will secure the expeditious transportation thereon of persons and property.

SECT. —. Railroads and canals heretofore constructed, or that may be hereafter constructed, in this State, shall have the right to connect with any other railroad or canal as their respective acts of incorporation shall authorize them so to do, by such safe appliances as may be necessary to effect that purpose; and no discrimination shall be made, in rates of passenger and freight tariffs, on persons and property passing from one railroad or canal to another, and no unnecessary delay permitted in forwarding such passengers and property to their destination. The object being to effect a thorough, equal, expeditious and convenient system of transportation throughout the State.

SECT. —. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the Legislature, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public necessity the same as the property of individuals; the right of trial by jury shall be held inviolate in all trials of claims for compensation when, in the exercise of the said right of eminent domain, any incorporated company shall be interested, either for or against the exercise of said right.

SECT. —. All railroad and canal corporations engaged in the business of common carriers shall enjoy all the rights and be subject to all the duties and obligations of common carriers the same as individuals engaged in similar business, but no preference shall be allowed in the transportation of persons and property over any railroad or canal. And the Legislature, in enacting laws, establishing maximum values of damages for injuries sustained by person and property on railroads and canals, shall not have the power to incorporate such laws into the chartered franchise of such corporations, but such laws shall always be subject to modification or repeal.

SECT. —. Unjust discrimination and extortion in the rates of passenger and freight tariffs shall not be allowed on the

railroads and canals in this State, except that moderate and reasonable discrimination in rates of freight passing over lesser distances may be allowed, and the Legislature shall enact laws to correct abuses and enforce the provisions relating to railroads and canals by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchise.

HOURS OF MEETING.

Mr. RUNK offered the following resolution:

Resolved, That for the purpose of enabling the standing committees to meet in the morning the Convention will, until those committees have reported, meet at twelve o'clock, noon, and adjourn at such hour as may be determined in each day's session.

The question being put: Shall the Convention proceed to the second reading and consideration of the resolution, it was determined in the negative.

PRAYERS.

Mr. STANTON offered the following resolution, which was twice read and agreed to:

Resolved, That the President of this Convention be requested to invite clergymen to open the proceedings of the body with prayer.

SCHOOL MONEYS.

Mr. J. PRICE WETHERILL offered the following resolution, which was referred to the Committee on Education:

Resolved, That the Committee on Education be requested to inquire into the expediency of amending the Constitution by the addition of the following article:

I. All moneys raised by taxation in the counties, towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to and expended in no other schools than those which are conducted according to law, under the order and superintendence of the authority of the county, town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools.

STANDARD OF WEIGHTS AND MEASURES.

Mr. J. PRICE WETHERILL offered the following resolution, which was referred to the Committee on the Executive Department:

Resolved, That the Committee on the Executive Department be requested to inquire into the expediency of amending the Constitution by the following article:

All offices for the weighing, gauging, measuring or inspecting any merchandise, produce, manufacture or commodity whatever are hereby abolished, and no such office shall hereafter be erected by law; but nothing in this section shall abrogate any office created for the purpose of protecting the public health or the interest of the State in its property, revenue or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

FORMATION OF NEW COUNTIES.

Mr. NILES offered the following, which was referred to the Committee on Counties, Townships and Boroughs:

Resolved, That the Committee on Counties, Townships and Boroughs be requested to inquire into the expediency of reporting the following amendment to the Constitution:

ARTICLE—.

COUNTIES.

SECT. 1. No new county shall be formed or established by the General Assembly which will reduce the county or counties or either of them, from which it shall be taken to less contents than four hundred square miles, nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

SECT. 2. No county shall be divided or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of the legal voters of the county voting on the question shall vote for the same.

SECT. 3. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, in whole or in part, into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS.

SECT. 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and two-thirds of the voters of the county, to be ascertained in such manner as shall be provided by law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct or district ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years to a vote of the people. But when an attempt is made to remove the county seat to a point nearer to the centre of the county, then a majority vote only shall be necessary.

PROTECTION OF THE PRESS.

Mr. DALLAS offered the following resolution, which was referred to the Committee on the Declaration of Rights:

Resolved, That the Committee on Bill of Rights be requested to consider and report whether any and what provision is necessary for the better protection of the press in the exercise of the right to comment freely, but with proper motives, upon the conduct of public men and measures.

COMMON SCHOOL SINKING FUND.

Mr. HORTON offered the following resolution, which was referred to the Committee on Education:

Resolved, That the Committee on Education be requested to inquire into the expediency of making provision in the Constitution for a Common School Sinking Fund, converting, if need be, the existing Sinking Fund into a sinking fund for common school purposes, adding thereto annually the sum of \$500,000, the interest of the whole to be applied for the support of the free schools of the Commonwealth.

RIGHTS OF MAJORITIES IN ELECTIONS.

Mr. HORTON also offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the appropriate committee be requested to inquire into the expediency of so amending the Constitution as to prohibit the Legislature from passing any law interfering with or infringing upon, or abridging the right of the majority to rule, or in any manner giving aid and comfort to the false assumption that offi-

cers legally and fairly chosen by a majority of the suffrages of the people *do not represent the whole people, the minority as well as the majority.*

ORIGIN OF BILLS RAISING REVENUE.

Mr. PURMAN offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills, and that taxation in any one year for every purpose shall never exceed the two-thirds of the annual rent or return of the subject of the taxation.

BUREAU OF INDUSTRIAL LABOR.

Mr. EDWARDS offered the following resolution, which was referred to the Committee on Industrial Interests and Labor :

Resolved, That the Committee on Industrial Interests and Labor be requested to inquire into the expediency of reporting the following as part of an article in the Constitution :

"It shall be the duty of the Legislature to enact general laws, with proper penalties, for the enforcement of the laws for the establishment of a bureau of industrial interests and labor. To contain in said laws the kind of labor, wages per day, hours of labor per day, with age, nativity and sex, and such other statistical details relative to all departments of labor in this Commonwealth, especially in its relations to the commercial, industrial, social, educational and sanitary conditions of the laboring classes, and to the permanent prosperity of the productive industry of the Commonwealth."

COUNTY BOARDS OF SUPERVISORS.

Mr. MANTOR offered the following resolution, which was referred to the Committee on Counties, Townships and Boroughs :

Resolved, That the Committee on County, Township and Borough officers be requested to inquire into and report to this Convention whether, in their judgment, it would be expedient to adopt a section in the Constitution as follows :

There shall be in each of the counties of this State a board of supervisors, composed of one from each of the election precincts, who shall have exclusive jurisdiction over the following specific subjects, but such jurisdiction shall not be exercised in any case without the assent of a majority of all the members elected to such board.

1st. The location and repairing of bridges, (except over navigable streams,) but in case where such bridges shall be between adjoining counties the concurrent action of the board of supervisors of such counties shall be necessary.

2d. The location, purchase, erection and care of buildings and purchase of real estate for county and township purposes.

3d. The erection of portions of public highways into separate road districts for purposes of improvement.

4th. The use and working as public highways of turnpike, plank and macadamized roads after they shall have been lawfully abandoned.

5th. The fixing of salaries of county officers, and the number, grade and pay of clerks and subordinate employees in county offices whose compensation may be a county charge.

6th. The drainage of swamp lands lying exclusively within the county.

7th. The granting of licences for hotels (or taverns) and eating houses, and all other licences now granted by the court of quarter sessions.

8th. For erecting, dividing and changing the lines of townships, for fixing and holding places for elections, for creating new election districts, for establishing independent school districts, for erecting and chartering boroughs, and for all other such matters as pertain to the general and local business for said counties.

RAILROAD COMPANIES' OBLIGATIONS.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That the Committee on Legislation inquire into the expediency of so amending the Constitution that no present or future obligation or liability of the Pennsylvania Central or the Philadelphia and Erie railroad company, or of any other corporation, for the payment of money to the Commonwealth shall ever be transferred, suspended, modified, altered or remitted, or in any way diminished or impaired by the Legislature or other authority ; nor shall such indebtedness be released except on payment being made into the State Treasury.

EXTRA COMPENSATION.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That the Committee on Legislation inquire into the expediency of so amending the Constitution in article one,

section twenty-two, that the Legislature shall not have power to authorize or grant any extra compensation, pay or allowance to any public officer, clerk, agent, servant or contractor for services rendered.

COURTS IN PHILADELPHIA.

Mr. HEVERIN offered the following resolution, which was referred to the Committee on the Judiciary :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the Constitution so as to provide for combining the district court and the court of common pleas of the city and county of Philadelphia into a court, to consist of twelve judges, and to be called the court of common pleas, and have the same jurisdiction and powers as are now conferred by law upon said courts and judges; and the said judges shall in turn preside over the criminal branch of said court, which shall hereafter be styled the court of general sessions, and have the same jurisdiction as is now conferred by law on the courts of oyer and terminer, general jail delivery and quarter sessions of the peace; and a majority of such judges shall constitute a court of appeal in criminal cases.

COURT OF PARDONS.

Mr. HEMPHILL offered the following resolution, which was referred to the Committee on the Executive Department :

Resolved, That the Committee on Executive Department be requested to inquire into the propriety of reporting the following for incorporation in the new Constitution :

"The Governor shall nominate and, with the consent of the Senate, appoint six of the president judges of the courts of common pleas to constitute, with himself, and for the term for which he may be elected, a court of pardons, and a majority of said court, of whom the Governor shall be one, may remit fines and forfeitures and grant pardons after conviction in all cases except impeachment, and no pardon granted before conviction shall avail the party pleading the same."

APPOINTMENT AND TENURE OF JUDGES.

Mr. HEMPHILL offered the following resolution, which was referred to the Committee on the Judiciary :

Resolved, That the Committee on the Judiciary be requested to inquire into the propriety of reporting the following for incorporation into the Constitution :

I. The Governor shall nominate, and with the consent of two-thirds of a full Senate, appoint the judges of the Supreme Court and the president judges of all other courts now or that may hereafter be established within the Commonwealth.

II. The judges of the Supreme Court and president judges of all other courts shall hold their offices during good behavior; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may, with the consent of two-thirds of a full Senate, remove any of them.

III. The judges of the Supreme Court and the president judges of all other courts shall, for the term for which they are appointed, be ineligible for any other office of trust, honor or profit unless it be another judgeship.

GOVERNOR'S TERM.

Mr. HEMPHILL offered the following resolution, which was referred to the Committee on Executive Department :

Resolved, That the Committee on Executive Department be requested to inquire into the propriety of reporting the following for incorporation in the new Constitution :

"The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible thereafter."

INTOXICATING LIQUORS.

Mr. CRAIG offered the following proposed article and resolution, which were referred to the Committee on Industrial Interests :

"The manufacture and sale of intoxicating drinks as a beverage is prohibited; the Legislature shall provide amply for the enforcement of this article."

Resolved, That the above article be submitted separately to the vote of the people.

RAILROAD FRANCHISES.

Mr. CAMPBELL offered the following resolution, which was referred to the Committee on Railroads and Canals :

Resolved, That the Committee on Railroads and Canals be instructed to inquire into the expediency of incorporating into the Constitution the following section :

"That no railroad company shall be hereafter incorporated in this State unless upon condition that its road shall not cross any public highway at grade; and that the franchises of all railroad companies now incorporated shall be revoked unless, within five years, their roads

shall be so altered, changed or constructed that the same shall cross public highways either above or below grade.

AMENDMENTS TO FEDERAL CONSTITUTION.

Mr. BOYD offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That the proper committee be instructed to inquire into the expediency of introducing into the Constitution of this State the following provision, in substance, to wit :

"The Legislature shall not ratify any amendment, or proposed amendment, to the Constitution of the United States without first submitting such amendment to a vote of the people. And the Legislature shall obey and carry out the will of the majority as expressed in such vote."

VALIDITY OF ACTS OF ASSEMBLY.

Mr. WORRELL offered the following proposition of amendment to the Constitution, which was referred to the Committee on the Judiciary :

"In all proceedings between parties the courts of the Commonwealth are authorized and empowered to try and determine the validity of any act of Assembly."

Mr. WORRELL offered the following proposition of amendment to the Constitution, which was referred to the Committee on the Judiciary :

"The Attorney General of the Commonwealth shall have authority to proceed, by *sciri facias*, in any of the courts of the Commonwealth, to try and determine the validity of any act of Assembly."

PRINTING OF PROPOSITIONS.

Mr. ARMSTRONG. I offer the following resolution for the consideration of the Convention at this time :

Resolved, That the Committee on the Judiciary have leave to print such matter for the use of the committee as, in its opinion, it may be proper to have printed.

The resolution was read twice, and the Convention proceeded to consider it.

Mr. ARMSTRONG. I desire to say, in explanation of this resolution, that I have offered it by the direction of the Judiciary Committee. There has been referred to the committee a very large mass of matter, and many of the propositions covering several pages. The committee, having met several times, have endeavored

to digest this mass of matter, find it almost impracticable in its present form. If the privilege be accorded to the committee to have these various suggestions printed they believe it will greatly facilitate their consideration of them, and enable them sooner to report to the Convention. I trust this privilege will be granted to the committee, and we will endeavor not to abuse it but print only such matter as, in our judgment, will clearly facilitate the consideration of the business.

Mr. HUNSICKER. I offered a resolution on the last day of our session at Harrisburg to print all resolutions relating to amendments of the organic law of the State. There are now upon the table of the Clerk and in the hands of the committees a vast mass of matter, and I do not suppose there is a member of the Convention who knows what has been offered. I think it is highly important that everything which has been offered should be put in a readable shape, and should be in the hands of every member of the Convention. I am not only entirely in favor of the resolution offered by the gentleman, but I am in favor of going a step further and printing all resolutions proposing amendments to the fundamental law. We must all, in the end, vote either for or against them. How can we tell what has been offered? Possibly a dozen members may offer the same proposition and not know that it has been already offered. That is my difficulty and no doubt the difficulty of other members. I oppose the passage of this resolution, as there is one already on the table, which can be taken up at any time, which will cover the same ground and go further.

Mr. DARLINGTON. I wish to inquire whether the Committee on Printing are not ready to make a report which will cover all the printing necessary for the Convention. Other committees, I presume, who have had resolutions referred to them, experience the same difficulty that the Committee on the Judiciary has experienced. A large mass of matter has been thrown before each committee, and in some cases it is difficult to decipher the chirography of some of the propositions. I hope this resolution will be suspended until we have the general printing report. When that report is made I presume it will be found that all this printing is provided for.

Mr. NEWLIN. In answer to the question of the gentleman from Chester, (Mr. Darlington,) I will state for the informa-

tion of the Convention that the Committee on Printing is prepared to report as soon as it is reached in the order of business.

Mr. ARMSTRONG. It is proposed, if any printing be done under this resolution, that it shall be done under the contract which will be made by the Convention. I did not offer a general resolution including all the committees, for the reason that it was supposed to be more judicious that each committee should take charge of its own printing, and if any committee finds it expedient to offer a similar resolution it can do so at any time; but to print the entire mass of matter as presented for reference, without submitting it to the discretionary judgment of each committee, I should think would not be proper. If this resolution is passed it will enable the Judiciary Committee to print what they deem to be proper. When any other committee present a similar resolution, I hope the same privilege will be accorded to them.

Mr. DARLINGTON. I move to amend the resolution, by striking out the words "Committee on the Judiciary," and inserting "each of the standing committees."

Mr. ARMSTRONG. I accept that amendment.

The PRESIDENT. The resolution will be so modified, and the resolution as modified will be read.

The CHIEF CLERK read as follows:

Resolved, That each of the standing committees have leave to print such matter for the use of the said committees as in their opinion it may be proper to have printed.

Mr. HUNSICKER. I offer the following amendment: Strike out all after the word "resolved," and insert: "That all propositions relating to amending the organic law be printed for the use of the Convention."

The PRESIDENT. The question is upon the amendment.

Mr. TEMPLE. I rise to a point of order, which is that the amendment offered by the gentleman from Montgomery (Mr. Hunsicker) is identical with a resolution now on the Clerk's desk.

The PRESIDENT. There is no point of order on that. The question is on the amendment.

Mr. STANTON. I trust the amendment will not prevail.

Mr. ALRICKS. It sounds like irony to say that the work of one hundred and

thirty-three intelligent minds is not worthy of being printed. I trust that every resolution which has been or may be offered in this House will be put in print. It is impossible, it is utterly out of the question, if we compare our notes that we may not obtain some information. I therefore hope all the resolutions will be printed by the House.

Mr. STANTON. I understand the report of the Committee on Printing will cover the ground of the proposition of the gentleman on my left (Mr. Hunsicker.) It is the intention, as I understand it, if the report of the committee is accepted, to give out all the printing, and everything will be published for the benefit of the Convention. If I understand the original resolution, it provides for printing for the use of the committees exclusively. We do not know when we may be able to reach the Committee on Printing, and I think the request of the gentleman from Lycoming (Mr. Armstrong) should be deferred till the report is made to which I have alluded.

I understand this morning that the report of the Committee on Printing will, if adopted, involve the printing of all the back action of this Convention up to this date.

Mr. HUNSICKER. Just a single word, Mr. President. The objection I have to the original resolution is this: That the committees are to select what is to be printed, and then it is to be printed for the use of the members of the special committee. Now my resolution covers the whole ground and furnishes each member in print with what has been already offered, and all that may be offered in the future, so that every man may post himself up and be able to vote upon all questions intelligently, and also know what has been referred to the various committees for their action.

Mr. ARMSTRONG. Mr. President: A single word. One objection which I conceive applies to the amendment is, that many propositions are nearly identical, identical in thought and substance, not always in mere language. It would be better that the committees should take them into consideration, and, as the resolution now stands, everything which the committees should deem to be important would be printed. If it be thought best that the matter should be printed in sufficient numbers for the use of the Convention instead of for the mere use of the committees, I would have no objection to

accepting an amendment of that kind ; but it would lead to confusion rather than otherwise, if, when propositions are nearly identical, they should all be printed instead of permitting each committee to select such propositions as they deem of sufficient importance to be printed. The resolution, according as it stands with the amendment which I accepted from my friend from Chester, (Mr. Darlington,) I think covers the entire ground ; under that everything will be printed that any standing committee of the House deems to be important.

In addition to that, in all the committees, the members themselves, after giving considerable reflection to a subject, have propositions of their own which they submit. In the Committee on the Judiciary several propositions, covering quite a number of pages, have been submitted by members of the committee itself. If the amendment, as offered, should prevail, the committees would have no right to publish such propositions ; and yet they are of very great importance, and ought to be submitted to the consideration of the committee in a convenient form.

I trust, therefore, that the amendment will not be adopted, and that the original proposition, as modified, will pass. I believe it covers the entire ground.

Mr. COCHRAN. Will the gentleman from Lycoming (Mr. Armstrong) permit me to suggest that he accept, as a modification of his resolution, the insertion of the words "for the use of the Convention," and before the words "for the use of the committees?"

Mr. ARMSTRONG. I accept that.

The PRESIDENT. The resolution will be so modified, and it will be read as modified.

The CHIEF CLERK read as follows :

Resolved, That each of the standing committees have leave to print such matter for the use of the committee and of the Convention as in its opinion it may think proper to have printed.

Mr. HUNSICKER. I do not accept that amendment.

The PRESIDENT. This is a modification not of the amendment but of the original resolution. The question is on the amendment offered by the gentleman from Montgomery (Mr. Hunsicker.)

A division was called, and, less than a majority of a quorum having voted in the affirmative, the amendment was not agreed to.

The resolution, as modified, was then agreed to.

HOURS OF SESSION.

Mr. DUNNING offered the following resolution :

Resolved, That until otherwise ordered this Convention shall meet at ten o'clock A. M., and adjourn at one o'clock P. M.

On the question of proceeding to the second reading of the resolution it was determined in the negative.

Mr. KAINE. I rise to inquire whether there is not a resolution of that kind pending from yesterday, offered by Mr. Dallas.

The PRESIDENT. The question is not debatable.

REGISTER OF WILLS.

Mr. TEMPLE offered the following resolution, which was referred to the Committee on the Judiciary :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Constitution as to abolish the office of register of wills, and to establish, in lieu thereof, probate courts in each county of the Commonwealth.

ORDER OF BUSINESS.

Mr. GIBSON. If it be in order I would move that the rules be suspended in order that we may hear the report from the Committee on Printing.

The PRESIDENT. It is not in order now. Reports of standing committees will be next in order after resolutions are through with.

Mr. DALLAS. I move the present consideration of my resolution, to meet at eleven o'clock and adjourn at two o'clock until further orders, which was pending at the adjournment yesterday.

The PRESIDENT. That is not at present in order. Are there any more resolutions?

APPOINTMENT OF JUDICIAL OFFICERS.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on the Judiciary :

Resolved, That the Committee on Judiciary inquire into the expediency of so amending the Constitution that the Legislature shall make a provision for submitting the question to the electors to determine whether or not all judicial offices should not hereafter be filled by the Executive by and with the advice and consent of the Senate.

HOURS OF SESSION.

Mr. WORRELL. I offer the following resolution:

Resolved, That until otherwise ordered the Convention will meet at one P. M. and adjourn at four P. M., and the committees of the Convention will meet at ten A. M.

On the question of proceeding to the second reading of the resolution, it was determined in the negative.

LAW OF LIBEL.

Mr. EDWARDS offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be requested to inquire into the expediency of reporting the following section in the place of section seven in the Declaration of Rights:

"Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the facts under the direction of the court as in other cases.

THE CONVENTION PRINTING.

The PRESIDENT. If there are no more original resolutions reports of standing committees are now in order.

Mr. NEWLIN. Mr. President: I am instructed by the Committee on Printing to make a report, with a resolution annexed.

The CHIEF CLERK read the report as follows:

To the Constitutional Convention:

The Committee on Printing and Binding to whom was referred the following:

"*Resolved*, That the Committee on Printing and Binding, when appointed, be directed to report whether the contract between the State and the present Public Printer entitled such printer to the printing and binding of the Convention, and if their report on this subject be in the negative, then to receive and report to the Convention bids for the printing and binding of the Convention," respectfully report:

That, having reported that the State printer was not entitled to the Convention printing, under his existing contract, they advertised, as therein directed, for proposals for printing and binding the Journal and Debates of the Convention, and for such other printing as might be ordered, and also for proposals for printing paper. They have received and herewith report to the Convention the annexed bids, numbered from one to twelve, consecutively. Tabulated statements thereof are hereto appended.

The lowest aggregate bidder for printing and binding is Joseph S. Lare. The lowest proposal for supplying printing paper is that of William W. Harding.

For the Journal, the Committee recommend an octavo form, in brevier type, solid, size of printed paper thirty-six ems wide and sixty-two ems long; and for the Debates a quarto form, in three equal columns, twenty-two by eighty-eight brevier type, solid—each, the same to be half bound.

They further recommend that there be printed fifteen hundred copies of the Journal and five thousand copies of the Debates.

They further report the annexed resolution and recommend its passage.

All of which is respectfully submitted.

JAMES W. M. NEWLIN,
Chairman.

Resolved, That a contract be made with Joseph S. Lare, in the manner and upon the terms specified in his proposal, to print and bind fifteen hundred copies of the Journal of the Convention, in octavo form, thirty-six by sixty-two ems brevier type, solid—two hundred and forty copies to be furnished daily to the Convention in sheets, and the remainder to be half bound; and also to print and bind, in quarto form, in three equal columns, twenty-two by eighty-eight ems brevier type, solid, each—five thousand copies of the Debates of the Convention, in the manner and upon the terms specified in his proposal, four hundred and eighty copies to be delivered daily to the Convention in sheets and the remainder to be half bound; and also that a contract be made with the William W. Harding to supply the printing paper for the Convention, in the manner and upon the terms specified in his proposal; the paper for the Journal to be twenty-four by thirty-eight inches, and to weigh fifty pounds to the ream; and the paper for the Debates to be twenty-six by forty

inches, and to weigh sixty pounds to the ream; and that a contract be made with B. Singerly to do all other printing ordered by the Convention or required in the transaction of its business, if he will do the same at forty-one and a quarter per cent. below the price established by the act of April 9, 1836, and the supplements thereto of February 25, 1862, and March 27, 1871, relating to the public printing and binding of the State.

Mr. NEWLIN. Mr. President: I move we proceed to the second reading and present consideration of the resolution.

The motion was agreed to, and the resolution was read the second time.

Mr. NEWLIN. Mr. President: I have been asked and, I presume, all the members of the Committee on Printing have been asked by what authority the Committee on Printing advertised for bids, and therefore I will begin by stating what is, in substance, stated in the report, that the resolution originally referred to the Committee on Printing was to the effect that the committee, when appointed, should report to the Convention whether the contract with the State Printer was binding on the Convention, and that if the committee reported in the negative they were then to receive and report bids to the Convention.

On the last day of the session at Harrisburg the committee did make a report in the negative; that is to say, that the State Printer was not entitled, under his contract, to do the Convention printing.

Immediately after the adjournment a meeting of the committee was held and they, under the instructions contained in the resolution referred to them by the Convention, directed me to advertise in the Harrisburg and Philadelphia daily papers for proposals for printing and binding the Journal and Debates, and such other printing as might be ordered by the Convention, and also for supplying printing paper to the Convention.

In pursuance of the instructions of the committee I did advertise in that manner, and the bids were opened at a meeting held by that committee on the sixth day of this month, at three o'clock in the afternoon, in the presence of all the bidders. The bids were for printing and binding the Journal, for printing and binding the Debates, and for supplying printing paper. No proposal was made by any one for the miscellaneous printing.

The lowest aggregate bid for printing the Journal and Debates, and binding them, was the bid of Joseph S. Lare. The lowest bid for supplying paper was that of William W. Harding; but, as I have said, no proposal was received for miscellaneous printing. Inasmuch as the committee had given public notice by advertisement in all the daily papers of Philadelphia and Harrisburg, of the requirement of the Convention, and as no proposal had been received for miscellaneous printing, the committee thought it would be best to award, or to recommend its being awarded to the present State Printer, not as State Printer, but as an individual, and upon the terms specified in his contract with the State, which seems to be extremely low.

I will also state, for the information of the Convention, that the bid made by Mr. Lare, comparing it with the present contract of the State Printer, and taking into view the difference in the matter—the Debates and Journal of the Convention being in solid brevier—that the cost to the Convention of doing its printing will be just about the same that it would have been had it been awarded under the contract of the State Printer to him as a matter of right as he claimed.

The only other matter that I desire to explain is with regard to the number of copies. The committee was of the opinion that fifteen hundred copies of the Journal would be sufficient, and of that number to furnish two hundred and forty copies daily in sheets to the Convention. The number two hundred and forty was selected because the "token" for press work which is called for in the blank forms of the proposals issued by the committee is two hundred and forty. If two hundred and fifty were called for daily, or, were required to be furnished, the printer would be entitled for the extra ten copies to charge for a whole token. Hence we have made the resolution to correspond with the proposals so that of the Journal, only one "token" daily of press work will be paid for, and of the Debates two "tokens" daily, namely: Four hundred and eighty copies.

Mr. GUTHRIE. Mr. President: I would like to inquire of the members of the committee whether they have made any estimate of the cost of printing under their resolution, and if so, what the probable cost will be?

Mr. NEWLIN. Mr. President: That is a question that it is impossible to answer,

for the simple reason that we cannot tell now how long the Convention will sit, or how long the speeches of members will be. If the members make short speeches it will be an economical piece of work. If they make long speeches it will be very expensive. That is as nearly as I can answer that question.

Mr. RUNK. Mr. President: I offer the following amendment, to be added to the resolution:

"That the Debates and Journal be furnished daily, and be laid upon the desks of members at the opening of the session the day after the debates have taken place and the proceedings had."

Mr. GUTHRIE. Mr. President: I desired to say before that I have been informed that Mr. Singerly, the State Printer, offered to do all the printing of this Convention for \$20,000. Now, sir, if that is true, I am opposed to the resolution of the committee, for I am perfectly well satisfied that the expense will be more than twice that amount.

Mr. COCHRAN. Mr. President: I will state to the gentleman from Allegheny (Mr. Guthrie) that the proposition with regard to printing was limited to the publication of the Debates for \$20,000, and it had no reference to the printing of the Journal or any other matter; and that proposition was also upon the condition that the amount of matter should not exceed two volumes, of certain dimensions. I offered, at Harrisburg, a resolution to grant the printing of the Debates to Mr. Singerly at the price of \$20,000, believing, at the time, that it would be economical. No printing but the Debates was included in that proposition.

Mr. GUTHRIE. Mr. President: The explanation of the gentleman from York (Mr. Cochran) places the subject in a different light. I understood that the proposition of Mr. Singerly was to publish the Journal and Debates of the Convention for \$20,000.

Mr. NEWLIN. Mr. President: That is a mistake.

Mr. J. S. BLACK. The question of how the printing is to be done, by whom, and upon what terms, seems to me so much out of place here that it is hardly becoming the dignity of this Convention to entertain it at all. It has long ago been legally and permanently settled, as well settled as any matter can be settled by any pledge that the Commonwealth can make of her faith by any contract.

As long ago as 1856 there was an act of Assembly passed, declaring that the public printing should be thereafter done by contract; that contract to be made with a person who was to serve the Commonwealth as her Public Printer. Several supplements were afterwards made to that law, and, in pursuance of one of them, in 1871, a contract was made with a citizen that he should do the public printing of the Commonwealth, whatever that might be, by whomsoever required to be done. All the public printing was included in that which it would become the duty of the Commonwealth to pay for out of the State Treasury. That contract was entered into with rather more than the usual solemnity, for the two Houses of the Legislature assembled together, in joint convention, in the hall of the House of Representatives, and every single Representative of the people had an opportunity of seeing that the contract was properly made, with his own eyes; and it was properly made. There is no pretense that there was any fraud practiced by or against anybody. The contract was made under a sound and wise law. The party who entered into the contract with the State has thus far performed his duty with perfect fidelity, and there is not the remotest sign of an excuse for violating it on the other side now.

One reason that is given is that this particular work was not contemplated, and therefore is not to be considered as included within that contract. I say it was contemplated, in the proper legal sense of the word, because when the contractor agreed that he would do all the public printing that might have to be done it would be a most vicious construction—such a one as I think no man of common sense would be willing to apply to an instrument of that kind—to say that merely because he did not know certainly that this particular printing would have to be done it was not therefore included; that though the contract included all public printing, that was not included which he could not see at the time.

If a man agrees to sell his whole crop of wheat at a particular price he cannot withhold a part of it because the crop is larger than either of the contracting parties conceived it would be, or because he cut a larger number of acres than he had anticipated. This printer agreed to do all the State printing. If it was little, and therefore the contract was unprofitable,

he was bound to abide by it. If it was large, and therefore more profitable, he was entitled to whatever he could make out of it.

There is another objection which seems to be the view of the committee, as expressed at Harrisburg, and now again here, that this contract is not binding upon the Commonwealth, as that we cannot authorize its violation, because we are a Convention to amend the Constitution of the State, and because we are not bound by any act of the Legislature or anything done in pursuance of an act of the Legislature.

They cite the vote which was given on the question whether we were bound by an act of the Legislature which restrained us from interfering with the Bill of Rights, and construe that into a declaration that we are not bound by anything that the Legislature may have done, or may have authorized to be done, but that we are clothed with unlimited power.

I will not undertake to convince any member of this Convention who believes that he is clothed with that kind of power, because I think I should fail if I did. It is the experience of the human race from the days of Nimrod to the present time, that whenever any man has, or thinks he has, a great and mighty power in his hands, he holds it with as tight a grip as he possibly can. There is no instance, that I know of, on record where any man who ever held that kind of power would ever voluntarily consent to any limitation of it. Therefore those gentlemen who believe that every contract of this Commonwealth, and every right that is claimed under them, are at the mercy of this Convention, will, of course, retain that opinion to the end. I do not expect anybody to give up that idea. If it once gets into a man's head, it will stay. [Laughter.] But I am reminded that

"It is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

If we have no regard for what is the legal justice due to this printer, I hope we shall exercise our power in mercy.

It would be well for us to use our authority with a magnanimity becoming our high places, and that will require us to look down with lofty scorn on the meanness of robbing a mechanic of his right to labor, and to be compensated for his labor.

If it be true that we can violate all the contracts, declare everything void that

has been heretofore done by the Legislature, and break the faith of the Commonwealth with perfect impunity, had we not better look up some other contracts than this? May we not afford to let this poor printer run awile and take after larger game? There are contracts that the Commonwealth has made in the course of her history which might need, on this principle, a good deal of overhauling. There are several by which the contracting parties have managed to absorb nearly all the proprietary rights of the State. I think all the property that the State ever owned is about gone now, except the Capitol at Harrisburg and some seventeen acres of land surrounding it. The thing has all been done by contract, authorized by the Legislature, which, according to this new doctrine, we have a perfect right to set aside and declare to be void.

There are several other very large advantages enjoyed by certain bodies who would, I presume, not much like to have them very seriously touched; but it would be in accordance with a certain sense of natural justice which pervades this whole community if they were at once torn to pieces and thrown to the winds, for those who hold them have under them made untold heaps of gold for themselves every year, which are forced out of the pockets of the public. Now I do not say that we ought to get up a hunt of this kind; I do not propose that; but if we are to have a chase, let us be after some of these big corporations first.

I say this not only because the prey is better worth having when we run it down, but because there is some excitement and pleasure in the chase. [Laughter.]

The blood more stirs

To rouse a lion than to start a hare!

But still I think it is the most important of all things that the Commonwealth should preserve her character for good faith untainted, because that enables us to hold society together; and I would like to see this Convention obey the injunction which the law of Moses laid upon the children of Israel—"Perform the vow which thou hast made before the Lord, even though it be to thine own hurt." But I understand that no great profit is going to be made out of this business. We had better not stain our hands with any violation of a contract, at least until we can make something by doing so. If we are to sell the empty space of our large

honors let it be for at least so much trash as may be grasped thus [closing his hand] or in some other way.

Mr. GOWEN. Mr. President: I agree with most of what the gentleman last up has said except this: I do not agree with him that the action of this Convention at Harrisburg in determining, as it did, by a large majority of votes, that the Legislature had no right to impose restrictions upon this Convention so far as the action of the Convention was directed to framing a new Constitution, covers the present case. I hold that the Legislature had no right whatever to restrict this Convention in the performance of the duty for which it had assembled, namely: To make a new Constitution; but I do agree with the gentleman that the action of the Legislature in making a contract with the State Printer to do all the public printing of the Commonwealth is binding upon this Convention, and I think that this Convention ought to send all the public printing to that officer.

So far as the right of that officer to have this printing is concerned, I take it that he stands, with reference to this Convention, so long as the present Constitution of the State is not altered, exactly in the position of any other public officer. I take it that if an outsider were to come into this hall and create a disturbance, and we were to declare that we would have him prosecuted for a misdemeanor, we would have him tried before the judges who hold their commissions from the Commonwealth, and prosecuted by the district attorney, who is elected by the people to perform the duties of that office. So when we have any printing to do, which certainly is public printing, the State having selected a public printer, and made a contract with him for the business of public printing, I take it that he has the same right to that business as the judges in the one case would have to administer justice, and the district attorney in the other to prosecute an offender.

Again, upon the question of price: The price at which this contract was made with the Public Printer is entirely fair and proper. The report of the Committee on Printing agrees that he shall have a portion of our public printing, provided he will do it at the price which he agreed to do it for the State. Therefore there can be no objection to the terms of his contract with the State upon the ground that any one else will do it for a more reasonable compensation.

If that is the case, and if there is no objection to the price on the one hand, and if the Public Printer holds this office by virtue of a contract with the State, I submit, with all deference to the Convention, that he is entitled, by virtue of that contract, to do this business.

Mr. COCHRAN. I feel very reluctantly compelled, Mr. President, after what has been said here, to state the positions which have been already taken by the Convention, and also to support the action which has been taken by the Committee on Printing. It will, perhaps, be remembered that this whole subject has been twice discussed; or, rather, each of these questions has been discussed before the Convention and decided by the Convention. The thing has passed *in rem adjudicatam* by the Convention.

The Convention has determined that we stand here independent of the Legislature, and have the right to act independently of any restriction that has been attempted to be imposed upon us by that body; that after the people summoned this Convention and authorized the election of delegates to this body, no other power was left in the control of the Legislature except the mere power of arranging the machinery for the assembling of the Convention; but it could impose no restriction upon the action of the Convention in any respect. We stand here representing, immediately, the people of Pennsylvania, paramount to the Legislature, because we go to the very root of the matter operating upon the fundamental law of the State. That was decided by the Convention at Harrisburg, and the Convention, by a like solemn vote, determined that the State Printer had, under his contract, no legal claim to the printing of this Convention.

Mr. J. S. BLACK. Will the gentleman permit me to ask him a question?

Mr. COCHRAN. Certainly.

Mr. J. S. BLACK. Does the gentleman regard it as sound constitutional law that this Convention has the power to abrogate any contract that may heretofore have been made with the Commonwealth, under an act of the Legislature, and which was legal at the time it was made?

Mr. COCHRAN. I will come to that in a moment.

Mr. J. S. BLACK. I think the gentleman has already come to that. [Laughter.]

Mr. COCHRAN. The gentleman from York and myself differ in that particular,

and I must say, with great deference to his views, that I prefer to take my own course in discussing this question.

Now, Mr. President, I say that the Convention, at Harrisburg, did decide, after debate, that the State Printer was not entitled to this printing under his contract with the State; and that being determined by the Convention, there was nothing left for the Committee on Printing to do but to carry out the further order of the Convention and receive proposals for this printing. They did so, and reported those propositions to the Convention this morning.

I come now to the contract about which we hear so much. This contract with regard to the public printing of the State was a contract made, of course, with reference to the matter which was then before the eye of the Legislature. It included nothing of this kind. There was no Convention called at that time. The contract referred to its subject matter, and the subject matter of the contract was the printing of the State as it then stood. That was the matter that was in the contemplation of the parties, and that was the matter which was included in the contract; and the terms of the act of Assembly, I apprehend, had reference simply to the public printing of the State as it stood at that time. This printing which we propose to do is not properly public printing of the State. This is printing of the Convention, necessary for the promulgation of its proceedings and their presentation to the public. It is not properly public printing of the State. It does not come within the terms of the contract. There was no such thing in existence, at the time, upon which the contract could operate, and therefore we stand here, I apprehend, without prolonging this discussion any further, simply on the ground that we have a right to make our own arrangements with regard to what work we will have done. We interfere with no man's contract; we do not infringe upon the public faith and credit of the Commonwealth; but we stand here, with authority to control our own proceedings, to dictate our own work and employ our own parties to perform it.

MR. J. PRICE WETHERILL. I do not intend to occupy the time of the Convention in the discussion of this matter more than a moment. I supposed this question in regard to the right of the Convention to decide who should do the work of printing its proceedings had been settled

at Harrisburg. If it were not so the Committee on Printing would have had no right to present this report. It would be folly for me, a mere layman, to reply to the lengthy, learned argument of the distinguished gentlemen from York (Mr. Black) and Philadelphia (Mr. Gowen)—but when I see in an act of Assembly the words "public printing" used, and in a further section of that act the public printing described to mean certain things to which certain things thus described do not apply to any printing which this Convention may authorize, I can have no doubt when that public printing is set forth in detail as public printing for the Executive department and for the legislative department, and furthermore that that public printing must not be done in Philadelphia, must not be done in any city outside of Harrisburg, I appeal to every member of this Convention if the work of a Convention meeting in Philadelphia must be done at Harrisburg under the act of Assembly? It seems to me very clear that the originator of that act and the gentleman who pressed it did not intend it to have any reference whatever to any work which this Convention would do in the way of printing, but only the work which was done at Harrisburg by the various departments there.

Now, sir, I should like to know from the chairman of the Committee on Printing, first, whether they were not directed to ask for proposals for all the printing necessary to be done by this Convention, and if in the investigation of that matter they ascertained that proposals could not be had for all the printing, so that they were compelled to divide the work and give out a certain amount of printing to the lowest bidder and another certain amount to another bidder, and another amount to a party who was not a bidder. I think that ought to be clearly understood. If it is just as cheap for this Convention to have part of its work done at 41¼ per cent. discount from the prices of 1856, I should like to know how much this Convention save on the other part of the contract, and if they did not save anything at all or if they are to pay a little higher rate, I think the members of the Convention should know something about it. If it is necessary to divide the work, and if the whole work can be done at 41¼ per cent. discount and the committee have acted not exactly in accordance with their instructions, by not receiving proposals for the entire work, it seems to me that,

perhaps, if it is cheaper it would be better for us to make a full contract at 41¼ per cent., and not divide it.

I do not know anything about Mr. Joseph S. Lare. He may be able, and he doubtless is, to do the work as we should like it done; but I see in the report that no security is mentioned for the faithful performance of this contract.

Mr. NEWLIN. He is under bond now in his proposal to us to the extent of \$10,000.

Mr. J. PRICE WETHERILL. I am very glad to hear the explanation given by the chairman of the committee. The report does not show it, and I do not know whether \$10,000 is sufficient security. It is a matter about which we know very little, and it is also a matter about which some very magnificent figures have been mentioned, and I do hope that the chairman of the committee will give us all necessary explanations; first, as to how much the Convention will save by dividing this work and giving Mr. Joseph S. Lare a portion of this work, and next as to the amount of the security to be given by Mr. Lare for the performance of the contract, and further as to the effect of a discount of forty-one and one-fourth per cent. from the prices of 1856.

Mr. NEWLIN. In answer to the questions propounded by my colleague, who has just taken his seat, (Mr. J. P. Wetherill) I would say that most of his questions would have answered themselves had he taken the trouble to examine the report which we have now under consideration. If he had taken the trouble, sir, to read the two pages and a half of written matter which is now on the Clerk's desk, the questions which he has propounded would have been replied to by that report.

Now, sir, as to the matter of authority, we have the resolution itself of this Convention, which is recited in full in the report which I had the honor to make this morning. That resolution directed the Committee on Printing to report whether the State Printer was entitled under his contract with the State to do this printing, and if the committee reported in the negative, then to receive and report bids.

Now, sir, under the terms of that resolution, it became the duty of this committee to receive and report bids without regard to what action was taken upon the report made from this committee upon the last day of the session at Harrisburg.

We reported in the negative on the proposition embodied in that resolution. A motion was made by the gentleman from Fayette (Mr. Kaine) to strike out the word "not." On that test question a vote of this Convention was had, and the report of the committee, after debate, was sustained, and the amendment of the gentleman from Fayette (Mr. Kaine) to strike out the word "not," was not agreed to.

Now when the Convention adjourned there were sundry amendments pending.

Mr. KAINE. Will the gentleman allow me to ask him a question.

Mr. NEWLIN. Certainly.

Mr. KAINE. I want to know of the gentleman whether the report was adopted?

Mr. NEWLIN. I will answer that question. A resolution embodying the terms of the report was submitted to the Convention. That resolution was to the effect that the State Printer was not entitled under his contract with the State to do this printing. The gentleman from Fayette (Mr. Kaine) moved to strike out the word "not." Upon that amendment the House divided, and it was decided not to strike out the word "not." Then there were other amendments offered to the resolution, which amendments were under consideration when the main question was moved, and upon the question whether the main question should now be put, a majority of the Convention decided in the negative, and it was then ruled that where the previous question is called and upon the question "shall the main question be now put" it is decided in the negative—it was ruled by the President, and sustained by a large vote by the Convention, that that put the main question out of the House for that day, and the Convention adjourned, leaving the matter in that shape.

Then, sir, the Committee on Printing thought, under the resolution of instruction referred to them, that it was their duty forthwith to advertise for proposals so as to be prepared to make a report to this Convention when it met—not to award a contract, not for the committee to make a contract, but to report all the information on this subject which could be obtained by the committee to the Convention, and to allow the Convention to judge for itself what it would do.

Now, sir, in regard to this so called contract of the State Printer to do this work, I always listen with a great deal of

pleasure to what is said by the distinguished gentleman from York (Mr. Black.) But with all deference to him permit me to say that his remarks do not go direct to the question before this Convention. Now, sir, there are two questions involved in the consideration of this resolution. The first one is, does the contract of the State Printer cover this work; and, secondly, if it does cover this work in terms, does that contract bind this Convention?

Now, sir, if we decide the first proposition in the negative, the next one does not occur and need not be considered. Therefore it is unnecessary, to my view, for the Convention on this matter to decide the broad question of the sovereignty of the Convention. I take it, sir, that that question does not arise here, because, sir, I take it that under that very contract, even assuming, for the sake of argument, that it is possible for any branch of the government, or all the branches of the government, to make any contract of this nature which would bind the Convention, assuming, I say, for the sake of argument, that this is so, I deny, sir, that this contract covers the work in question, not only because the subject matter here could not have been contemplated by the framers of the act of 1856 or its supplements, but for another reason, for a very plain, simple reason, which I will now state. It is a matter of fact which I take it no one on this floor will undertake to deny, that under the very contract with the State Printer to-day the Legislature does not give to the State Printer the printing of its own debates.

Then, sir, what position are we placed in? The Legislature makes a contract for State printing, and says "we will not give our debates to this Printer. We will keep them in our own hands, subject to our own control. But this Convention must do what the Legislature will not bind itself to do. It must give its debates to the State Printer and must print them under a contract made by another body and out of its control, and in that way lose all direction over the printing of its own proceedings." Now, sir, I take the ground, on the question of contract or no contract, that the printing embodied and called for by this Convention is not included in the State Printer's contract with the State. So that it is not necessary here and I do not propose to enter now into the question of the power of the Convention

to make its own contracts outside of this one.

Now, sir, as to some other matters of detail upon which I have been interrogated by my colleague from Philadelphia (Mr. Jno. Price Wetherill.) He desires to know why it is that a part of the printing has been let by proposal, or is recommended to be let by proposal, and why a part is recommended to be given to Benjamin Singerly as an individual and not as the State Printer, and why all is not given to him.

Now, sir, if that gentleman had also looked at the report, which is upon the table of the Clerk, in this respect, he would see that the proposals framed by the committee asked for four things:

They asked for bids for printing the Journal and its binding.

They asked for bids for printing the Debates and its binding.

They asked for proposals for supplying printing paper; and

They further asked for proposals for such other printing as might be ordered by the Convention.

Now, sir, it will be seen at once, by any one, that it was impossible for this committee to say what kind of printing and what amount of printing other than Journal and Debates might be ordered by the Convention. That is a matter of which we know nothing. We were forced to ask for proposals on that point in a general way. After giving ample public notice that these proposals would be received, and after receiving twelve bids, it was found that none of them were for anything except the printing and binding of the Journal and Debates. We had already done everything that we could to get proposals on the other matter for miscellaneous printing, but no one had bid on that subject. I dare say, for the very reason that I have stated, that it is impossible to state what that will be, though no doubt the great bulk of the printing will be the Journal and Debates. The committee, then, had nothing in the shape of information before it except the contract of the State Printer, and it was the sense of the majority of the committee that the miscellaneous printing should be offered to Benjamin Singerly, as an individual, at the same rates specified in his contract with the State, there being no bidder whatever for that work.

One other question has been asked, and that is with regard to the cost. My colleague has asked me if part of the print-

ing is given to Benjamin Singerly in this manner, why is not all given? I will make two answers to that. In the first place we were ordered by the Convention to advertise for proposals, and we recommend that the lowest bidder be awarded the contract. In the second place, I will say that as near as the committee could form a judgment—and there were gentlemen on that committee who are practical printers—they were of the opinion that the Journal and Debates being printed in solid brevier, the cost to the State would be just about the same as it would be under the contract with the State Printer.

I think, sir, I have answered now all the questions propounded by my colleague.

Mr. M'ALLISTER. I rise, Mr. President, not to make a speech on the subject of public printing. It has been so fully discussed that I shall not occupy much of your time. I expressed my sentiments in Harrisburg in reference to the validity of the alleged contract with Mr. Singerly. The Convention there decided that it was not binding upon the Convention for several reasons, and I was satisfied with that decision, although a personal friend of Mr. Singerly, and although disposed, other things being equal, to have given him the contract, not because he had a right to it, but because if the Convention had sat in Harrisburg the work would probably have been better done by him than by any other man in the State of Pennsylvania. We have, however, removed from Harrisburg, and I rise to call the attention of the Convention to that phase bearing upon this alleged contract with Singerly.

If this Convention is under obligation, by contract, to give this printing to Mr. Singerly, then Mr. Singerly would be under obligations to the Convention to perform the work. Now I submit to every member of this Convention whether the subject matter contracted for by Mr. Singerly, in reference to the State printing, was not in view of the fact that the work was to be done, and could be done, and would be done in the city of Harrisburg. Now we have removed from Harrisburg to Philadelphia, and it is said that Mr. Singerly will still perform this work; but is he under obligations to do it? Did he contract to do it? If we could bring him to Philadelphia to do it then we could take him to any other point, the most remote within our State bounds. We could

take him where he would have no printing house and have no press; we could submit him to hundreds of dollars expense that he never contracted for, because he is not bound to go out of the city of Harrisburg, and is not bound to do this work, and if he is not bound to do it he cannot get it by the asking. He cannot get this Convention to believe that we are bound if he is not. It is upon this question that my distinguished friend from York (Mr. J. S. Black) desires to scare this Convention by an allegation of sin arising out of the violation of a contract. I admit the sin if he establishes the violation, but I deny the premises. Mr. Singerly being under no obligations to do the work, is there a man now in this hall that would have the hardihood to allege that if Mr. Singerly denied his liability he was nevertheless liable, and we could hold him in damages if he did not perform the contract? It is not a subject matter for which he contracted, and therefore he has no right to it.

But can he do it? Can he lay the proceedings of this Convention, printed, upon the desks of the members the morning after the business has been transacted, he living, as he does, in Harrisburg? Surely he cannot. It is just the difference of twenty-four hours delay between having the work done in Philadelphia and in Harrisburg; and shall we subject this Convention and the people of Pennsylvania to this inconvenience? I trow not. The rapidity with which this thing can be done gives it its value. If garbled extracts of the proceedings appear in the papers of the State before the debates have had time to appear in official form the work will be of little benefit to us. Thus it becomes important it be done in the quickest possible time, and be subjected to the necessary corrections in this House, and that can only be done by having it speedily done.

Is there any one here who will deny our power to prescribe the time within which this work is to be printed? Mr. Singerly made a contract for the State printing, and he could do it at his leisure. He could occupy the whole year in doing the work; he could do it by daylight; but our work requires dispatch, and it requires the night in which to perform it, and night work is expensive when compared with day work. Mr. Singerly may have such a contract as will enable him to undergo this extra expense. He ought not to have such a contract; but if he has

a contract which will justify all of these night work wages and dispatch, and he can comply with a resolution requiring the proceedings to be laid upon our table the next day, well enough; but he may have had a bad contract, and one which would not have justified that extra expense, and yet the obligation upon him would have been the same. Could we, then, under his unfavorable contract, have imposed upon him all these extra expenses? He has no right to the printing unless he could do it. His right depends upon our power under an unfavorable contract to impose upon him the duty of doing this extra work, and I claim that we have no such power. It would shock the common sense and the justice of every man in this body, to impose it upon him under such circumstances.

Mr. GIBSON. Mr. President: I feel it my duty to say a word or two with regard to this question, because I not only voted for but advocated the idea, in Harrisburg, that this contract was not binding. This Convention has expressed its opinion, but the opinion of this Convention does not determine the law of the case. That must be determined by the Supreme Court of the State. The question of law is a doubtful one, as is evidenced by the opinion of the distinguished gentleman from York (Mr. J. S. Black.) Suppose Mr. Singerly should bring his action for damages, and suppose the judges of the Supreme Court should decide according to the view of my colleague, (Mr. J. S. Black,) then, by the action of this Convention, there would be a double contract to be paid for on the part of the State. I think, then, this Convention should be cautious in their proceedings. They do not make the law of this case. That must be decided hereafter.

What I wish to submit to this Convention is this: The Committee on Printing reported, in so many words, that there is no difference in the terms; that whether Lare or Singerly does the work there will be no saving to the Convention. I suppose Mr. Singerly will not stand upon a *punctillo* as to the reason why this printing should be given to him—whether it is under his present contract or under a new contract—if he obtains the work. No matter what our opinion upon the questions of law involved in the case may be, we cannot decide them; and I think the best thing we can do is to give the

work to Mr. Singerly, upon the very terms of his present contract.

Mr. NEWLIN. Mr. President: I will accept the amendment offered by the gentleman from Lehigh (Mr. Runk) as a part of the resolution.

Mr. COCHRAN. Mr. President: I rise to a point of order. The resolution now pending is a resolution offered by a committee, and I apprehend it is not in order to accept anything as an amendment to it. The chairman of a committee has not the power to accept any amendment. There is an objection to this amendment, which I wish to state. It is a very important one, and I do not think it is in order for the chairman to accept the amendment.

Mr. NEWLIN. I withdraw my acceptance of the amendment.

The PRESIDENT. The acceptance is withdrawn, and the question is on the amendment.

Mr. COCHRAN. Mr. President: I wish to state, with regard to the amendment of the gentleman from Lehigh, (Mr. Runk,) that it is practically impossible for us to have the Journal of the Convention laid upon our tables on the following morning. The Journal of the proceedings is not completed until the Convention has adopted it upon the following day; and therefore you cannot have the printed copy of the official Journal furnished in accordance with the proposed amendment. You can have the Debates but not the Journal. The Clerk would not permit it to pass out of his hands until it had received the ratification of the Convention.

Mr. J. W. F. WHITE. Mr. President: It strikes me that we had better have but one printer to do all the work of the Convention. I doubt whether Mr. Singerly, under his contract as State Printer, can demand of us the printing of our Convention. I am inclined to think that this Convention may elect its own printer, but at the same time I believe it would be better for us to commit the entire printing of the Convention to the State Printer. What do we gain by giving part of it to Mr. Lare and part of it to Mr. Singerly? The committee reported to us that we gain nothing in money by such a course. It will cost us the same to give a part to Mr. Lare and a part to Mr. Singerly. Now why not give the entire printing to one man? Will it not be done as well and in all probability better? In addition to that, I think we had better, as

far as possible, get clear of all complications arising out of the printing and binding of the Convention. Mr. Singerly has a contract with the State to do its printing and binding. He is paid for it by law. Now if we commit the printing and binding of our Convention to the State Printer, do we not get clear of trouble and complications in the way of payments. It is pledged to him. He is paid by law, and we will be relieved of all trouble upon the subject. It does seem to me that instead of debating that resolution we had better adopt a resolution which I hold in my hand. I would like to offer it as an amendment if it is in order. If not in order at present I will try to offer it at the proper time. It is to the effect that the Committee on Printing be instructed to make an arrangement with the State Printer to do all the printing and binding of the Convention, provided that he will do it in such time as may be fixed by the committee and in accordance with the terms of his present contract with the State. It seems to me that that will relieve us of all trouble and difficulty. At Harrisburg I was unwilling to make a direct contract with the State Printer or to commit it to him for this reason. I thought we had better inquire whether we could not get these things done cheaper. Our committee has done that. They have advertised in Philadelphia and got bids from printers in Philadelphia and in Pittsburg, and they have found that a printer in Pittsburg is willing to do the printing cheaper than any printer in Philadelphia. It does not necessarily follow that he intends to take it to Pittsburg and do it there and bring it back to Philadelphia. Nor does it follow that Mr. Singerly would take it to Harrisburg. They would bring it here no doubt. I say we have the fact reported by the committee that we gain nothing by giving it to another printer. It is better for us to give it to Mr. Singerly; and we may do it without our believing that we are bound to do it. It is better for us to do so, because it relieves us of all difficulties about the matter. Let the committee make a contract with the State Printer to do all the printing and binding of the Convention, provided he will agree to do it in such time as the committee may direct—the Debates and Journal to be furnished daily and laid upon the desks of the Convention at the opening of the session the day after the debates have taken place and the proceedings had.

Mr. RUNK. I desire to modify the concluding portion of my amendment, by striking out the word "had," and inserting "after the Journal has been approved."

The PRESIDENT. The amendment is so modified.

The question being on the amendment of the gentleman from Lehigh, (Mr. Runk,) the amendment was rejected.

Mr. J. S. BLACK. I now move to amend the resolution offered by the committee, as follows: Strike out all after the word "resolved," and insert:

"That all printing and binding ordered by the Convention shall be done by Benjamin Singerly, State Printer, who shall be required to do it under the terms and conditions of his existing contract with the Commonwealth."

Mr. DARLINGTON. I would be glad to know, at this stage, from the members of the committee, or somebody else, which is the cheaper for the Commonwealth, the Singerly contract or the other. I want to vote for the cheapest.

Mr. NEWLIN. Mr. President: I will answer that question as near as such a question can be answered on the information in the possession of the committee. It was the opinion of the committee, as I have already stated to the Convention, that the cost, under the bid of Joseph S. Lare, would be the same as under the existing contract with Benjamin Singerly, State Printer. I would also take occasion to state a matter of hearsay, but perhaps of interest, which may satisfy some gentlemen as to the possibility of a disagreement between the lowest bidder and Benjamin Singerly, that the full name of the lowest bidder is Joseph Singerly Lare.

Mr. S. A. PURVIANCE. Mr. President: I participated in the discussion on this subject at Harrisburg. I have only to say that the opinion which I there expressed, that this printing comes within the provision of the act of the Legislature of 1871, has not been in the least changed. If, however, as stated by the gentleman from York, this matter has been adjudicated, then the doors are closed; but certainly I think that is not the case. The report itself acts upon the very question as to whether this printing shall go the State Printer or not.

My object in rising is for the purpose of answering an argument made that this was not contemplated at the time of the passage of the act of 1871. If gentlemen will make a reference to the proceedings of the Legislature they will find that in

January, 1871, this subject of the calling of a convention to amend the Constitution was then discussed by both bodies. Petitions were presented, and in February, 1871, a bill was passed—the very bill under the authority of which we meet here in Convention. You will observe, sir, that that was prior to the passage of the act of 27th March, 1871, by which the allotment was made. Therefore, I say, this subject was in the contemplation of the members of the Legislature of 1871 when they passed that act.

Mr. BROOMALL. I would like, Mr. President, to ask the gentleman a question. I see by the act of 1856, under which this gentleman holds his contract, that a Superintendent of Public Printing is provided for, and that, by the first section, no public printing or binding shall be performed for the State unless previously ordered or authorized in writing by the Superintendent of Public Printing. How could such printing as this have been contemplated? We could not, on that hypothesis, get along at all without the consent of a Superintendent of Public Printing.

Mr. S. A. PURVIANCE. I answer, that if a contract was made, and that contract had a binding obligation upon the State, it rises higher than any discretion that might be exercised by the Superintendent of Public Printing. For the satisfaction of the gentleman from Delaware (Mr. Broomall,) I refer to the legislative proceedings of January, 1871. I wish the members to bear in mind that this act was passed on the 27th of March, 1871:

Jan 18th, 1871. Mr. Mann read in place, "An Act to provide for calling a Convention to revise or amend the Constitution of the State." Page 130, H. J.

Jan. 27th, 1871. "The House resolved itself into a committee of the whole, Mr. Strang in the chair, on bill No. 59, entitled "An Act to provide for the calling of a Convention to revise or amend the Constitution of the State." Page 176, H. J.

Jan. 27th, 1871. Messrs. Purcell and Darrah presented a petition from the citizens of Bucks county on the same subject. Page 178, H. J.

Feb. 3d, 1871. Mr. White presented petitions from Philadelphia on same subject. Page 236, H. J.

Feb. 8th, 1871. A session was ordered to be held for the consideration of an act, entitled "An Act to provide for calling of

a Convention to revise or amend the Constitution of the State." Page 278, H. J.

Feb. 9th. The House resumed the consideration of the same. Page 290, H. J.

Feb. 15th. Same subject. Page 341, H. J.

Finally, on Feb. 27th, the bill passed the House. Page 390, H. J.

Senate Journal, same session, Mr. Buckalew read in place, a bill, entitled "An Act to provide for a revision of the Constitution of Pennsylvania," and so through the Senate Journal. See pages 400, 794, 809.

In addition to that I am informed that whilst the bill for the calling of the Convention to amend the Constitution was in progress of discussion, an interview was had between Mr. Buckalew and Mr. Singerly on the subject of the State printing, and that the State Printer was thereby induced to believe that the printing to be done under the act of 1871, would justly and properly fall to him.

Now, Mr. President, it seems to me that when the report of the Printing Committee is before us, and when it appears that there is no difference in the cost of the printing as between that done by Mr. Singerly and that done by those named in the report, we should certainly give it to Mr. Singerly. The argument made by the gentleman from Centre (Mr. Allister) that Mr. Singerly could not be forced to come here and do it is fully answered by the fact that Mr. Singerly, the only man who could make complaint, is here, ready to assume the duty of the printing of the proceedings of this Convention.

Mr. MANN. It is very apparent that there are differences of opinion as to the legality of Mr. Singerly's claim to this printing. Gentlemen of great legal ability have taken opposite sides on that question. Some say he has a contract binding upon the Commonwealth to do this work; others say he has not. Therefore there is grave doubt on the subject. Now I ask, in all candor, of the delegates of this Convention, what would an honorable man do in a case where another man comes before him claiming that he has a contract with him which he alleges to be binding upon him, and some of the ablest legal gentlemen of the Commonwealth say they, too, think it binding upon him—even though others differ as to it—what, I say, would an honorable man do under such circumstances? Why he would give the benefit of the doubt to the opposite party. He would let the man

have the contract. How is it possible for us to hesitate? A gentleman of certainly as much legal ability as can be found in this Commonwealth, has, upon this floor, asserted his belief that this contract is binding, which was made by the Commonwealth with Mr. Singerly, to do all the public printing and binding of the Commonwealth. There is a report of the Printing Committee showing that it is as favorable a contract as could have been made.

It is my opinion, Mr. President, having a pretty intimate acquaintance with the contract and with the report of the committee, that it is more favorable than any contract that can be made, and yet we are asked to disregard it under all these circumstances, and to turn about and make a contract that cannot possibly receive that share of attention in the making that the one has received which we have already made.

I make these remarks not with any intention to reflect upon the Committee on Printing. I believe they have done what any committee would do under the circumstances; but I must deny that the statement made by some gentlemen here that the Convention has decided this matter one way or the other is correct. The Convention has decided nothing on this point. When the Committee on Printing reported at Harrisburg a resolution that Mr. Singerly was *not* entitled to it, another gentleman moved to strike out the word "*not*," which was passed, but the resolution itself was not put or carried at all, and it is still pending. But, sir, in the resolution of the gentleman from Fayette, the Convention did, by various votes, express a purpose to give this printing to Mr. Singerly.

This is the position in which we stand. There has been no vote of this Convention deciding this matter one way or another. It is not a question which properly belongs to this Convention. We are here to reform the organic laws of the State, and not to overrule contracts which refer to the printing of such matters. The people never contemplated anything of the kind. We are here to protect the rights of the people inviolate. Now it is intimated if the printing is assigned to the State Printer that there will be delay in the performance of the work. Mr. Singerly is somewhat known as a Public Printer, and I will stake my reputation that if he cannot do this work satisfactorily and promptly there is no other printer in the

State who can do it. It just comes down to this: We have made a contract with a man believed, by some of our members, as the best man in the State, and I believe it is binding upon us. Others of us think not. It is therefore doubtful.

Mr. ARMSTRONG. I desire to say a very few words in relation to this contract. I do not object in any manner that Mr. Singerly should have this printing, but I do object to his claiming it as part of his contract. Now it will be noticed that his contract has relation to the act of 1856, by which the printing is to be done under the direction of the State Superintendent, who shall reside at Harrisburg. The second section provides: "Nor shall any book be published at the expense of the State, or additional copies of any book be furnished by the Public Printer, unless by virtue of or express authority of law." Now we propose to do printing which is not authorized by any law. There is nothing in this act which authorizes this Convention, or which provides for its printing, nor is there any act of Assembly which provides for the printing of this Convention. We do it under the general power which appertains to us as a body authorized by the State at large, and whose authority carries with it everything which is essential to its business and a proper discharge of its duties, and printing is one of them. But there is no public law, nor is there anything in any law which empowers this Convention to provide for the printing of books to be made by this Convention, and yet this very act has expressed that no book shall be published unless by virtue or express authority of law.

Then, again, the Superintendent has the right to supervise and superintend this printing. Can it be that this Convention has not a right to say that we shall take the whole direction of this matter, and that it shall be printed according to the schedule to be pronounced and which is provided for in this act? I think not. These schedules of prices are fixed and determined as a matter provided for in this act, but there is printing to be done not provided for in the act. The price is to be arranged between the Public Printer and the Superintendent. Why then appoint a committee who shall determine the prices for this Convention? If we are bound by this law, in any particular, we are bound by it in all particulars. If we are bound to confer this printing upon the Public Printer we are bound to take

with it those provisions which require that it should be done under the direction of the Superintendent of Public Printing, which will put this resolution outside of our power. The question of prices will be beyond our reach, because the same law provides "that prices, the value of which cannot be affixed or otherwise ascertained, under the printing act of 1856, as this act shall be paid for at a rate of compensation to be affixed in the manner provided in the fourth division of the section, subject, however, to the control and authority of the Auditor General."

Now that provides what? The price of the same shall be affixed and determined between the Superintendent and the Public Printer.

If, then, we accept this act and transfer the printing into the hands of the Public Printer, we transfer to him and the Superintendent of Printing, under the very terms of this act, not only the right to superintend the printing, but to affix the price to be paid between themselves, and then, too, to affix and determine the price wholly and totally beyond the power of this Convention or its control. We cannot accept part of this act without accepting it all. And I do think that it would be unwise, in the highest degree, to entrust, not only the superintendency of the printing, but the prices to be paid, to any two men of this Commonwealth, when it is printing which is not provided for by any schedule which is part of this act. If Mr. Singerly is the lowest and best bidder there is nothing objectionable in him, and he is entirely competent, so I understand; but what I object to is that it shall be claimed, upon this floor, that, upon the very terms of the contract, we are bound and must come to the conclusion that he must do the printing. This consideration, however, is not within the purview of this contract.

There was no Convention. There could be in the contemplation of the Legislature no printing of this Convention, and I take it to be settled everywhere that there is nothing in the contract that is not within the contemplation of the parties. Why? If a man contracts to sell all the grain he can raise upon his farm he is bound to deliver it, but if he buys another farm and raises grain upon that, it is not included within the contract. The two things are separate. The Legislature had the right to impose prices and conditions upon the printing which they control, but we are

a power, which has been decided by an overwhelming vote of this Convention, that rises above the power of the Legislature. When we undertake to do our printing, not under any law of the Commonwealth, but under the general powers vested in this Convention, we do it under the terms which the Convention itself has the right to impose. I think, therefore, that no question of public faith is involved, nor can it be justly claimed that it is within the general purview of this contract.

Mr. J. W. F. WHITE. I offer the following amendment to the amendment:

"That the Committee on Printing be instructed to make an arrangement with the State Printer to do all the printing and binding of the Convention: *Provided*, He will agree to do it at such times and in such manner as the Convention may direct, on the terms of his present contract with the State."

The PRESIDENT. That amendment is not now in order. It cannot now be received.

Mr. J. W. F. WHITE. What I intended to say then is that I am opposed to the amendment as it now stands, and I will give my reasons for it. The act of Assembly in relation to the State Printer, so far as I understand it, does not affix any time for his doing this work. Now we ought to have some arrangement with the printer as to when he will furnish the printing for the Convention. This is an important matter for us to consider. This is particularly what is desired to be accomplished in the amendment of Judge Black. I will say further that I am unwilling, as a member of this Convention, to commit myself to the position that we are bound to give this printing and binding to the State Printer, and for this reason: If he has the right by law to this printing, and we put ourselves into the position of giving it to him in pursuance to that law, we have no control over him at all.

Then we have no control over him. He can take his own time and do as he pleases, and we have no voice or control over the matter, or the time when he shall do the work. Therefore I am unwilling to take that position. I am willing that the contract shall be made with him, or an arrangement made with him by which he shall do the work in the time and in the manner that the Convention shall direct, and on the price of his present contract with the State. I think that is all that Mr. Singerly ought to ask of us. I think it will satisfy the Convention and harmo-

nize all views entirely, and that is what I suggest to Judge Black as a modification of his amendment, or if not, I will put it in a proper shape.

The PRESIDENT. If the gentleman will take the trouble to modify his amendment, so as to make it an amendment to the amendment, it will be in order. The question is on the amendment.

The amendment was not agreed to.

Mr. J. W. F. WHITE. I now offer my modification as an amendment. Strike out all after the word "resolved," and insert :

"That the Committee on Printing be instructed to make an arrangement with the State Printer to do all the printing and binding of the Convention: *Provided*, He will agree to do it in such time and manner as the Convention may direct, and on the terms of his present contract with the State."

The PRESIDENT. The question is on adopting this amendment.

The yeas and nays were required by Mr. Simpson and Mr. Temple, and were as follow, viz :

Y E A S .

Messrs. Achenbach, Ainey, Alricks, Andrews, Armstrong, Baer, Baily, (Perry,) Bailey, (Huntingdon,) Bannan, Barclay, Bartholomew, Beebe, Black, Charles A., Bowman, Brown, Buckalew, Church, Clark, Corbett, Corson, Craig, Cronmiller, Curry, Curtin, De France, Dunning, Edwards, Elliott, Ewing, Fulton, Funck, Gibson, Gilpin, Gowen, Guthrie, Hall, Hanna, Harvey, Hazzard, Hemphill, Hopkins, Horton, Howard, Hunsicker, Kaine, Lamberton, Lawrence, Lear, M'Clean, MacConnell, M'Murray, MacVeagh, Mann, Mantor, Metzger, Mott, Niles, Parsons, Patterson, T. H. B., Patton, Porter, Purman, Purviance, John N., Purviance, Samuel A., Read, John R., Reed, Andrew, Reynolds, S. H., Rooke, Sharpe, Smith, Henry W., Van Reed, Walker, Wherry, White, David N., White, J. W. F., Woodward, Worrell and Wright—78.

N A Y S .

Messrs. Addicks, Baker, Bardsley, Biddle, Brodhead, Broomall, Campbell, Carey, Carter, Cochran, Collins, Cuyler, Darlington, Davis, Fell, Finney, Hay, Knight, Lilly, Long, M'Allister, M'Culloch, Newlin, Palmer, G. W., Patterson, D. W., Reynolds, James L., Ross, Runk, Russell, Simpson, Stanton, Temple,

Wetherill, J. M., Wetherill, John Price and Meredith, *President*—35.

So the amendment was agreed to.

Mr. NEWLIN. If it is in order at this time—

The PRESIDENT. Nothing is in order until the Chair has stated the question.

The question is on the resolution as amended.

Mr. NEWLIN. If it is in order to make such a motion I move to amend, by striking out the words "State Printer," and insert the words "Benjamin Singerly." That reaches the same result and obviates the difficulty of this Convention recognizing the contract with the State Printer as binding upon this Convention.

The PRESIDENT. The question is upon the resolution as amended.

The resolution as amended was agreed to.

Mr. BUCKALEW. Before the subject is disposed of, I desire to call the attention of the Convention to one question, which it seems to me is of importance: The form or size in which these volumes of Debates and Journal shall be issued. The Committee on Printing seem to entertain the idea of publishing our debates in volumes of what is called quarto size, large, broad volumes which cannot be put in any ordinary book-case, books of the size of the *Congressional Globe*, and inconvenient, therefore, for disposition and management by most of those in whose hands they will fall; and yet, while they have made or proposed this arrangement for the volume of Debates, they propose that the Journal of the Convention shall be in octavo size, so that you cannot have both these books go together to members of the Convention and to others, and be conveniently placed in the same receptacle.

Now my idea is that it would be better to publish all these volumes which we issue of octavo size, conformed to the established practice in all ordinary cases, because the Congressional practice is exceptional, and stands upon a peculiar arrangement connected with the publication of the enormous mass of matter which is issued at the city of Washington, and which is made up, day by day, into quarto form from the columns of a newspaper. I do not know, sir, of any Convention in this country which has followed the Congressional example, except the case of the Convention of Illinois. The New York Convention adopted an octavo size, and so did many other States

that have held Conventions in recent years. In England the Parliamentary Debates are issued in octavo form or size, and I hope that we will get a full and convenient use of our publications, and we can only accomplish this by adopting the ordinary and established practice, so that members of the Convention and others to whom our books go, if not public libraries, can have books that they can conveniently use and which readers can conveniently use and handle hereafter.

If it is in order to further amend this resolution by adding matter, not taking out, I will offer the following resolution:

Resolved, That the publication of the Journal and of the Debates shall be in volumes of octavo size.

Mr. LILLY. Mr. President: I desire further to amend the original report of the committee, by increasing the number of sheets we are to be furnished with from four hundred and eighty to seven hundred and twenty.

The PRESIDENT. The original resolution is not now before the House. The question is upon the amendment of the gentleman from Columbia (Mr. Buckalew.)

Mr. DARLINGTON. I would like to inquire whether there are not well known differences in octavos. Some are called large and some small octavo. The octavo in which the Debates of the last Convention were printed was very small.

Mr. BUCKALEW. I am willing to leave the matter of details to the committee.

Mr. J. W. F. WHITE. I would make one suggestion to the members of the Convention. Would it not be better for us now to simply fix the question as to whom the printer is to be, according to the amendment which has just been agreed to, that the printer shall do all the printing and binding of the Convention—that embraces the past as well as the future—in such time as the Convention may direct? I suggest all these amendments had better be withdrawn until we fix the question as to whom the printer shall be.

Mr. COCHRAN. Mr. President: As a member of the Committee on Printing, I feel somewhat embarrassed by the form which this resolution has now assumed. The whole resolution of the committee has been stricken out, and an entirely new matter substituted therefor.

It is very difficult for me to understand exactly what the power of the Committee on Printing is under this resolution.

We are to make arrangements with the State Printer to do this work in such manner as the Convention shall determine. Are we to enter into a contract with the State Printer in those general terms, or are we to reduce the contract to some specified terms? The matter is now out of the hands of the committee, and we are acting under explicit instructions of the Convention. Are we to make a general contract that the work shall be done as the Convention shall hereafter order, or are we now authorized to go on and decide the form of the volume, the size of the type to be used, or is that to be left at sea? Certainly if the Convention determine that we shall make an arrangement with the printer, we ought to have some specific instructions as to the form and manner in which it is to be done.

Mr. NEWLIN. Mr. President: I desire also to call attention to another practical difficulty, which is not provided for by the resolution as amended. Who is to furnish the paper? The resolution as amended refers to printing and binding. There were separate proposals made for furnishing paper, and a part of the original resolution refers to that subject. The resolution as amended is silent upon that subject.

The question being upon the amendment offered by the gentleman from Columbia, (Mr. Buckalew,) it was agreed to.

The question then being upon the resolution as amended, it was agreed to.

THE ATHENÆUM.

The PRESIDENT. By unanimous consent the Chair will present an invitation addressed to the members of the Convention, which was received a few moments ago.

The Clerk read as follows:

"The directors of the Athenæum respectfully invite the members of the Convention, at their pleasure, to visit the rooms of the association during the session of the Convention."

SUFFRAGE, ELECTION AND REPRESENTATION.

Mr. M'ALLISTER. Mr. President: The Committee on Suffrage, Election and Representation have, for several days, had under consideration subjects referred to them. I would state that, in discharging a part of the duties assigned to them, they have agreed upon two sections, and have directed me to report the same, asking the concurrence of the Convention therein.

The CLERK read the report, as follows:

SECT. — The general election shall be held on the Tuesday next following the first Monday in November, but the Legislature may, by law, fix a different day, two-thirds of each House consenting thereto.

SECT. — All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Friday of March.

The PRESIDENT. Reports from select committees are now in order.

Mr. ADDICKS. Mr. President: The committee appointed to confer with the authorities of the city of Philadelphia, in relation to the provision of proper accommodations for this Convention, have instructed me to make the following report:

That they have been met by the councils of Philadelphia, acting by appropriate committee, and by the commissioners of city property, and other officials, with the utmost courtesy and liberality, and this hall, with its appurtenances, is now presented for the use of the Convention, with a hope that the efforts of the city of Philadelphia, seconded by such slight assistance as your committee have been able to render in the matter, will meet with the approbation of all those for whose comfort and convenience they are intended, and that all omissions and deficiencies will be overlooked in view of the brief time permitted for the completion of the necessary work.

Your committee deem it proper to say that, in their opinion, there should be added to the standing committees of the Convention one to be called the House Committee, to have in charge the general care of all the property confided to the Convention. And, moreover, in view of the arrangement of the hall, committee rooms, and other apartments, there exists a necessity for not less than ten pages. For the above reasons we recommend the adoption of the annexed resolutions.

Respectfully submitted.

JOHN E. ADDICKS,
GEO. M. DALLAS,
JAMES BOYD,
M. HALL STANTON,
EDWARD R. WORRELL.

The resolutions are as follow:

Resolved, That there be added to the standing committees one to consist of five members, to be known as the House Committee, which shall have charge of all the property in the use of the Convention, and shall control and direct its sub-

ordinate officers and employees in the discharge of their duties.

Resolved, That the Chief Clerk be and he is directed to appoint five additional pages, at the same compensation as those already employed.

The report and resolutions were laid on the table.

THANKS TO ATHÆNEUM.

Mr. GOWEN. Mr. President: I ask the unanimous consent of the Convention to offer a resolution returning the thanks of the Convention to the directors of the Athæneum for the invitation extended to its members.

The resolution was agreed to.

SESSIONS OF THE CONVENTION.

Mr. KATNE. I move that the Convention now proceed to the second reading and consideration of the resolution of the gentleman from Philadelphia, (Mr. Dallas,) which was pending at the time of the adjournment of the Convention yesterday—that the Convention hereafter meet at eleven o'clock A. M. and adjourn at two o'clock P. M.

The motion was agreed to.

Mr. WOODWARD. Mr. President: I rise for the purpose of stating to my friend from Fayette, (Mr. Katne,) and to all other gentlemen who are interested in fixing the hour of the adjournment of this Convention that, in my judgment, it is a great mistake. I have no objection whatever to eleven o'clock as the hour of meeting, but I would not limit the majority of this body by any fixed hour for its adjournment, and I will tell you why. In these incipient stages of the Convention the time is completely devoted to the working of committees rather than of the Convention. It will be important for us to take most of the day for the work of committees. Some days it may be possible for us to terminate a long debate by sitting a little longer. Some days we may wish to adjourn at the very hour at which we meet, in order to give the committees an opportunity to do their work.

Other days we may want to protract the session a little in order to terminate a division. In my judgment a specific hour for the adjournment of this body ought not to be fixed. The majority of this body is quite competent to fix that when it becomes proper that it should do, and in order that the majority may have the control of that subject, and that our time may be properly husbanded, I trust we will

vote down that part of the resolution that relates to the hour for adjournment. I have no objection to having eleven o'clock as the hour for meeting; I think it quite late enough and early enough also. Ten o'clock is, in my opinion, too early. Let us, therefore, make eleven o'clock our meeting hour, and let us leave the question of adjourning to be decided from day to day by the body. If you fix two o'clock as the uniform hour of adjournment you embarrass the Convention in its labors. I submit, therefore, that the hour for adjournment be left to the majority without the mention of any special hour. The Chair has decided that notwithstanding that the hour was fixed at two o'clock, there should always be a vote of the Convention on an adjournment.

The PRESIDENT. No; the gentleman is mistaken there. The matter was submitted to the House, and the Convention decided that no vote was necessary.

Mr. WOODWARD. I had a different understanding. I should prefer the House to decide, day by day, when to adjourn. I do not want the majority to be bound by that part of the resolution.

Mr. LILLY. I move to strike out all after the word "resolved," and insert the following:

"That hereafter the hour of meeting of this Convention shall be two o'clock P. M., and the hour of adjournment six P. M., and that the sessions of Saturday be exclusively for general debate."

It is conceded by every member on this floor that the greater portion of the work of this Convention is to be done in committee. I think the morning is the best time of the day for the labors of the committees. When our minds are fresh and clear as they are then we can do as much work in an hour as we can do at another time in two hours. We can, if we get to work in committee in good time in the morning, sit in committee right through without interruption, and do much better than by a division of the time.

Mr. KAINE. Mr. President: In answer to the remarks of my friend, Judge Woodward, I will merely say this: That the Convention already controls its hours of adjournment, notwithstanding the standing order to adjourn every day at two o'clock. If the Convention desires to adjourn before two it can do so by a simple majority vote.

For the present, I desire that this Convention shall meet at eleven o'clock in the morning and adjourn at two; but, in

the course of a week or two, or a month, I will be perfectly willing to agree to the proposition of my friend, Judge Woodward. But if we meet at eleven o'clock in the morning that will give committees time to meet and have some action. If we adjourn at two o'clock in the afternoon that will give the committees time to meet and have some further action; therefore I am in favor of the resolution—not offered by me, but by my friend Mr. Dallas, yesterday—the one which is before the committee.

Mr. WOODWARD. I move to amend, by striking out the hour for adjournment.

Mr. LILLY. I believe my resolution is before the Convention.

The PRESIDENT. The question is on the amendment of Mr. Lilly, to strike out all after the word "resolved," and insert: "That hereafter the hour of meeting of this Convention shall be two o'clock P. M., and the hour of adjournment six P. M., and that the sessions of Saturdays be exclusively for general debate."

Mr. MACVEAGH. I would be very glad if the Convention will, for one moment, consider the attitude in which it will be placed by the adoption of the original resolution, even as amended. The Convention can adopt either one of two methods of procedure; give a considerable section of the morning to its committees, or a considerable section of the afternoon to its committees; but I submit that by meeting at eleven o'clock you prevent any effective action of your committees in the morning, and in the afternoon the sessions hold until so late an hour that you prevent any effective meeting of your committees. If you will give until noon of every day to your committees they can have a thorough and satisfactory session—such a session alone as is valuable to such committees as those on the Judiciary, on Legislation, and on other cardinal questions before the Convention. Or you may dispose of it by meeting at ten and adjourning at twelve. That will give a solid session to the committees—a session extending over considerable time. If, however, you meet at eleven and keep on until two, you cannot expect a very effective meeting of the committees before the session, nor a very effective one after. For the first few weeks I beg the gentlemen to meet in such a manner as will enable the committees to put the work in order. The most energetic chairman does not call his committee together until half-past nine in the morning. By the time

the committee gets well into work, if the hour of meeting of the Convention be made eleven o'clock, it is about time to come into this hall, so that the morning is productive of almost nothing. I hope the House will take the matter earnestly into consideration, and come to such a conclusion as will enable the Convention to economize its time.

Mr. GOWEN. I understand that the amendment now is that of the gentleman from Carbon, (Mr. Lilly,) to meet at two o'clock and adjourn at six, and on that I desire to say a few words. Yesterday a proposition was made to meet at twelve and adjourn at three or four; but it must be evident that for some weeks the principal part of the work must be done by committees. I think the meeting of committees should be held in the morning—not in the evening. Many of us are burdened enough with business outside as well as inside in the Convention to entitle us to spend an hour or two at home of an evening; and those of our friends who come from a distance would doubtless like to know something of the blandishments of Philadelphia society of which something was said while we were at Harrisburg. Hence, one difficulty about sitting from twelve to three or four is that it will infringe upon the hour when many of the members have been accustomed to dining. If, however, the amendment of the gentleman from Carbon (Mr. Lilly) is adopted, there will be ample time in the morning for meetings of committees, at the same time enabling those accustomed to dine at twelve or one to have their dinner and afterwards meet in Convention. Then when we adjourn, say at five or six, the business of the day is completed. Hence, I hope the members will see that the best hour of meeting for the next few weeks at any rate is two o'clock.

The question being upon the amendment as offered by Mr. Lilly, a division was ordered and resulted: Affirmative, forty-four, negative, fifty-five.

So the amendment was rejected.

The PRESIDENT. The question is on the resolution.

Mr. WOODWARD. I offer the following amendment to the resolution:

Resolved, That until otherwise ordered, the committees of this body are directed to meet at ten o'clock in the morning, and that the Convention, until otherwise ordered, will meet at noon of each day."

The question being upon the amend-

ment, a division was called, which resulted as follows: Yeas fifty-five, nays fifty-seven.

So the amendment was agreed to.

The PRESIDENT. The question is now upon the resolution as amended.

Mr. KAINE. I have no objection to the Convention arranging its hour of meeting, but I do object to its arranging the hour of meeting of the committees. It is very likely that every member of this Convention is on two committees, and certainly we cannot expect to be in two places at one time. The accommodations for the various committees are very small, and notwithstanding there are twenty-six or twenty-seven committees, the members of only six or eight committees can be accommodated. I hope the resolution, as now amended, will be voted down. It is impossible to comply with the requirements of that resolution in respect to the meeting of the committees. That time may suit the gentleman who offered the resolution, but I venture to say that it will not suit any other member of the Convention.

Mr. DUNNING. Mr. President: I think now, Mr. President, that it will be more desirable that the amended resolution should be adopted. The gentleman from Fayette (Mr. Kaine) made a few mistakes in the course of his remarks. I think every one will understand that all the committees will not be required to meet unless they have business to transact, although this resolution fixes the time they shall meet. The gentleman is also mistaken in his statement that every member of the Convention is on two committees. I know many gentlemen who are not on two committees, and, in fact, I know of some committees that have now no business to attend to. I know that I am on one committee and have not yet discovered anything to do. There are, no doubt, important committees in this Convention, and there will be important business coming before them, and if they can meet at ten o'clock in the morning to transact this business, and the Convention assemble at two o'clock, ample time will be afforded for the consideration of these matters.

Mr. FUNCK. I move to amend, by adding "that the Convention will hold no sessions on Saturdays."

On this amendment the yeas and nays were required by Mr. Darlington and Mr. J. P. Wetherill, and were as follow, viz:

YEAS.

Messrs. Addicks, Ainey, Andrews, Armstrong, Bailey, (Huntingdon,) Baker, Bannan, Bardsley, Bartholomew, Brodhead, Broomall, Buckalew, Carey, Cassidy, Cochran, Corson, Cronmiller, Curtin, Davis, Fell, Finney, Funck, Gibson, Gowen, Hanna, Harvey, Hemphill, Heverin, Hunsicker, Knight, Lamberton, Lear, Lilly, Littleton, Long, MacVeagh, Metzger, Palmer, G. W., Parsons, Reed, Andrew, Reynolds, James L., Reynolds, S. H., Rooke, Ross, Runk, Sharpe, Simpson, Smith, Henry W., Stanton, Temple, Van Reed, Wetherill, J. M., Wetherill, John Price, Wherry, Woodward and Worrell—56.

NAYS.

Messrs. Achenbach, Alricks, Baer, Baily, (Perry,) Barclay, Beebe, Black, Charles, A., Black, J. S., Bowman, Boyd, Campbell, Carter, Church, Collins, Corbett, Craig, Curry, Darlington, De France, Dunning, Edwards, Elliott, Ewing, Fulton, Gilpin, Guthrie, Hall, Hay, Hazzard, Hopkins, Horton, Howard, Kaine, M'Allister, M'Clean, MacConnell, M'Culloch, M'Murray, Mann, Mantor, Mott, Niles, Patterson, D. W., Patterson, T. H. B., Patton, Porter, Purman, Purviance, John N., Purviance, Samuel A., Read, John B., Russell, Walker, White, David N., White, J. W. F., Wright and Meredith, *President*—56.

So the amendment was rejected.

The PRESIDENT. The question is on the resolution as amended. Those who are in favor of the resolution as amended will say so.

Mr. KAINE. I now call for a division of the question, so as to separate the part which determines the hour at which the Convention shall meet from that which applies to the committees. If the Clerk will read the resolution I will indicate what I mean.

The PRESIDENT. The Clerk will read the resolution.

The CLERK. *Resolved*, That until otherwise ordered the committees of this Convention are ordered to meet at ten o'clock in the morning, and that the Convention, until otherwise ordered, shall meet at noon of each day.

The PRESIDENT. The question has been divided at the request of the gentleman from Fayette, (Mr. Kaine,) and the question will be first on the part which relates to the order of the committees and then upon the remaining part of the resolution, which relates to the meeting of the Convention itself.

The question is first upon the order for committees.

This was not agreed to.

The PRESIDENT. The question is now upon the latter part of the resolution, which relates to the meeting of the Convention at noon.

On the question of agreeing to the resolution a division was called, which resulted, yeas fifty-seven, nays fifty-three. So the question was agreed to.

Mr. HUNSICKER. I move that the Convention do now adjourn.

This was agreed to, and the Convention adjourned at 1.57 P. M.

THIRTEENTH DAY.

THURSDAY, *January 9, 1873.*

The Convention met at twelve o'clock M. Prayer was offered by the Rev. Dr. H. A. Boardman, as follows:

O, Thou, who art the King, eternal, immortal and invisible, the only wise God, to-day we adore and worship Thee. In the name of our Redeemer we render thanks to Thee for Thy great goodness and mercy towards the land in which we dwell. Thou art our God, and we will bless Thee, our fathers' God, and we will glorify Thy name. We praise Thee that Thou hast given us a goodly heritage. We bless Thee for our free institutions and our equal laws; for peace, plenty and prosperity; for the means of grace, and for the institutions of learning. We humbly invoke Thy blessing upon Thy servant, the President of the United States, upon his Cabinet, and upon the two Houses of Congress, and all who are in authority. We humbly pray that, as in the past, so in the future, Thou wilt be our ever present covenant, guardian, keeper and friend. Cleanse the land from vice and immorality; from discord and faction; from infidelity and atheism, and from all that is offensive in Thy sight. Let Thy benediction rest upon the Commonwealth in which we dwell. Bless Thy servant, the Chief Magistrate of this State, its Legislature and its churches, and especially, O Lord, we invoke Thy benediction upon Thy servants here assembled in Convention.

The source of all power, the fountain of all truth, we entreat Thee to guide thy servants by Thy unerring counsel, imbue them with large and just views of the greatness and the solemnity of the task Thou hast laid upon them. Deliver and preserve them from all unworthy aims and motives, forgetting all mere local ties, all mere partisan attachments, all sectarian prejudices; may they rise to the calm, faithful and devout consideration of the questions to be submitted to them. Preserve Thy servants from error and mistake in all times of doubt, perplexity and embarrassment. May the pillar of cloud appear and go before them, and

may they so accomplish the work Thou hast laid upon them, that it shall commend itself to Thy approval, and greatly redound in the years to come, to the true peace, prosperity and well-being of the Commonwealth. Hear the voice of supplication; sprinkle us with the blood of the Cross, and accept and save us, through Christ our Redeemer. Amen.

The Journal of yesterday was read, amended and approved.

The PRESIDENT. I wish to remark to the members of the Convention that the construction of this chamber is such that the least whisper or lowest hum of conversation confuses the whole hearing atmosphere, so that nothing can be distinctly heard, either at the Chair or in the body of the House. The Chair therefore ventures earnestly to suggest to members the propriety of observing the greatest quiet. It does not, doubtless, occur to them that so much inconvenience could result from so subdued a tone as is observed; and with this mention of the subject I have no doubt the members will bear the point in mind.

LEAVE OF ABSENCE.

Mr. WOODWARD. I rise to ask leave of absence for my colleague, Franklin B. Gowen, on account of sudden death of his father, at Mount Airy. He will be absent for one week, and I hope the Convention will grant him leave of absence for that time. Leave granted.

BANKS OF ISSUE.

Mr. FUNCK offered the following resolution, which was referred to the Committee on Private Corporations:

Resolved, That the Committee on Private Corporations be instructed to inquire into and report upon the expediency of so amending the Constitution as to prohibit all banks of issue from paying interest on deposits as to make it a part of their general business to borrow money and again to lend out the same at interest.

Also, the following resolution, which was referred to the Committee on Taxation:

Resolved, That the Committee on Revenue, Taxation and Finance be instructed

to inquire into and report on the expediency of so amending the Constitution as to compel all banks, savings institutions and other monied corporations and co-partnerships formed for the purpose of dealing in money, discounting paper, borrowing and receiving money on deposit, for which interest or a bonus is paid, to make quarterly returns, under oath, of the money so borrowed or deposited with them at interest, to the end that the same may be subjected to taxation.

LEAVE OF ABSENCE.

Mr. PURMAN. I desire to ask leave of absence for Judge Black for the remainder of the week. Leave granted.

PENAL CONFINEMENT.

Mr. WHERRY offered the following preamble and resolution, which were referred to the Committee on Declaration of Rights:

WHEREAS, It is a universally admitted principle in criminal law that an accused person is to be presumed innocent until he is convicted:

And *whereas*, Although society, in virtue of its right of lawful self-protection, may subject its members to preventive detention as the temporary hostages of justices, yet the sacred obligation of protection requires at its hands the exercise of parental guardianship over the accused, and the full protection of their rights as citizens.

Resolved, That the amended Constitution ought to contain some provision, whereby accused persons and those detained as witnesses may be protected from the penal confinement inflicted upon convicted criminals.

COMMON PLEAS JURISDICTION.

Mr. BROOMALL offered the following resolution, which was referred to the Judiciary Committee:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring the judges of the courts of common pleas, and other courts of like jurisdiction, to decide questions of fact as well as law, in all cases in which neither party shall demand a jury trial.

OFFICIAL QUALIFICATION.

Also, the following, which was referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be instructed to inquire

into the expediency of amending the fourth paragraph of the Declaration of Rights, so as to read: "That no person shall be disqualified to hold any office or place of trust or profit, or to testify as a witness, or to exercise the right of suffrage on account of his religious sentiments."

TRIAL BY JURY.

Also, of amending the sixth paragraph, so as to read: "That the right of trial by jury shall remain inviolate in all cases in which either party shall demand the same."

And of adding to the thirteenth paragraph the words: "Nor shall the life of any person be taken as a punishment for crime."

THE SINKING FUND.

Mr. DE FRANCE offered the following resolution of inquiry, which was twice read and agreed to:

Resolved, That the Commissioners of the Sinking Fund of the Commonwealth be respectfully requested to lay before the Constitutional Convention a statement showing what part, if any, of the Sinking Fund of the Commonwealth has been used or applied otherwise than in the extinguishment of the public debt since the close of the rebellion, and if any part of said Sinking Fund has been applied otherwise, for what purposes, and how much.

PRIVATE PROPERTY.

Mr. DEFRANCE also offered the following resolution, which was referred to the Committee on Declaration of Rights:

Resolved, That private property shall not be taken or damaged for public use without just compensation, and the fee of land taken for railroad tracks without the consent of the owners thereof shall remain in such owners, subject to the use for which it is taken, and private property shall never be taken, under any pretext, for private use.

TRIAL BY JURY.

Also, the following, which was referred to the same committee:

Resolved, That the trial by jury in all cases in which it has heretofore been used shall remain inviolate forever, except that in suits in justices' courts provision may be made by law for trial by a jury of less than twelve men, but a jury trial may be waived by the parties in all civil cases.

SPECIAL PRIVILEGES.

Also, the following, which was referred to the same committee:

Resolved, That there be added to the seventeenth section of the Declaration of Rights the following: "Or making irrevocable any grant of special privileges or immunities shall be passed."

OFFICIAL ELIGIBILITY.

Mr. PARSONS offered the following resolution, which was referred to the Committee on Suffrage:

Resolved, That the Committee on Education be requested to inquire into the expediency of reporting the following amendment to the Constitution: "No person shall have the right to vote or be eligible to office under the Constitution of this Commonwealth who shall not be able to read the Constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect."

PROTHONOTARIES AND COURT CLERKS.

Mr. TEMPLE offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That it be referred to the appropriate committee, so as to amend the Constitution of this Commonwealth, as to give the appointment of prothonotaries and clerks of courts to the courts, respectively, of which they shall be officers.

SESSIONS OF THE LEGISLATURE.

Mr. HUNSICKER offered the following resolution, which was referred to the Committee on Legislature:

Resolved, That the Committee on Legislature be instructed to inquire into the expediency of so amending the Constitution that the sessions of the Legislature be held biennially.

CORPORATION FRANCHISES.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Constitutional Sanctions:

Resolved, That the Committee on Constitutional Sanctions inquire into the expediency of so amending the Constitution that all franchises which shall have been or may be granted to a corporation shall be limited to the special object for which the

charter has been or may be ostensibly obtained, and that no corporation shall have or be given any greater franchises than such as are common to corporations of the specific class or denomination.

RIGHT OF EMINENT DOMAIN.

Also, the following resolution, which was referred to the same committee:

Resolved, That the Committee on Constitutional Sanctions inquire into the expediency of so amending the Constitution that the exercise of the right of eminent domain shall never be so far abridged as to prevent the Legislature from revoking franchises or taking the property of incorporated companies, and subjecting it to the public necessity in the same manner and extent as the property of individuals can be taken or subjected.

RAILROAD PROPERTY.

Also, the following, which was referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads and Canals inquire into the expediency of so amending the Constitution that the rolling stock and other movable property of any railroad company or other corporation in this State shall be considered personal property, and as such liable to levy and sale on execution in the same manner as the personal property of natural persons.

CUMULATIVE VOTING FOR CORPORATION DIRECTORS.

Mr. CAMPBELL offered the following resolution, which was referred to the Committee on Private Corporations:

Resolved, That the Committee on Private Corporations be instructed to inquire into the expediency of adopting a section of the Constitution providing, as is now provided in the Illinois Constitution, that:

SECTION —. The General Assembly shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

REQUIRING VOTING AT DELEGATE ELECTIONS.

Mr. RUNK offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into and report upon the expediency of so amending the Constitution as to require candidates for all elective offices to be put in nomination by delegates, or otherwise, in the selection of which all legal voters of the district shall be required to participate, under penalty of being deprived of their vote at the election to fill such offices.

A CONVENTION DIRECTORY.

Mr. J. M. WETHERILL. I offer the following resolution:

Resolved, That the Sergeant-at-Arms be directed to prepare and have printed, for the use of the Convention, two hundred copies of a directory of the residences and lodging places, in Philadelphia, of the officers and members of the Convention.

The resolution was read a second time.

On the question of agreeing to the resolution,

Mr. NILES said: Mr. President: It seems to me that this is premature, as to my certain knowledge very many members of the Convention have not selected their permanent places of residence. I am among the number.

Mr. TEMPLE. I fully agree with what has been said by the gentleman who has just taken his seat. In fact I know, probably, a dozen members of the Convention who have not yet permanently located themselves for its sittings, and I believe the Convention would act wisely by deferring action upon the resolution for at least a week or ten days, which would be in ample time for a provision of this kind. Only last evening I was spoken to by half a dozen gentlemen of the Convention who stated that they had been unable to procure suitable boarding places. They will all do so in the course of the next week, and were the Convention to act upon the resolution now, the probability is that the book, as printed, would be useless. I hope, therefore, that the subject will be postponed, and I move that the consideration of the resolution be postponed until one week from to-day.

The motion was agreed to.

WOMAN SUFFRAGE.

Mr. MANTOR offered the following resolution, which was referred to the Com-

mittee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into and report to this Convention whether in their opinion a provision should be incorporated in the Constitution authorizing the women of this State to exercise the elective franchise, when they shall ask that right by a majority of all the votes given by citizen females, over the age of twenty-one years, at an election called for this purpose, at which the women alone shall have the right to vote.

THE COMPOSITION OF THE LEGISLATURE.

Mr. WORRELL offered the following resolution, which was referred to the Committee on Legislature:

Resolved, That the legislative power of this Commonwealth be vested in a General Assembly, which shall consist of a Senate and House of Representatives: *Provided*, That no bill shall become a law except it pass in each House a reading in full on three different days, and in each of such readings, in either House, be approved by a majority of all the members comprising such House. The votes of each House to be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the Journals of each House respectively.

ABOLITION OF CAPITAL PUNISHMENT.

Mr. CARTER offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of abolishing capital punishment, and substituting in lieu thereof imprisonment for life, with entire withdrawal of the pardoning power, unless in such cases when innocence may be judicially proven after conviction; and the Legislature shall pass the necessary laws to provide for the trial by jury of the question of innocence in such cases.

QUALIFICATIONS OF ELECTORS.

Mr. MACCONNELL offered the following resolution, which was referred to the Committee on Suffrage:

Resolved, That in elections by the citizens every free person of the age of twenty-one years, being a citizen of the United States, having resided in good faith and continuously in this Commonwealth one full year, and in the election

district where he or she offers to vote two full months immediately preceeding such election, and within 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 a citizen of the United States who had previously been a qualified voter in this State, and removed therefrom and returned, and who shall have resided in the election district and paid taxes as aforesaid, shall be entitled to vote after residing in the State six months: *And provided further*: That females not owning taxable property, and persons between the ages of twenty-one and twenty-two years, being citizens of the United States, and having resided in the State and election district as aforesaid, shall be entitled to vote, although they shall not have paid taxes as aforesaid.

This proposition shall, at the same time that this amended Constitution is voted on, be voted on separately by the persons entitled to vote by the Constitution as it now is, and by such females as would be entitled to vote if this proposition was a part of the Constitution, except that no female shall be required to have paid taxes to entitle her to vote thereon. The tickets shall have on their inside the words "for female suffrage" or "against female suffrage," as the case may be, and shall have endorsed thereon the words "female suffrage," and the names of the persons voting on said proposition shall be kept on a separate list. If a majority of the votes cast on said proposition shall be for female suffrage said proposition shall be a part of the Constitution, and shall take the place of section — of the article on suffrage; but if a majority of said votes shall be against female suffrage said proposition shall not be a part of the Constitution.

OATH OF OFFICE FOR CITY COUNCILMEN.

Mr. BARCLAY offered the following resolution, which was referred to the Committee on County, Township and Borough Officers:

Resolved, That the Committee to which the following resolution shall be referred be instructed to inquire into the expediency of requiring of every member of every body of councils, of every city or borough of this Commonwealth, the following oath or affirmation, which he shall take and subscribe before entering upon his official duties:

"I do solemnly swear (or affirm) that I will support the Constitution of the

United States and the Constitution of the Commonwealth of Pennsylvania, and will faithfully discharge my duties as a member of said councils, according to the best of my ability, and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence or to affect my nomination or election to said office, and have not accepted, nor will accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, nor will I be concerned or interested in any contract, job, arrangement or contrivance through which any profit may be made for any vote or influence I may give or withhold in reference to any official act."

This oath shall be administered by one of the judges of the court of common pleas; shall be filed and recorded in a book prepared for that purpose by said councils, the record of which shall be competent evidence on any trial. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted in any criminal court of violating said oath or affirmation shall not only forfeit his office, be punished as in other cases of perjury, but shall be disqualified thereafter from holding any office of profit or trust in this Commonwealth.

QUALIFICATIONS OF JUDGES.

Mr. CORSON offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That all judges shall be learned in the law, and members of the legal profession, who, after regular apprenticeship, shall have been regularly admitted to the bar.

ASSESSMENT OF REAL ESTATE.

Mr. S. H. REYNOLDS offered the following resolution, which was referred to the Committee on Taxation:

Resolved, That all real estate within this Commonwealth shall, for the purposes of taxation, be assessed at its full market value.

QUALIFICATIONS OF JURORS.

Mr. HEVERIN offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the Constitution

so as to provide that the formation or expression of an opinion shall not disqualify any citizen from acting as a juror.

WITNESSES.

Also, the following, which was read and referred to the Committee on the Bill of Rights:

Resolved, That the Committee on Bill of Rights inquire into the expediency of amending the Constitution so as to provide that all persons shall be competent witnesses in every case and under all circumstances.

SALARY OF THE GOVERNOR.

Mr. J. P. WETHERILL offered the following resolution, which was read and referred to the Committee on Executive Department:

Resolved, That the Committee on the Executive be instructed to inquire into the expediency of adopting the following section:

That the Governor shall, at stated times, receive for his services a compensation, which shall be neither increased or diminished during the period, beginning on the day of his election by the people, and extending through the period for which he has been elected.

INDUSTRIAL STATISTICS.

Mr. EDWARDS offered the following resolution, which was read and referred to the Committee on Agriculture:

Resolved, That the Committee on Agriculture, Mining, Manufactures and Commerce be requested to inquire into the expediency of reporting the following, as a part of the Constitution:

It shall be the duty of the Legislature to establish by law a full and complete system of detailed statistics of all kinds of manufactures, commerce and agriculture; also the mineral resources of this Commonwealth, to include the quantity and quality of each, and where located, to the end that the people may have a full knowledge of the resources of this Commonwealth in all these departments.

GRANTING OF LICENSES.

Mr. BRODHEAD offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be requested to inquire into the propriety of limiting the granting of licenses for the sale of spirituous, vinous and malt liquors in the cities and boroughs of the State, so that not more than

one license shall be granted for five hundred of population.

NEW STATE OFFICERS.

Mr. BOYD offered the following resolution, which was read and referred to the Committee on the Executive Department:

Resolved, That the Committee on the Executive Department be instructed to inquire into the expediency of creating the following new officers:

One Lieutenant Governor, to be elected by the people at large; one Commissioner of Insurance and one Inspector General of Iron, to be appointed by the Governor.

Mr. BOYD also offered the following as an amendment to the Constitution, which was read and referred to the Committee on the Executive Department:

"The Secretary of the Commonwealth and the Attorney General shall be elected by the people at large."

ADDITIONAL STANDING COMMITTEE.

Mr. J. M. WETHERILL. Mr. President: I offer the following resolution, and ask that it lie over one day under the rules:

Resolved. That the rules of the Convention be amended, by adding an additional committee, to wit: "No. 28. A Committee of nine on Federal Relations."

The resolution was laid upon the table.

INTEREST ON THE STATE DEBT.

Mr. J. N. PURVIANCE offered the following, which was twice read and agreed to:

Resolved, That the State Treasurer be requested to furnish the Convention a statement of the amount of interest paid annually on the State debt from 1845 to 1872, inclusive, showing, specifically, the amount due and paid annually each year.

The PRESIDENT. Reports from standing committees are now in order.

MILEAGE OF MEMBERS.

Mr. HAY, from the Committee on Accounts and Expenditures of the Convention, submitted the following report and resolution, which were read by the Clerk:

The Committee on Accounts and Expenditures of the Convention respectfully report:

That the members whose names are upon the following list are entitled to the sums placed opposite their respective names, for their mileage to and from Harrisburg, on the first session of the Convention, viz:

| NAME. | RESIDENCE. | Miles Cir'lar. | Ann't. |
|-----------------------|-----------------------|-------------------|---------|
| W. J. Baer..... | Somerset..... | 400 | \$40 00 |
| G. J. Barclay..... | Reading..... | 108 | 10 80 |
| J. P. Cronmiller..... | Middleburg..... | 140 | 14 00 |
| M. F. Elliott..... | Wellsboro..... | 500 | 50 00 |
| A. C. Finney..... | Clearfield..... | 322 | 32 20 |
| T. R. Hazzard..... | Monongahela City..... | 560 | 56 00 |
| J. B. Niles..... | Wellsboro..... | 500 | 50 00 |
| G. W. Palmer..... | Humphreysville..... | 282 | 28 20 |
| H. W. Palmer..... | Wilkesbarre..... | 226 | 22 60 |
| Levi Rooke..... | Winfield..... | 60 | 6 00 |

That John G. Freeze, formerly a member of this Convention from the Fifteenth Senatorial district, is entitled to be paid the sum of fifteen dollars, and Daniel L. Rhone, formerly a member of this Convention from the Thirteenth Senatorial district, is entitled to be paid the sum of twenty-two dollars and sixty cents, for mileage to and from Harrisburg, at the first session of the Convention.

That Charles R. Buckalew and C. E. Wright, now members of the Convention, are entitled to the sum of fifty dollars for postage, stationery and contingencies.

They further report that the Chief Clerk has furnished a list of six pages, who served, according to his certificate, during ten days of the session of the Convention at Harrisburg; that the Convention authorized the appointment of but five pages, and that therefore only that number are entitled to be paid the sum of fifteen dollars each, namely: Frank M'Reynolds, John M'Tim, Parvell De France, Charles Solomons and John Reese. The committee, therefore, report the following resolution:

Resolved, That warrants be drawn upon the State Treasurer in favor of the persons named in the above report of the Committee on Accounts and Expenditures as entitled to be paid the several sums therein mentioned.

The question being, shall the Convention proceed to the second reading of the resolution, it was agreed to.

MR. JOS. BAILY. Mr. President: There seems to be a difficulty presented here in reference to the number of pages. It appears there were six little boys who served in the Convention while we were in session at Harrisburg. By some means or other there were six appointed, whereas the Convention had authorized the appointment of but five. I move to amend that resolution. I think it is very hard that a little boy should be deprived of his pay—the paltry sum of fifteen dollars. I therefore move that the resolution be amended

so as to include the name of Charles Lilly, who was the sixth boy.

The PRESIDENT. An amendment is not in order. The proper motion would be to re-commit the subject to the Committee on Accounts and Expenditures.

MR. JOS. BAILY. Nothing could be gained by such a course. The committee have had the subject under consideration, and I think it would be well to have it settled by the Convention.

The PRESIDENT. The whole subject is entirely out of order. The rules of the Convention require that the Committee on Accounts shall examine and report all such subjects. If they approve them the Convention is then to say whether it shall. The gentleman can reach his object by moving to re-commit.

MR. JOS. BAILY. If I can get the subject re-committed with instructions I am safe. I know what the committee will do. I move that the report be referred back to the committee, with instructions to insert the name of Charles Lilly.

MR. KATNE. Allow me to suggest to the gentleman that this can be arrived at by the unanimous consent of the Convention. The report, I submit, can be amended by unanimous consent of the Convention, so that this boy's name can be inserted therein. I make that suggestion to the gentleman from Perry (Mr. Baily.)

MR. JOS. BAILY. I think the Convention will have to settle it. The committee cannot settle it under the rules unless instructed by the body.

MR. KATNE. Mr. President: If there is no motion before the Convention I will make a motion that the report be amended by the unanimous consent of this Convention, by inserting the name of the boy referred to.

MR. HAY. No, and for this reason—

The PRESIDENT. Debate is not in order, except upon the resolution. The gentleman from Perry (Mr. Baily) has moved to re-commit this report to the Committee on Accounts, with instructions, from the Convention, to insert the name of Charles Lilly. The Chair will read the rule:

"The Committee on Accounts shall examine all accounts for expenses and report upon the same to the Convention, whether the same are proper expenses of the Convention, and if the same are approved by the Convention they shall be paid as provided by law."

The Chair will say that he feels it his duty to adhere rigidly to the rule upon

the subject of drawing money from the State Treasury.

Mr. JOS. BAILY. Is the Chair of the opinion that the Convention is not competent to instruct the committee?

The PRESIDENT. Under this rule the Chair thinks it is not. The Convention has to approve the report of the committee.

Mr. JOSEPH BAILY. Then I withdraw my motion.

Mr. DARLINGTON. I wish to say that I will join the gentleman and all others in subscribing my portion. Let us pay the boy out of our own pockets and be done with it.

Mr. JOSEPH BAILY. Very well, I will agree to that.

Mr. DARLINGTON. Send around the hat.

Mr. TEMPLE. Mr. President: I submit that there should be an explanation asked of the chairman of the Committee on Accounts as to the reason why this little boy's name is left out. It strikes me that would be the proper course. The chairman of the Committee on Accounts objected to the unanimous consent of the Convention to pass the resolution of the gentleman from Fayette, (Mr. Kaine,) and offered to explain his reasons for doing so. I do not speak personally, but it seems to me that this is a very small business for the Convention to undertake, to contribute fifteen dollars for the pay of this little boy. The Convention, I think, should pass the resolution of the gentleman from Perry (Joseph Baily.)

Mr. HAY. Mr. President: I do not desire to be misunderstood in this matter. As chairman of the Committee on Accounts it was my duty to present the report of that committee. The committee reports in favor of the payment of every person whose employment was authorized by this Convention. I don't think this question now mooted can properly come up at this time. If it is desired to pay any other persons or any other amounts than those named in that report of the committee, let a resolution be subsequently introduced directing the committee to inquire into the propriety of making certain payments, then the committee will take action upon it. But they have ascertained that the employment of but five pages was authorized by the Convention, and they report accordingly.

It is a very small matter, it is true, Mr. President, but the committee did not feel

authorized, and do not now feel authorized, to recommend any payments not previously authorized by the Convention. I think the proper course for the Convention to pursue is to adopt the report made by the committee, and, if deemed advisable, adopt a subsequent resolution directing the committee to inquire into the expediency or propriety of making the further payment referred to.

The question being upon the resolution presented by the Committee on Accounts, a vote was taken, and the resolution was agreed to.

CITY ELECTIONS.

Mr. WALKER. Mr. President: The Committee on Cities and City Charters has instructed me to ask that it be relieved of the consideration of a bill relating to elections in cities of over a hundred thousand inhabitants, and to ask that the same be referred to the Committee on Elections, Suffrage and Representation.

The PRESIDENT. By unanimous consent the committee will be discharged, as requested, and the subject matter is referred to the Committee on Elections, Suffrage and Representation.

REPORT OF PRINTING COMMITTEE.

Mr. NEWLIN. Mr. President: I am directed by the Committee on Printing to make the following partial report in the shape of a resolution. I expected to have been able to make a full report, but the State Printer is not here to sign his contract. Therefore, by the direction of the committee, I report only a part, namely: As to supplying paper. The Convention having by its action yesterday struck out the whole of the matter regarding paper, we have been in the position of having a printer but no paper. This resolution provides for that emergency.

The PRESIDENT. It can only be introduced now by unanimous consent.

Mr. NEWLIN. I ask the unanimous consent of the Convention to introduce this resolution.

Unanimous consent having been given, the resolution was read, as follows:

Resolved, That the Committee on Printing make a contract with William M. Harding to supply printing paper to the Convention, for the price specified in his proposal, and of the quality selected by the committee.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

The resolution was then agreed to.

HOUSE COMMITTEE.

Mr. ADDICKS. Mr. President: I desire to call up the resolution, presented yesterday by myself, for the Committee on Hall.

The PRESIDENT. By unanimous consent it can be called up.

Mr. ADDICKS. I ask unanimous consent for the purpose of consideration of that document.

Unanimous consent having been given, the report was read as follows:

Resolved, That there be added to the standing committees one, to consist of five members, to be known as the House Committee, which shall have charge of all the property in the use of the Convention, shall control and direct its subordinate officers and employees in the discharge of their duties.

Resolved, That the Chief Clerk be and he is hereby directed to appoint five additional pages, at the same compensation as those already employed.

Mr. ADDICKS. I desire to add that the safety of the property of the Convention and the proper direction of the labors of the subordinate employees seem to require such a committee as that contemplated by the resolution just read; and that in regard to the pages it is absolutely necessary to have in all ten of them, in order to properly facilitate the business of the Convention.

Mr. MANN. Mr. President: It is possible I may not have heard the reading aright, but if I have it seems to me that a portion of that report interferes with the proper authority of the President of this Convention. I may be mistaken; I would like to hear it read again.

The report was accordingly again read.

Mr. MANN. I move to amend the first resolution of that report, by striking out so much of it as gives "the control and direction of the subordinate officers and employees of the Convention in the discharge of their duties."

Mr. DALLAS. Mr. President: I suppose the amendment offered by the gentleman (Mr. Mann) would be entirely satisfactory to the Committee with a modification, so as to make the resolution read, "that the committee shall have charge, &c., while the Convention is not in session." I agree with him that when the Convention is in actual session the President ought to have charge, but when the Convention is not in session it should be

somebody's duty to look after the matter. I therefore move to amend, by adding to the end of the first resolution, as presented by the committee, the words "when the Convention is not in session."

The question being upon this amendment, it was agreed to.

Mr. MANN. Mr. President: In order that we may see how the resolution now stands, I call for the reading of the resolution as amended.

The resolution, as amended, was accordingly read, as follows:

Resolved, That there be added to the standing committees one, to consist of five members, to be known as the House Committee, which shall have charge of all the property in the use of the Convention; shall control and direct the subordinate officers and employees in the discharge of their duties when the Convention is not in session.

Mr. MANN. That is not exactly as it ought to be, in my judgment. The resolution, if adopted in that form, will give the committee the charge of the clerks of this Convention and of its reporters. I don't think the Convention contemplates anything of that kind. So far as it refers to the control and charge of the building, and so forth, it is all right; but it extends to the control of all the employees of this Convention. There is no intention, I am sure, on the part of any body, to put such power in the hands of a committee. I move to amend, by striking out the words "shall control and direct the subordinate officers and employees in the discharge of their duties when the Convention is not in session."

Mr. ADDICKS. Allow me, Mr. President, to say just one word here. There is not the slightest intention on the part of the committee to interfere with the proper and just prerogatives of the presiding officer. There is no idea whatever of interfering with the duties of the clerks or any such employees, but merely with the subordinate officers. But if the gentleman who proposes this amendment had been with or observed us in the performance of our duty he would, I am sure, have advocated the passage of the resolution as submitted by the Committee.

The PRESIDENT. The resolution, as now amended, is not in order, as it includes words not intended by the committee. The gentleman can reach his object by specifying what officers or employees of the Convention it is proposed to include.

Mr. CASSIDY. Mr. President: Is it in order to move an amendment? Suppose the resolution should read, as for all officers or employees "other than those elected by this Convention;" that will cover, I think, what is intended. The committee wants, of course, to control the "employees" in the ordinary sense of the term. That will not cover clerks, assistant clerk, sergeant-at-arms or heads of departments.

The PRESIDENT. Do you make a motion so to amend?

Mr. CASSIDY. I do, sir, if I am in order.

The question being on the amendment, it was agreed to.

The question recurring on the resolution as amended, it was agreed to.

The PRESIDENT. The question is now on the resolution.

Mr. TEMPLE. Mr. President: I desire to amend this resolution so as to give either the Chief Clerk or the President of this Convention power to appoint a suitable person to take charge of the coat room. There is a large number of the members of this Convention who think it highly important that such a person should be appointed. We should remember that we are assembled now in the city of Philadelphia, and I believe there are outside doors leading into that portion of the hall where the coat room is located, which permits access to it without the necessity of passing through this chamber. I learn from some of the officers that one of the pages of the Convention is now in charge of that room, and as many members have expressed a desire to have a suitable and responsible person appointed to perform this duty, I would suggest that this power be conferred upon the Chief Clerk. I therefore offer the following amendment: "And that the Chief Clerk be instructed to appoint a suitable person to take charge of the coat room connected with the hall of the Convention."

Mr. COCHRAN. I do not see the necessity for the adoption of this amendment. The coat room is in the charge of a young man who is perfectly competent to take care of it. He is an excellent young man, and is one of the pages. If we appoint five additional pages we can very well spare one of the number for the purpose of taking charge of the coat room.

Mr. TEMPLE. If it is in order I desire to amend the amendment, by inserting in place of the "Chief Clerk" the "Sergeant-at-Arms of the Convention."

The PRESIDENT. The amendment will be so modified.

Mr. TEMPLE. Mr. President: In reference to continuing the page who now has charge of the coat room in that position, I have only to say that he cannot perform the duties of a page and those which this amendment contemplates. I think there should be some person appointed to whom the members of the Convention can look with confidence, and certainly with some hope of having their property in the room taken care of. If we only consider for a moment that during the session of the Convention there will be three or four thousand dollars worth of property in that room, I think it will be apparent to all of us that it is one of the most important offices, in a fiduciary way, connected with the Convention. Although I do not doubt the ability of this page to take charge of the room, yet knowing that many of the members have expressed a desire to have a responsible person appointed, I hope the amendment as modified will be passed.

The question being on the amendment as modified, it was rejected.

The question recurring on the resolution, it was agreed to.

COMMITTEE ON STATE INSTITUTIONS.

Mr. STANTON. Mr. President: I now move that we proceed to the consideration of the resolution to increase the Committee on State Institutions and Buildings.

The Clerk read the resolution, as follows:

Resolved, That the Committee on State Institutions and Buildings be increased to eleven members.

The question being, shall the Convention proceed to a second reading and consideration of the resolution, it was determined in the affirmative.

The question recurring on the adoption of the resolution, it was determined in the negative.

Mr. COCHRAN moved to adjourn, which was agreed to, and the Convention thereupon adjourned at 1.50 P. M.

FOURTEENTH DAY.

FRIDAY, *January 10, 1873.*

The Convention met at twelve o'clock M. Prayer was offered by the Rev. Dr. H. A. Boardman, as follows:

O, Thou, who inhabiteth Eternity and the praises thereof, we come into Thy presence to lay our morning sacrifice upon Thine altar. In the name of our Divine Mediator, we render thanks to Thee for the mercy which has spared us through another night, for the bounty which spreads our daily board, and for the gracious Providence which watches over us alike in our waking and in our sleeping hours, for the darkness and the light are both the same to Thee. Above all do we praise, Almighty God, Thy name for the great love with which Thou hast loved us in sending Thine only begotten Son into the world that we might live through him. Grant us the gracious aid of Thy blessed spirit, that with true penitence and unfeigned faith we may receive and rest upon the Lord Jesus Christ as our Savior and our hope. We render thanks to Thee, O Lord, for Thy great goodness to the land in which we dwell, and we confess, with shame before Thee, that we have not rendered them to Thee again as we ought for Thy manifold mercies. We deplore before Thee the prevalence of crime and sin. Judgment is turned away backward and justice standeth afar off. Truth has fallen in the streets and equity cannot enter. And since Thy servants before Thee are called to redress the grievances of the people, and if it may be to stay the progress of wickedness and sin, we entreat Thee to preside in their counsels, induce them with Heavenly wisdom, and so to direct all their deliberations, that as the result of the present session the land may be purged from iniquity, and that this mercenary greed which has spread like a pestilence, even through the high places of the land, and corrupting even the source of political power, may be extirpated, lest we be proved a by-word among the nations of the earth. Grant, O God, that Thy servants may so order their counsels that the cause of truth, and right, and intelligence, and virtue shall triumph

over all these evil forces that are blinding and degrading the country. Watch, we pray Thee, in Thy good providence, over the absent families of Thy servants. Surround them with Thy continued care from day to day, that they be shielded from sickness and death. Let Thy benediction rest upon us in all the debates of this body, in all its responsibilities and in all its cares. Grant us the help of Thy blessed spirit, and the sprinkling of the blood of atonement upon our hearts and consciences, for the sake of our ever blessed Redeemer. Amen.

The Journal of the Convention was then read and approved.

COMMITTEE ON HOUSE.

The PRESIDENT. The Clerk will now announce the Committee on the House.

The CLERK. The House Committee consists of the following members, viz: Messrs. Addicks, Boyd, Dallas, Stanton and Worrell.

ADJOURNMENT.

Mr. STANTON offered the following resolution:

Resolved, That when this Convention adjourn it be to meet on Monday at twelve M.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, a division was called which resulted as follows: Affirmative, sixty-six; negative, twenty-three.

So the motion was agreed to.

Mr. LILLY. I move to strike out all after the word "resolved" and insert the following:

"That when this Convention adjourns it will adjourn to meet at two o'clock P. M. on Monday next, and that hereafter, until otherwise ordered, two o'clock shall be the hour of meeting on Mondays, and that the sessions of Saturday shall be for general debate."

Mr. STANTON. I trust the amendment will not prevail. My object in offering the resolution was for the purpose of giving the members of the Convention an

opportunity of attending the funeral of Mr. Gowen to-morrow morning. I understand the funeral will take place to-morrow morning, and I am informed many of our members desire to attend it.

Mr. ALRICKS. I call for a division of the question.

The PRESIDENT. Will the gentleman explain how he wishes it divided?

Mr. ALRICKS. I desire it divided so as to separate the question of the adjournment of the Convention to meet at twelve on Monday from the remainder of the amendment.

The PRESIDENT. The Chair does not see how it can be divided. The question is on the amendment.

The amendment was rejected.

Mr. DARLINGTON. I move to amend, by striking out "twelve o'clock" and insert "ten."

The amendment was rejected.

Mr. WOODWARD. I rise to move an amendment, which I trust the mover of the resolution will accept. I move to amend the resolution, so that it shall read: "In order to enable members of the Convention to attend the funeral of the late James Gowen, of Mount Airy."

Mr. STANTON. I accept the amendment. The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. KAINE. I ask leave of absence for Mr. Sharpe, of Franklin, for a week from date. Leave was granted.

Mr. M'ALLISTER asked and obtained leave of absence for Mr. Stewart, of Franklin, for a week from date.

Mr. HOWARD asked and obtained leave of absence for Mr. Funck, of Dauphin, for one week from date.

Mr. DUNNING asked and obtained leave of absence for Mr. Pughe, of Luzerne, for three days from date.

PAYING PAGE CHARLES LILLY.

Mr. HARRY WHITE. Mr. President: I ask leave to make a statement.

Leave was granted, and

Mr. WHITE said: Mr. President: When our present Chief Clerk was elected and took his place at Harrisburg he found six pages in the employ of the Convention. A resolution, passed by the Convention, only authorized us to employ five. He did not want to interfere with the arrangement made, and allowed the sixth page to continue in the employment of the Convention, and we received the benefit of his services. The little boy came

down here and no provision has been made for him, and for that reason I offer the following resolution:

Resolved, That the President shall draw his warrant on the State Treasurer in favor of Charles Lilly, who, while the Convention sat at Harrisburg, acted as a page, for such compensation as the Committee on Accounts shall report he is entitled to.

The PRESIDENT. This resolution is not in order. The Chair will observe that this matter was before the House yesterday, and it was then suggested by the chairman of the Committee on Accounts if any member would move a resolution referring this matter to that committee they would act promptly upon it and report. The Committee reported that their former action was based on a rigid principle they had adopted not themselves to report any expenses for which they had not authority. If the gentleman from Indiana will modify his resolution it will, no doubt, be acceptable in that shape.

Mr. JOS. BAILY. Mr. President: Could not a majority of two-thirds suspend the rules?

The PRESIDENT. The Chair will observe that upon a trifling matter of this kind it is not worth while to break down the guards which have been established by the Convention for the protection of the Treasury. If the door is once opened you don't know where it will stop.

Does the gentleman from Indiana modify his resolution so that the question of the payment of the page be referred to the Committee on Accounts?

Mr. HARRY WHITE. Mr. President: I offer the following resolution:

Resolved, That the question of Charles Lilly, who acted as a page while the Convention sat in Harrisburg, be referred to the Committee on Accounts, and that the committee have leave to sit during the session of the Convention.

The resolution was read a second time and agreed to.

WOMAN SUFFRAGE.

Mr. M'ALLISTER offered the following resolution, which was read a second time and agreed to:

Resolved, That the use of the hall be granted to the Committee on Suffrage, Election and Representation on Wednesday and Thursday evenings next, to afford the committee and others who may attend an opportunity of hearing delegates from the different parts of the State on the subject of woman suffrage.

ELECTION OF REPRESENTATIVES.

Mr. MANN offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into the propriety of so amending section four of the first article of the Constitution that it shall read:

"Representatives shall be distributed throughout the State as follows: The qualified voters of each county shall elect one member, and one additional member for every thirty-five thousand inhabitants, as determined by the preceding census of the United States. And in counties entitled to three or more members, each voter may cast as many votes for one candidate as there are Representatives to be elected, or may distribute the same among the candidates as he shall see fit, and the candidates highest in vote shall be declared elected.

NO TENANCY BY COURTESY.

Mr. CAMPBELL offered the following resolution, which was referred to the Committee on the Declaration of Rights:

Resolved, That the Committee on the Declaration of Rights take into consideration the following proposed section:

SECTION —. That married women shall have the same rights and powers over their separate property as if they were not married, and no woman, merely on account of her sex, shall ever be debarred from entering into or engaging in any lawful pursuit or calling. There shall be no tenancy by courtesy in this State.

PRISON REFORM AND DISCIPLINE.

Mr. WHERRY offered the following, which was referred to the Committee on State Institutions and Public Buildings.

WHEREAS, The supreme end of prison discipline is the reformation of the criminal:

And whereas, The two great obstacles to prison reform in this State are: First, the want of centralized control and supervision; and, second, the instability and consequent incompetency of administration.

Resolved, That the Committee on State Institutions and Public Buildings be directed to examine, and, if in their judgment expedient, report the following article, unanimously recommended by the National prison association of the United States, to wit:

ARTICLE —.

SECTION 1. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years; and vacancies in the offices afterward occurring shall be filled in like manner. Such board shall have the charge and superintendence of the State prisons, and shall possess such power and perform such duties in respect to the county jails, the local or district penitentiaries, and other penal or reformatory institutions within the State, as the Legislature may by law impose upon them. Such board shall, from time to time, elect a secretary, who shall be removable at their pleasure, who shall perform such duties as the Legislature or the board may prescribe, and shall receive such salary as the Legislature shall determine. The members of the board shall receive no compensation other than reasonable traveling and other expenses while engaged in the performance of official duty. And the Legislature, at its first session after the adoption of this Constitution, shall limit the amount of such expenses, which limit shall not be changed except at intervals of five years.

SECTION 2. Such board shall appoint the warden, (or chief officer,) the clerk, physician and chaplain of each State prison, and shall have power to remove either of such offices for cause, only after opportunity to be heard in his own defence, upon written charges. All other officers of each prison shall be appointed by the warden (or chief officer) thereof, and shall be removable at his pleasure.

SECTION 3. The Governor may remove either of the managers of prisons for malfeasance or misfeasance in office, after having furnished him with a copy of the charges against him, and giving him an opportunity of being heard in his defence.

CAPITOL AT PHILADELPHIA.

Mr. BOYD offered the following resolution, which was referred to the Committee on Public Institutions:

Resolved, That the Committee on Public Institutions be requested to inquire into the propriety of introducing into the

Constitution of this State the following clause, in substance :

"The city of Philadelphia shall hereafter be the Capital of the State."

PAY OF STENOGRAPHERS.

Mr. BOWMAN offered the following resolution, which was twice read and agreed to:

Resolved, That the Committee on Accounts be and they are hereby instructed to settle the accounts of A. M. Martin and H. J. Mason, for reporting the proceedings of this Convention during its session at Harrisburg.

LEGISLATIVE APPORTIONMENT.

Mr. DARLINGTON offered the following resolution, which was read and referred to the Committee on the Legislature:

Resolved, That the Committee on the Legislature be instructed to inquire into the expediency of so amending the Constitution as to provide that Senators and Representatives shall be apportioned every ten years, according to the population as ascertained by the census.

PARTIAL FEMALE SUFFRAGE.

Mr. PARSONS offered the following resolution, which was read and referred to the Committee on Suffrage:

Resolved, That the Committee on Suffrage be requested to inquire into the expediency of proposing the following amendment:

"That all female citizens of this Commonwealth, over the age of twenty-one years, who have paid taxes, and who shall have been assessed, shall have a right to vote at all elections for school directors, and shall be eligible to the office of school director.

SUPREME COURT REPORTER.

Also, the following, which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to propose the following amendment:

"That the judges of the Supreme Court shall appoint a reporter of their decisions, who shall hold his office during the pleasure of the court."

RESPONSIBILITY OF CORPORATION.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Constitutional Sanctions:

Resolved, That the Committee on Constitutional Sanctions inquire into the expediency of so amending the Constitu-

tion that hereafter no corporation shall be permitted to limit or impair, by contract, its responsibilities at common law.

MUNICIPAL INDEBTEDNESS.

Also, the following, which was referred to the Committee on Public and Municipal Debts:

Resolved, That the Committee on Public and Municipal Debts and Sinking Funds be requested to inquire into the expediency of so amending the Constitution that no county, township, school district, city or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to any amount, including municipal indebtedness, in the aggregate exceeding ten per cent. on the value of the taxable property therein, measured by the last assessment for State and county taxes next preceeding such assessment.

LIMITING NUMBER OF APPRENTICES.

Mr. STANTON offered the following resolution, which was read and referred to the Committee upon Legislation:

Resolved, That the Committee on Legislation be requested to inquire into the expediency of reporting a proposition, as an amendment to the Constitution, prohibiting any art, trade or association, or any combination of mechanics or others, from making limitations upon the number of apprentices that may be employed by any master or association for the purpose of carrying on any art, trade or mystery.

TRIAL BY JURY.

Mr. METZGER offered the following resolution, which was read and referred to the Committee on Bill of Rights:

Resolved, That the Committee on the Bill of Rights inquire into the propriety of so amending article nine of the Constitution that the accused, in all criminal cases where the offence charged is of less grade than a felony, shall be tried by a jury without an indictment or presentment by a grand jury; but in all other cases the law shall remain as heretofore.

FRAUDULENT VOTING.

Also, the following, which was referred to the Committee on Suffrage:

Resolved, That the Committee on Suffrage be requested to inquire into the propriety of reporting an amendment to the Constitution excluding from the right of suffrage all persons convicted of perjury, bribery, fraudulent voting or corruptly in

fluencing any elector at any election to vote for any candidate who, having been an election officer, shall have been convicted of any fraud or corrupt practice while holding the election.

JUSTICES OF THE PEACE.

Mr. BROOMALL offered the following resolution, which was referred to the Committee on the Judiciary :

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of providing that the courts of common pleas shall from time to time select, out of the persons elected as justices of the peace and aldermen, those best qualified, on proper examination, for the office, not to be less in number than one to every one thousand of population, to whom commissions shall issue; also, of providing that such justices of the peace and aldermen shall be paid a salary, and shall be prohibited from taking any fees or costs, and that the amount of such salaries shall be received and paid in said county or city by a tax in the nature of costs received upon all suits before said officers.

PUBLIC FUNDS.

Also, the following, which was referred to the Committee on Revenue, Taxation and Finance :

Resolved, That the Committee on Revenue, Taxation and Finance be requested to inquire into the expediency of providing that the State Treasurer shall cause to be published, at least once in every three months, a statement of the amount of public funds, where the same are kept or deposited, whether on interest or otherwise, whether any profit has been made out of the same during the preceding three months, and if so to what amount and for whose benefit; and also to provide that the public funds, as far as possible, be kept at interest for the benefit of the State, upon sufficient collateral security, to consist only of United States or State bonds.

CAPITAL AT HARRISBURG.

Mr. JOHN M. BAILY offered the following resolution, which was read and referred to the Committee on Public Institutions :

Resolved, That the Committee on Public Institutions be requested to inquire into the propriety of reporting a constitutional provision, in substance, as follows :

ARTICLE —. The seat of government shall be and remain at the city of Harrisburg.

ELECTION PRECINCTS.

Mr. CASSIDY offered the following resolution, which was read and referred to the Committee on Elections :

Resolved, That the Committee on Elections be requested to inquire into the expediency of incorporating into the Constitution a section providing that it shall be the duty of the county court of common pleas to exercise jurisdiction in any city of fifty thousand inhabitants and upwards, so see that such city is divided into election districts not exceeding one hundred electors each, and vesting said court with authority to arrange a district whenever any election shall show a greater number of votes polled in one district than one hundred.

JUSTICES OF THE PEACE AND ALDERMEN.

Also, the following, which was read and referred to the Committee on Cities and City Charters :

Resolved, That the Committee on Cities and City Charters be instructed to report upon the expediency of abolishing, in cities containing over one hundred thousand inhabitants, the offices of aldermen and justices of the peace, and providing for such legislation as shall be necessary to divide said cities into districts as near as may be of equal population, and providing for the election, in said districts, of judges, learned in the law, none of whom shall be less than thirty years of age, and have been a practising lawyer in the Supreme Court of the State, said judge to exercise the jurisdiction now held by the aldermen, with the additional right to cause a jury of six persons to assemble on the demand of any of the parties in civil cases, and to have such summary jurisdiction in criminal cases, as may by future legislation be referred to them; the salaries of said judges to be fixed by the councils of said cities, and the fees for services performed by said judges to be paid into the treasury of said cities.

NEW COUNTIES.

Mr. DUNNING offered the following resolution, which was referred to the Committee on Counties :

Resolved, That the Constitution be so amended that any county in this Commonwealth, containing an area of not less than nine hundred square miles, shall be susceptible of division, provided the territory proposed to be erected into a new county shall contain not less than four hundred square miles, nor less than

fifty thousand inhabitants. The Legislature shall, on application of the citizens of the proposed new territory, not oftener than once in three years, authorize the electors of said proposed new county to determine, by ballot, the question of such division.

ATTORNEY GENERAL AND SECRETARY OF STATE.

Mr. BEEBE offered the following resolution, which was read and referred to the Committee on the Executive Department:

Resolved, That the Committee on the Executive Department be requested to inquire into the expediency of making the offices of Attorney General and Secretary of the Commonwealth elective.

CONDEMNING PRIVATE PROPERTY.

Mr. HUNSICKER offered the following resolution, which was read and referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads and Canals be requested to inquire into the expediency of so amending the Constitution so that in all questions of damage, arising from the taking or damaging of private property for public use, the right of appeal from any mode of assessment of damages provided by the Legislature shall exist, so that it can finally be tried before a jury of twelve men under the direction of the court as in other cases.

THE DEBATES.

Mr. LILLY offered the following resolution, and moved that it be referred to the Committee on Printing:

Resolved, That each member of this Convention be supplied with five copies of the sheets of the Debates of this Convention.

Mr. WHITE. Mr. President: Before that motion is put I think it would be well for the Convention to know what policy the Committee on Printing contemplates on this matter of the extra number of copies of the Debates. I should be glad to hear from the chairman of the Committee on Printing, if he is in the House, on this subject.

Mr. COCHRAN. The chairman of the committee being absent I will say, as I have the misfortune to be on that committee, that the committee has contemplated furnishing four hundred and eighty copies daily of the Debates of the Convention the day after the debates have taken place. We could not expect the printer to do this at once, but in a

very few days the whole machinery will be in order.

The question being upon the second reading, and reference to the Committee on Printing and Binding, it was agreed to.

PEACE SOCIETY MEMORIAL.

Mr. J. P. WETHERILL. I ask unanimous consent to introduce a memorial from the Pennsylvania Peace society.

Unanimous consent having been granted, the memorial was read as follows:

To the President and Members of the Constitutional Convention of the State of Pennsylvania:

The Pennsylvania Peace society respectfully submit, and earnestly recommend, the following amendments to the Constitution:

Amend Art. I, (Legislative power,) by adding the following section:

"The Legislature shall have no power to enact any law imposing death as a penalty for the punishment of any crime committed within the Commonwealth."

Amend Art. II, section seven, (Powers vested of the Governor,) by striking out the whole section, as follows:

"He shall be commander-in-chief of the army and navy of this Commonwealth, and of the militia, except when they shall be called into the actual service of the United States."

Amend Art. VI, section two, (Militia,) by striking out the following: "The free-men of this Commonwealth shall be armed, organized and disciplined for its defence when and in such manner as may be directed by law. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service," and substituting the following, to conform with section third, article ninth, (Declaration of Rights,) which declares:

"That no human authority can, in any case whatever, control or interfere with the rights of conscience. No citizen whose convictions are opposed to wars and fightings shall be compelled to bear arms, or to pay any equivalent or tax for a refusal to do so."

On behalf of the society.

LUCRETIA MOTT,

President.

ALFRED H. LOVE,

Vice President.

HENRY T. CHILD, M. D.,

LYDIA A. SCHOFIELD,

Secretaries.

T. ELLWOOD CHAPMAN, *Treasurer.*

Mr. J. P. WETHERILL. I move that the subjects and articles in that memorial be referred to the appropriate committees. The articles were so referred.

Article I. To the Committee on Legislation.

Article II. To the Committee on the Executive.

Article III. To the Committee on Militia.

Article IV. To the Committee on the Declaration of Rights.

WOMAN SUFFRAGE PETITION.

Mr. BROOMALL. I ask unanimous consent to introduce a memorial, and ask that it be referred to the Committee on Suffrage.

Unanimous consent having been granted, the memorial was read, as follows:

To the Constitutional Convention of the State of Pennsylvania:

As one-half of the adult citizens of Pennsylvania are now deprived of the ballot, and being thus disfranchised are governed as an inferior class, compelled to obey laws, in the making of which they have no voice, and are subject to taxation without representation in the government, the Pennsylvania Woman Suffrage association respectfully petitions your honorable body to amend section one of article three of the present Constitution, so as to secure perfect equality of citizenship without distinction of sex.

We also ask to be heard by you in support of this petition, at such time and place as shall be deemed proper.

MARY GREW,
President.

ANNIE SHOEMAKER,
Secretary.

Referred to the Committee on Suffrage.

COMMITTEE OF THE STATE.

Mr. KAINE offered the following resolution, which was laid over for one day, under the rules:

Resolved, That a committee of five be appointed, to be called the Committee of the State.

ANNULMENT OF MARRIAGE CONTRACT.

Mr. ROSS offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be requested to inquire into the expediency of so amending section fourteen, article one of the Constitution that the same shall provide that the Legislature shall not have power to annul the contract of marriage in any case.

SUPREME JUDGES.

Mr. J. N. PURVIANCE offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of proposing the following amendment:

That the State, for the purpose of electing supreme judges, shall be divided into three districts, of as near equal population as practicable, to be called the Eastern district, Middle district and Western district. That the Supreme Court shall consist of nine judges, three of whom shall be elected in each district by the qualified electors thereof, and at the elections to be held after the adoption of this Constitution, each elector shall be entitled to vote for only two persons. The said judges to be elected by the qualified electors of the districts aforesaid, when vacancies shall exist by reason of expiration of the terms for which the present judges of the Supreme Court are elected and commissioned.

CONSOLIDATION OF RAILROADS.

Mr. BARCLAY offered the following resolution, which was referred to the Committee on Railroads:

Resolved, That the Committee on Railroads and Canals be instructed to inquire into the expediency of inserting in the new Constitution the following articles:

No railroad corporation shall consolidate in stock, property or franchises with any other railroad corporation owning a parallel or competing line, and in no case shall any consolidation take place except upon public notice, given of at least sixty days, to all stockholders in such manner as may be provided by law.

No railroad corporation shall issue any stock or bonds except for money, labor or property actually received and applied to the purposes for which such corporation was created, and all stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be avoided. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice in such manner as provided by law.

GAMBLERS.

Mr. LEAR offered the following resolution, which was read and referred to the Committee on Impeachment and Removal from office:

Resolved, That the proper committee be instructed to inquire into the expediency of inserting in the new Constitution an article providing that no person shall hold any office of trust or profit in the State of Pennsylvania who shall be an habitual or professional gambler, and the Legislature shall provide by law for the mode of determining, by inquisition, at the relation of any citizen of the Commonwealth, whether any person holding an office as aforesaid, and legally charged with being an habitual gambler.

MUNICIPAL INDEBTEDNESS.

Mr. LAMBERTON offered the following resolution, which was referred to the Committee on Public and Municipal Debts :

Resolved, That the Committee on Public and Municipal Debts be instructed to inquire into the expediency of reporting a provision to limit the amount of indebtedness which shall be incurred by counties, cities and boroughs.

RAILROAD PRIVILEGES.

Mr. JOHN R. REED offered the following resolution, which was referred to the Committee on Private Corporations :

Resolved, That no law shall be passed by the General Assembly granting the right to construct and operate or extend a railroad within any city, town or incorporated village without requiring the consent of the local authorities having the control of the streets or highways proposed to be occupied by such railroad.

TENURE OF PUBLIC TREASURERS.

Also, the following, which was referred to the Committee on Counties, Townships and Boroughs :

Resolved, That no person who may hereafter be a collector or holder of public moneys shall be re-elected to the same position, nor shall he be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

ELECTION OF DISTRICT JUDGES.

Mr. S. H. REYNOLDS offered the following resolution, which was referred to the Judiciary Committee :

Resolved, That the Committee on Judiciary shall report an amendment to the Constitution providing for the election of two law judges in each judicial district of the State where the population does not exceed one hundred thousand, said judges to be elected as jury commissioners are now elected; and to provide

further for the election of three law judges in each judicial district where the population exceeds one hundred thousand, to be elected as the district delegates to this Convention were elected, and further to provide for the districting of counties and cities so as to carry the foregoing into effect.

VACANCIES IN STATE TREASURY.

Mr. DARLINGTON offered the following resolution, which was referred to the Committee on the Executive Department :

Resolved, That the Executive Committee be instructed to report a constitutional provision for filling vacancies that may occur in the office of State Treasurer.

DAMAGE AGAINST RAILROADS.

Mr. DEFRANCE offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That the standing Committee on Legislation be respectfully requested to consider the propriety of prohibiting the Legislature from passing any law limiting the amount of damages in suits brought against railroad companies, doing business within this Commonwealth, for personal injuries or loss of life arising from the negligence of said roads while used as common carriers.

PREFERENTIAL VOTING.

Also, the following, which was referred to the Committee on Suffrage :

Resolved, That the standing Committee on Suffrage be requested to consider the propriety of adopting the preferential mode of voting for the election of county commissioners and county auditors.

ADDITIONAL PAGES.

Mr. JOHN N. PURVIANCE offered the following resolution :

Resolved, That the Chief Clerk be authorized to appoint two additional pages, at the same per diem compensation as that already fixed for the pages heretofore appointed.

On the question of proceeding to the second reading of the resolution, it was determined in the negative.

STYLE OF OFFICIAL DOCUMENTS.

Mr. MINOR offered the following resolution, which was referred to the Committee on Legislation.

Resolved, That the Committee on Legislation be requested to inquire into the propriety of so changing the Constitution as to provide that the style of process and official documents shall be "State of

Pennsylvania" instead of "Commonwealth of Pennsylvania."

Mr. HAY. Mr. President: The Committee on Accounts and Expenditures respectfully report the following resolution:

Resolved, That a warrant be drawn in favor of Charles Lilly for the sum of fifteen dollars, in payment of services rendered to the Convention as page at the Harrisburg session.

The resolution was twice read and agreed to.

Mr. DALLAS. I move that the Convention adjourn. Lost.

LEAVE OF ABSENCE.

Mr. HARRY WHITE asked and obtained leave of absence for Mr. Finney, of Clearfield.

Mr. DARLINGTON asked and obtained leave of absence for Mr. Boyd, of Norristown.

Mr. BEEBE asked and obtained leave of absence for Mr. Bailey, of Huntingdon.

COMMITTEE ON FEDERAL RELATIONS.

Mr. J. M. WETHERILL. Mr. President: I move that the Convention proceed to the consideration of the following resolution offered by myself yesterday in reference to an additional Committee on Federal Relations:

Resolved, That the rules of the Convention be amended, by adding an additional Committee on Federal Relations, to consist of nine members.

The resolution was read a second time.

Mr. DARLINGTON. I would like to ask the gentleman what the duties of this additional committee will be.

Mr. J. M. WETHERILL. I will state to the gentleman that it has been customary for many years both in our State Legislature, and in the Legislatures of most of the other States at their annual sessions, to consider the relationship of the State and Federal governments. This provision is made, and while it is sanctioned by law it appears clear to me that it is always wise to consider the relations which we bear to the Federal government. I have had considerable hesitation in introducing this resolution, because I think it is a matter which requires the attention of the older heads in the Convention, and my object in introducing it has been with reference to a recent important event, which has occurred in a sister Commonwealth, wherein the Constitution established by

the people, under the protection of the Federal government, has been, by the power and authority of this latter government, subverted and overthrown. I think that incident is one of sufficient importance to call for some consideration by this body; but whether it would be advisable to express any opinion in reference to these relations it will be for that committee, if appointed, to consider. I do not desire, and perhaps it would be improper, to enter into a consideration of the reasons influencing me in offering the resolution, and I therefore will, with the permission of the Convention, at present decline to do so.

The question being on the adoption of the resolution.

The yeas and nays were required by Mr. J. M. Wetherill and Mr. J. P. Wetherill, and were as follow, viz:

YEAS.

Messrs. Alricks, Armstrong, Bailly, (Perry,) Bailey, (Huntingdon,) Boyd, Brown, Buckalew, Cassidy, Church, Clark, Collins, Corson, Craig, Cronmiller, Cuyler, Dallas, Dimmick, Ellis, Ewing, Fell, Gibson, Gilpin, Hanna, Hay, Hazard, Hemphill, Heverin, Hopkins, Howard, Hunsicker, Kaine, Knight, Lamber-ton, Lear, Littleton, M'Clean, M'Culloch, M'Murray, Patterson, D. W., Patterson, T. H. B., Purman, Purviance, John N., Read, John R., Reed, Andrew, Reynolds, S. H., Ross, Sharpe, Simpson, Van Reed, Wetherill, J. M., Wetherill, John Price, Wherry, Woodward and Wright—54.

NAYS.

Messrs. Achenbach, Andrews, Baer, Bannan, Barclay, Bartholomew, Beebe, Black, Charles A., Bowman, Broomall, Campbell, Carey, Carter, Cochran, Corbett, Curry, Curtin, Darlington, Davis, De France, Dodd, Dunning, Edwards, Elliott, Finney, Fulton, Funck, Guthrie, Horton, Landis, Lawrence, Lilly, M'Allister, MacConnell, Mann, Mantor, Metzger, Minor, Mott, Niles, Palmer, G. W., Palmer, H. W., Parsons, Patton, Porter, Reynolds, James L., Rooke, Runk, Russell, Smith, Henry W., Stanton, Stewart, Temple, Walker, White, David N., White, J. W. F. and Meredith, *President*—57.

So the resolution was not agreed to.

Mr. HUNSICKER moved to adjourn, which was agreed to, and the Convention thereupon adjourned at 1.45 P. M.

FIFTEENTH DAY.

MONDAY, January 13, 1873.

The Convention met at noon.

Rev. Dr. Boardman offered prayer, as follows:

Oh, Thou, who makest the outgoings of the morning and of the evening to rejoice, we render thanks to Thee for the mercy which has spared us, for the bounty which spreads our daily boards, for the goodness which surrounds us with unnumbered means and sources of culture and enjoyment. "Bless the Lord, Oh, our souls, and forget not all His benefits!"

We render thanks to Thee for a day of rest and worship. We thank Thee that amidst the bounties of Thy hand, the Sabbath was made for man, that it comes to us to interrupt the current of our earthly thoughts, turn off our minds from the seen to the unseen, from time to eternity, and to invite us to communion with our own hearts and to fellowship with God, the Author of our spirits. May the savor of our Sabbath services abide with us throughout the week. May Thy servants here assembled realize Thy presence and remember their accountability, not merely to the people of this Commonwealth, but to the King of Kings and Lord of Lords. And since our wisdom is foolishness and our strength is weakness, in Thy great mercy, wilt Thou endow us with wisdom from on High. Make them men who shall have understanding to know what shall be done for the well-being of our beloved land. So order their counsels, so direct all their deliberations, that their influence shall tend to the depression of the ignorance which dishonors and the vice which defiles the land. Purify the land from intemperance, profaneness and Sabbath breaking, and from discord, faction and molence.

Preside in the councils of the nation. Rule over our rulers and bless our country with universal peace and harmony. May the animosities and estrangements of the past be buried, and may all the people of these several Commonwealths be united in individual respect and confidence, and be animated by a sincere and paramount concern for the welfare of humanity and to the glory of Thy Holy

name. Send forth Thy light and Thy truth throughout the earth, and may despotism and oppression in every land give place to true enlightened liberty, and may pure and undefiled religion be established among all the nations.

Hear the voice of our supplications, and let Thy presence and benediction be with us in the services of this day. Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power and the glory, forever. Amen.

APPROVING THE JOURNAL.

The Journal of the proceedings of Friday was read and approved.

A QUESTION OF PRIVILEGE.

MR. KAINE. I rise, Mr. President, to a question of privilege. I was shown on Saturday evening a copy of a daily paper published in this city, called the *Public Record*, in which I was reported as having offered a proposition to remove the Capitol of this State from Harrisburg to Philadelphia. If the reporter who made that report is now here I desire him to be corrected. I do not desire to be placed in so ridiculous a position before the people of the State. Having uniformly opposed the adjournment of this Convention from Harrisburg to Philadelphia, I do not desire to be placed before the people of this State as having offered a resolution, or an amendment or a proposition to amend the Constitution, to remove the Capitol of the State from Harrisburg to this city when everybody knows that I am opposed to it.

NEW YORK CONSTITUTIONAL COMMISSION.

THE PRESIDENT. The Chair has received a communication from the secretary of the New York Constitutional Commission, enclosing a resolution of the Commission, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Clerk of this Commission be directed to forward to the Con-

stitutional Convention now in session in Pennsylvania the printed proceedings and documents of this Commission.

HIRAM CALKINS,
Clerk.

SALE OF INTOXICATING LIQUORS.

Mr. BEEBE offered the following petition, which was referred to the Committee on Legislation:

The undersigned, citizens of Emlenton and vicinity, Venango county, Pa., in said State, respectfully represent that the sale of intoxicating liquors as a beverage is the principal source of crime, immorality, poverty and social disorder in our midst; and that we believe the preponderating sentiment in our State is largely and strongly against any sale of such beverages, and therefore invite your immediate attention to this subject, and most earnestly pray that your honorable body will either insert a clause prohibiting the sale of all alcoholic beverages in such Constitution as you may prepare, or that you submit a separate clause of like nature to the people, which, if receiving the requisite vote, shall become a part of the Constitution.

And as in duty will ever pray.

Signed by sundry citizens of Emlenton, Pa.

Mr. LAWRENCE also offered a petition upon the same subject from citizens of Washington county, which was referred, without reading, to the Committee on Legislation.

POWELL DE FRANCE.

Mr. STANTON offered the following resolution, which was twice read and agreed to:

Resolved, That Powell De France be employed by this Convention to take charge of the coat room, and he shall receive the sum of two dollars per day.

ELIGIBILITY OF MEMBERS.

Mr. J. M. PURVIANCE offered the following resolution, which was read and referred to the Committee on Offices, &c.:

Resolved, That the Committee on Commissions, Offices, Oaths of Office and Incompatibility of Office be instructed to inquire into the expediency of proposing a provision in the Constitution to the effect: "That no member of this Convention shall be eligible to any office created under this Constitution, or where the tenure and mode of holding office and choosing officers shall be changed from appointment by the Governor to election by the qualified voters of the State: *Pro-*

vided, That this amendment shall only apply to the first election to be held after the adoption of this Constitution.

NEGLECT OF OFFICIAL DUTY.

Mr. JOHN P. WETHERILL offered the following resolution, which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to examine into the expediency of amending the Constitution by the following section:

That the councils of any city of over one hundred thousand inhabitants, with the view to the more certain prevention, if abused, that may occur by the dereliction of duty of any officer elected by them or under their control, or of any member thereof, and for the correction of the same, may have power, in any investigation thereof, to compel the attendance of witnesses, examine them under oath, and to send for such books and papers as may be necessary to prove the truth or falsity of the charges made. The wilful making of a false oath by the witnesses shall be considered perjury. Should the committee having the examination in charge demand, the mayor of the city or the judge of any court thereof shall issue subpoena and, if necessary, by attachment, compel the attendance of witnesses.

Should the officer be convicted of any infamous crime the office held by him shall be declared vacated, and he shall not be eligible to any office of trust or profit under the city government.

STREET RAILWAY.

Mr. D. C. KNIGHT offered the following resolution, which was to be referred to the Committee on Railroads and Canals.

Resolved, That no law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or incorporated village without requiring the consent of the local authorities having control of the street or highway proposed to be occupied by said street railroad.

JOURNALS OF CONVENTION.

Mr. HARRY WHITE offered the following resolution, which was twice read and agreed to.

Resolved, That the Clerk of the Convention is hereby directed to forward a copy of the daily Journal of this Convention to the Commission on the Constitution of New York, now in session in Albany.

GRAND JURY.

Mr. BEEBE offered the following resolution, which was read and referred to the Committee on the Judiciary.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the present grand jury system.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Mr. BEEBE also offered the following, which was read and referred to the Committee on Education:

Resolved, That the Committee on Education be instructed to inquire into and report to this Convention as to the following article, to be inserted in the new Constitution:

"There shall be a Superintendent of Public Instruction, who shall be elected at the same time, manner and term as the Governor, whose powers, duties and compensation shall be prescribed by law."

COMPULSORY EDUCATION.

Mr. BARCLAY offered the following resolution, which was read and referred to the Committee on Education:

Resolved, That the Committee on Education be instructed to inquire into the expediency of inserting in the new Constitution the following article: "The Legislature of Pennsylvania shall, at the first session after the adoption of the Constitution, require, by law, that every child of sufficient mental and physical ability shall be compelled to attend the public schools during the period between the ages of six and eighteen years, for a term of at least two years, unless educated by other means, and parents and guardians shall not be allowed to permit their children and wards to grow up in ignorance and vagrancy."

DECLARATION OF RIGHTS.

Mr. MACCONNELL offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be instructed to inquire into and report whether the article contained in the Declaration of Rights should be made the first article of the Constitution.

DEBATES TO NEWSPAPERS.

Mr. MANTOR offered the following resolution, which was twice read:

Resolved, That the Committee on Print-

ing be requested to inquire into and report it to this Convention whether, in their judgment, it would be expedient to forward by mail one copy of the daily Journal and Debate to each newspaper published in the State during the session of the Convention.

Mr. HARRY WHITE. Mr. President: As this question of printing is under consideration, I would ask, for the information of the Convention, the reading of the resolution authorizing the chairman of the respective committees to have the printing done for the benefit of the committees.

The PRESIDENT. The Chair thinks it is hardly relevant to the subject.

Mr. HARRY WHITE. I desire to call the attention of the Convention now to another fact in relation to the printing question. I believe there was a resolution passed here the other day authorizing the chairmen of the respective committees to have the resolutions printed for the use of the committees. Now I hold in my hand one file, which may be called a bill file, printed upon most excellent paper, and of the same size used in the Legislature and in Congress for printed bills. It is certainly a very expensive method of printing. I also hold in my hand another form for printed resolutions, proposed for the use of committees, which seems to me to be much the more economical method, and will answer the purpose quite as well, the object desired to be gained being for the information of the Convention and the committees, and not for the purpose of inserting amendments.

Mr. LILLY. I offer the following amendment:

"And one copy be sent to the Governor and the heads of departments of State, at Harrisburg, and one copy to each member of the State Legislature."

Mr. MANTOR. I accept that. I desire to make one remark, which is simply this: I do not wish to increase the expenses of the Convention by offering this resolution, but I am very well aware that there is a large reading community that is not in reception of the daily papers. The county that I represent has three daily papers and seven weekly papers. We get the proceedings of this Convention from day to day; but I offer this resolution more particularly because there are counties in this Commonwealth who will not be in reception of this information, and I desire sentiments of this Convention shall pass

into the hands of the people of the State, so that they may have the benefit of them.

Mr. WOODWARD. Mr. President: I wish to inquire of the mover when we may expect to see these daily reports ourselves. Ever since we met at Harrisburg resolution upon resolution has been submitted on the subject of printing these Debates, and we have been told, I know not how many times, that we should have a daily record of our proceedings. We have a corps of reporters here, and I know not how many printers, but I have yet to see the first specimen of a daily report of our proceedings. Before I can vote intelligently upon the proposition to send copies of our proceedings all over the world, I want to know what they look like. I want to see some copies of these proceedings. I have never seen them yet. I should be glad to have from the gentleman who moved the resolution, or some one else, some information on this subject of printed Debates, and when we can see them. When I see these proceedings in print, I can tell better than I now can whether it will be well to send copies of them through the country. I do not understand the process of the reporting and printing of the Debates of this body. We have employed so much machinery on them that the whole matter is beyond my comprehension. I have been looking day after day for the results of all this machinery but without avail. If there is any daily record of our proceedings, I would like to see it; if not I would like, at least, to know when we may expect it. Without this information I cannot vote intelligently on the subject of this resolution before the Convention.

Mr. MANTOR. Mr. President: The information for which the gentleman calls is, I suppose, to be had somewhere, but so far as I am individually concerned I am in just the same position as the gentleman himself. I have sat here day after day, my soul yearning for just this information, and crying out: "How long, O, Lord, how long?" I know no more about it than does the gentleman himself.

Mr. KAINE. Mr. President: I would inquire of the gentleman from Crawford (Mr. Mantor) about how many papers there are in the State which are supposed to be included by the scope of the resolution. I want to know how many copies of the Debates it will take to supply every paper in this Commonwealth. I know there are several counties in this State in which there are no daily papers publish-

ed, but I venture to say that every weekly paper published in this State will receive the proceedings of this Convention from the daily reports, made by the papers of this city, long before they could receive the official copy from Harrisburg. There is not a paper in the State that desires to print, entire, the proceedings of this body as they are officially reported. These newspapers cannot do it; they have neither the time nor the space. They will, however, have the proceedings as published by the city papers. There is not a paper printed in the State that does not receive a half-dozen of the daily papers of Philadelphia, Pittsburgh and other cities much earlier than they will get the official proceedings from our printer at Harrisburg. I am therefore opposed to the resolution, as I am of the opinion that it is trouble for nothing.

Mr. LILLY. Mr. President: We have a very intelligent Committee on Printing, and I think it would be well for us to have the opinion of that committee on this matter.

Mr. COCHRAN. Mr. President: The chairman of the Printing Committee is not, this morning, in the Convention, and in his absence I would like to say a few words bearing on this subject.

It will be apparent to every gentleman here, upon a moment's reflection, that there has been very little time for the completion of all the necessary arrangements in this matter. It will be remembered that the matter of who should do the printing of the Convention was decided only a few days ago. That selection was the first employment of any one to do our printing. It was not until Friday afternoon that the reports of the debates of the session of this Convention which was held at Harrisburg, by the gentlemen first employed by the Secretary of the Commonwealth to do the reporting, reached this body. That matter was placed in the hands of the printer this morning, and we have reason to believe that all that matter will be printed and laid upon the desks of the members by the close of this week or the beginning of next; and when that has been done I think we can expect that the order of the Convention will be complied with, namely: That the proceedings be laid upon members' desks every morning.

The practical difficulty has been to get the machine into working order. That machinery is now started in running order, and it will, doubtless, be kept as actively

at work as the necessities of the case demand.

Mr. HAY. Mr. President: I desire to move a reference of this matter to the Committee on Printing, for this reason: It will be the duty of that committee, doubtless, to make arrangements with the printer by which he will be required to furnish a certain number of copies, daily, of the Journal of this Convention. I do not suppose any member now knows how many copies will be needed, according to this resolution. Hence, I consider it a matter which it will be better for the Committee on Printing to take into consideration. I therefore move that it be referred to the Committee on Printing.

The PRESIDENT. That is the position of the question as it now stands, according to the resolution itself.

Mr. BAER. I move to indefinitely postpone the matter.

Mr. LANDIS. Mr. President: I sincerely hope that this matter will not be postponed; for while I have been here I have been spoken to by a number of gentlemen representing the public press who have desired that some method should be adopted by which the country press should be informed of the proceedings of this Convention. I think it is well to refer the matter to the Committee on Printing. Let them consider it and report whether it would be expedient or not. The country press should be informed of the proceeding of this Convention, and copies of the official reports are the most efficient for that purpose. There are many counties of this State where they do not receive the daily papers, and where the people have to depend upon the weekly press for information. By supplying the copies of the official proceedings direct from the Convention the people will have a better chance of seeing in their local papers what is being said and done here than they will by any other means that can be adopted. I therefore favor the original resolution.

The question being upon the indefinite postponement of the resolution.

The yeas and nays were required by Mr. Lilly and Mr. M'Murray, and were as follow, viz:

Y E A S.

Messrs. Baer, Black, Charles A., Brodhead, Broomall, Brown, Carter, Church, Clark, Collins, Corbett, Cronmiller, Curtin, Darlington, De France, Dunning, Gilpin, Hemphill, Hopkins, Howard,

Kaine, Lawrence, Long, M'Culloch, Palmer, G. W., Patterson, T. H. B., Porter, Purman, Purviance, Sam'l A., Read, Jno. R., Ross, Russell, Smith, Henry W., Walker, Wetherill, John Price, White, David N., White, Harry and Woodward—36.

N A Y S.

Messrs. Achenbach, Addicks, Alricks, Bailly, (Perry,) Baker, Barclay, Bardsley, Beebe, Bowman, Campbell, Carey, Cassidy, Cochran, Craig, Curry, Dallas, Dodd, Elliott, Ewing, Fell, Guthrie, Hay, Hazzard, Heverin, Horton, Knight, Landis, Lilly, Littleton, M'Allister, M'Clean, M'Connell, M'Murray, MacVeagh, Mantor, Niles, Patton, Purviance, John N., Reynolds, James L., Runk, Simpson, Struthers, Temple, Wetherill, J. M., White, J. W. F., Worrell and Meredith, President—47.

So the motion was rejected.

The question being taken on the resolution, a division was called, which resulted as follows: Ayes thirty-nine; noes thirty-six.

So the resolution was adopted.

BOARDS OF ARBITRATION.

Mr. CAMPBELL offered the following resolution, which was referred to the Committee on Industrial Interests and Labor:

Resolved, That the Committee on Industrial Interests inquire into the expediency of having boards or juries of arbitration constituted for the settlement of all disputes between workmen and their employers.

PUBLISHING NAMES OF ABSENT OR NON-VOTING MEMBERS.

Mr. TEMPLE offered the following resolution, which was laid on the table:

Resolved, That when the yeas and nays are called on any question the Clerk shall be required to enter upon the Journal the names of all the members of the Convention, as well those who vote as those who are absent and those who do not vote.

DIVISION OF THE STATE.

Mr. DE FRANCE offered the following resolution, which was referred to the Committee on the Legislature:

Resolved, That the standing Committee on the Legislature be respectfully requested to consider the propriety of placing in the Constitution a section, in substance, as follows: That provision shall be made for a division of the State into seventeen

parts of contiguous territory, as nearly equal in inhabitants as possible, without dividing counties or wards or cities. That each one of these equal divisions be allowed to elect three Senators, to serve the State four years, and nine Representatives, to serve the State for two years, and said Assembly so elected shall meet biennially.

LEAVE OF ABSENCE.

Mr. HEMPHILL asked and obtained leave of absence for Messrs. Hunsicker and Corson, of Montgomery.

Mr. RUNK asked and obtained leave of absence for Mr. Ainey.

Mr. ACHENBACH asked and obtained leave of absence for Mr. Hall.

RIGHTS OF RESIDENT SHIPPERS.

Mr. LANDIS offered the following resolution, which was referred to the Committee on Railroads:

Resolved, That the Committee on Railroads be requested to inquire into the expediency of so amending the Constitution as to provide that the Legislature shall, by law, prohibit railroad companies from preferring foreign shippers to shippers resident within the State in furnishing the means of transportation of freight.

FUNDING PUBLIC DEBT.

Mr. BARDSLEY offered the following resolution, which was referred to the Committee on Railroads:

Resolved, That the Committee on Municipal Debts be directed to report a section in the new Constitution prohibiting any city, county, borough or township from funding any debt to a greater amount than twelve per cent. of the assessed value of the real estate in said city, county or township.

STYLE OF COMMITTEE PRINTING.

Mr. HARRY WHITE offered the following resolution:

Resolved, That such printing as shall be ordered by the respective committees, in pursuance of the resolution for that purpose, passed on the 8th inst., shall be printed on unsized paper, with long primer type, and not in the form used for legislative bills.

The resolution was read a second time.

Mr. DARLINGTON moved to refer the resolution to the Committee on Printing.

The question being taken, the yeas and nays were required by Mr. Harry White and Mr. J. R. Read, and were as follow, viz:

YEAS.

Messrs. Achenbach, Addicks, Alricks, Baily, (Perry,) Barclay, Beebe, Bowman, Brodhead, Broomall, Brown, Campbell, Carey, Church, Clark, Craig, Cronmiller, Curry, Curtin, Dallas, Darlington, DeFrance, Dodd, Elliott, Ewing, Gilpin, Guthrie, Hay, Hazzard, Hemphill, Heverin, Hopkins, Horton, Howard, Kaine, Lawrence, Lilly, Littleton, M'Allister, M'Clean, MacConnell, M'Culloch, M'Murray, MacVeagh, Mantor, Minor, Mott, Niles, Palmer, G. W., Patton, Porter, Purviance, John N., Purviance, Samuel A., Reynolds, James L., Ross, Runk, Russell, Smith, Henry W., Struthers, Temple, Wetherill, J. M., White David N. and White, J. W. F.—62.

NAYS.

Messrs. Baer, Baker, Bardsley, Black, Chas. A., Cochran, Collins, Corbett, Fell, Landis, Long, Patterson, T. H. B., Purman, Read, John R., Simpson, Walker, Wetherill, John Price, White, Harry, Woodward, Worrell and Meredith, *President*—20.

So the motion was agreed to.

COURTS OF CONCILIATION.

Mr. DARLINGTON offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing courts of conciliation.

LIMITING LEGISLATIVE CHARITABLE APPROPRIATIONS.

Mr. MINOR offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of so amending the Constitution as to provide that the power of the Legislature to make appropriations in aid of charitable institutions shall hereafter be limited to those which are under the exclusive care and control of the State.

Mr. HEVERIN offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of providing an amendment to the Constitution for the abolition of all usury laws and prohibiting their future enactment.

PUBLISHING NAMES OF ABSENT MEMBERS.

Mr. TEMPLE. I desire to ask the second reading of the resolution offered by me a few moments ago, which is now on the Clerk's table.

The resolution was read by the Clerk, as follows:

Resolved, That when the yeas and nays are called on any question, the Clerk shall be required to enter on the Journal the names of all the members of the Convention, as well those who vote as those who are absent and those who do not vote.

On agreeing to the resolution, the yeas and nays were required by Mr. Temple and Mr. De France, and were as follow, viz:

Y E A S.

Messrs. Baer, Baily, (Perry,) Baker, Barclay, Bardsley, Beebe, Black, Charles A., Broomall, Campbell, Carey, Carter, Church, Collins, Corbett, Curry, De France, Elliott, Ewing, Gilpin, Hay, Hazard, Horton, Landis, Lilly, M'Allister, M'Culloch, M'Murray, Mantor, Palmer, G. W., Patterson, T. H. B., Porter, Purviance, John N., Read, John R., Ross, Runk, Russell, Simpson, Smith, Henry W., Temple, Wetherill, J. M., Wetherill, John Price, White, J. W. F., Woodward and Meredith, *President*—44.

N A Y S.

Messrs. Achenbach, Addicks, Alricks, Bowman, Brodhead, Brown, Clark, Cochran, Craig, Cronmiller, Dallas, Darlington, Dodd, Fell, Guthrie, Heverin, Hopkins, Kaine, Knight, Lawrence, Littleton, Long, M'Clean, MacConnell, MacVeagh, Minor, Mott, Niles, Patton, Purman, Purviance, Samuel A., Reynolds, James L., Struthers, Walker, White, Harry and Worrell—36.

So the resolution was agreed to.

ABSENT OR NOT VOTING.—Messrs. Ainey, Andrews, Armstrong, Bailey, (Huntingdon,) Bannan, Bartholomew, Biddle, Black, J. S., Boyd, Buckalew, Cassidy, Corson, Curtin, Cuyler, Davis, Dimmick, Dunning, Edwards, Ellis, Finney, Funck, Fulton, Gibson, Gowen, Hall, Hanna, Harvey, Hemphill, Howard, Hunsicker, Lamberton, Lear, M'Camant, Mann, Metzger, Newlin, Palmer, H. W., Parsons, Patterson, D. W., Pughe, Reed, Andrew, Reynolds, S. H., Rooke, Sharpe, Smith, H. G., Smith, W. H., Stanton, Stewart, Turrell, Van Reed, Wherry, White, David N. and Wright—53.

Mr. BRODHEAD. Mr. President: Are resolutions still in order?

The PRESIDENT. The time for resolutions is passed. By leave of the Convention the resolution will be received. [Consent.]

VALUATION OF PROPERTY.

Mr. BRODHEAD offered the following resolution, which was read and referred to the Committee on Taxation, Revenue and Finance:

Resolved, That the Committee on Taxation, Revenue and Finance be requested to inquire into the policy of providing for a general and uniform system of valuation of all the real and personal estate in the Commonwealth, under oath and with proper penalties for false returns, upon which valuation a tax of a certain number of mills per dollar, as may be designated by State, county and municipal authorities as necessary for their purposes, shall be laid and collected by the county authorities and paid over to the State and municipal treasurers. That in making such valuation the market value of the property shall be the standard; that no property, real or personal, shall pay more than one tax; that all incumbrances shall be deducted from such valuation and taxed in the hands of the owners thereof; that all corporations shall be taxed, when feasible, through the capital stock in the hands of the holders thereof, and that all special taxes be abolished, but the Legislature may provide for the payment of license fees by the various trades and occupations for State, county and municipal purposes.

COMPULSORY EDUCATION.

Mr. BOWMAN offered the following preamble and resolution, which were read and referred to the Committee on Education:

WHEREAS, The permanency of our form of government, as well as the liberty, prosperity and happiness of our people, depend upon the education of the youth; therefore,

Resolved, That the Committee on Education take into consideration the propriety of so changing the Constitution as to provide for a system of compulsory education.

Mr. MACVEAGH. Mr. President. If there are no more resolutions I move the Convention do now adjourn.

The motion was not agreed to.

DIRECTORY OF MEMBERS.

Mr. TEMPLE. Mr. President: There was a resolution offered here during last week authorizing the Sergeant-at-Arms to prepare a directory, giving the names and residence of the various members. Upon my motion it was indefinitely postponed, and I have been asked by the mover of the resolution and ask to have it considered.

The question being, shall the Convention proceed to the second reading of the resolution, it was not agreed to.

COMMITTEE ON THE STATE.

Mr. KAINE. Mr. President: I move that the Convention now proceed to the consideration of the resolution offered by myself on Friday last, providing for the appointment of a Committee on the State.

The PRESIDENT. The Clerk will read the resolution for information.

The CLERK read, as follows:

Resolved, That a committee of five be appointed, to be called the Committee on the State.

The question being, shall the Convention proceed to the second reading of the resolution, it was agreed to; and the resolution was again read.

Mr. LILLY. Mr. President: Some of us would like to have a little information as to the nature of the work to be performed by this new committee. I cannot imagine what the duties of that committee would be. We have now about forty committees, more or less, and it seems to me if we create any more our strength, instead of being concentrated, will be so diffused that it will be impossible for us to come to a speedy conclusion of our labors.

Mr. KAINE. If the gentleman will wait for a moment, until the Chair announces that the resolution is before the Convention, I will explain.

The PRESIDENT. The Chair announced that the resolution was before the Convention.

Mr. KAINE. There are some subjects that ought, in my opinion, to come before this Convention, in some shape or other, for which there is no appropriate committee.

Two propositions were offered a day or two ago relative to the Capitol of the State; one that it should be removed from Harrisburg to Philadelphia, and the other one that a provision be inserted in the Constitution that the Capitol of the State should remain at Harrisburg, permanently, forever. Those propositions were referred to the Committee on Public In-

stitutions and Buildings. I apprehend, sir, that that committee is not an appropriate committee for the consideration of a subject of that kind. I think it was not contemplated in the formation of that committee that it should consider subjects of that kind, but more appropriately public institutions, such as penitentiaries, &c., that belong peculiarly to the State.

I think a committee, such as I propose by the resolution, should be appointed, and to such a committee should be referred subjects of that kind. I did propose, myself, if a proper committee was appointed, to present a proposition to have a clause inserted in the Constitution fixing the boundaries of the State as they are now established by law. After the adoption of the Constitution of 1790 the very first act of Assembly that was passed was with regard to the seal of this State.

That act is prefaced by a preamble, setting forth that the Convention that framed the Constitution of 1790 neglected to insert anything in the Constitution with regard to the seal, and therefore it became necessary for the Legislature to pass an act upon that subject. I think that something with regard to the great seal of the State should be put into the Constitution.

That would be a proper subject for the consideration of the committee that I propose. We have two seals belonging to this State, the greater and the lesser seal. An act of Assembly was passed in 1800, by which the Secretary of the Commonwealth was directed to have the great seal of the State recorded. There is nothing on record in the State Department with regard to the lesser seal, which is affixed to many documents.

We have in this hall, just over your head, Mr. President, the flag of the Union: we have the coat of arms of the city of Philadelphia; we have the flag and the coat of arms of the Commonwealth of Pennsylvania. I have been unable to find anything on record any where in regard to the establishment of that coat of arms or the establishment of that flag. That matter was brought to the consideration of the Legislature a few years ago by the Executive of the State, but it received no attention at their hands. I would have this Committee to say something on this subject. At any rate I, for one, would desire to place in the Constitution of the State something in regard, at least, to the public seal of this Commonwealth by which all the documents of the State are rendered fully official and complete. It is,

therefore, sir, for the purpose of considering this subject, and subjects of kindred importance, that I propose to raise this committee.

Mr. DALLAS. I move to amend, by striking out the word "State," and inserting in lieu thereof the words "miscellaneous subjects." I do not know that when the vote comes to be taken upon the final resolution I shall vote for it, even if it be amended as I now propose, for I think we have quite enough committees already in this body, and it cannot be objectionable to refer, as they have been referred, the resolutions already introduced and spoken of by the gentleman debating this point. I do not think that the Committee on Public Buildings and Institutions is so over-burdened with work that it will be put to any inconvenience by a reference of the matter. Still, if it be really necessary to have a committee for such subjects, or, indeed, for any possible subjects not already fully provided for, let us have a committee that will obviate the necessity for any further committees. If the resolution is to pass at all, which I do not urge, let it be passed in the form in which I have amended it.

Mr. WOODWARD. I have heard, with great respect, the resolution and remarks of the gentleman from Fayette, (Mr. Kaine,) but I do not think either of the resolutions should be adopted.

Let us look at the reasons given for recommending the appointment of this committee. The question of the removal of the Capitol from Harrisburg to Philadelphia is one. That is an independent subject, and already, perhaps, under the consideration of some committee. I think it is a subject worthy of some consideration.

I thought this morning when my friend made his personal explanation, that if he (Mr. Kaine) shall never find himself reported as advocating any proposition more unreasonable than the removal of the Capitol to Philadelphia he will not have much to complain of, although I do not know that I would myself vote for the removal if the question came up. All I say now is, that it is not at all worth our while to appoint a committee on the subject.

Another reason assigned for the appointment of this new committee is that it may define the boundaries of the State. Whatever may have been the difficulties had in the early history of the Commonwealth on the question of boundaries,

these boundaries are now fixed—unalterably fixed. For my part I do not care whether the Constitution of the State says anything on the subject or not; the boundaries are certainly fixed by legislation and negotiation with adjacent States, and by the fixing of the boundaries of these other States; for if the boundaries of the surrounding States be definitely fixed ours must be so. When the boundary between New Jersey and Pennsylvania—the middle of the Delaware river—was fixed by negotiation, that fixed the boundary of Pennsylvania in one direction at least. The Delaware river is there still, and likely to flow on as long as time lasts, and in that direction, certainly, we cannot change our boundary any more than we can change our boundary on the Ohio river, or our boundary on Lake Erie. It is not intended for this Convention to re-open questions that have been decided. We are already bounded on every side by States whose boundaries are definitely marked and fixed, and it is none of our business to interfere with that matter.

In regard to the coat of arms and flags I do thank my friend for telling me that that coat of arms of Pennsylvania, of which we are all justly proud, has no constitutional or legislative origin. I rejoice to hear that it is a part of our tradition, for there is no part of our history so valuable as our tradition. It has come down to us from our fore-fathers from a remote time, and I am the better pleased if that be a time so remote that the memory of man runneth not to the contrary. I would not disturb that tradition. I would have our children receive it from us, as we received it from our fathers. I would not have it in the Constitution, nor would I have any legislation upon it. It has entered into the hearts of the Pennsylvanians, who have lived and died under it, and it has the affection of those that are living now. The gentleman is mistaken in supposing that he is going to make it more precious to us by legislation. Leave it where it is, as a national tradition, and let no man living raise his hand against it, or he will find that that emblem of our liberty is guarded, not by legislation or constitutional provision, but by the affection and enthusiasm of the four millions of people who inhabit Pennsylvania. It will grow more and more precious as years go by, provided we keep our hands, and everybody else's hands, off it. We will only debase

and degrade it by legislation with regard to it. That is the answer I make to the reasons assigned by the gentleman from Fayette (Mr. Kaine) for the appointment of this new committee.

The gentleman from Philadelphia (Mr. Dallas) proposes to improve upon the first idea, by creating a committee on miscellaneous subjects. This Convention has already multiplied the one hundred and twenty-three members of which it is composed into two hundred and forty-six committee men. We cannot get a report from one of them, and I do not know that they will ever be ready. I do know, Mr. President, that those committees to which I have had the honor of being assigned by yourself, are in a condition of suspended animation, and I am not aware that any others are in any better condition.

I am reminded, however, that the Suffrage Committee has reported two sections, and I am very glad to know that even that much has been done. But look at the whole thing for one moment. Here we are, a great deliberative body, assembled to amend the Constitution of the State of Pennsylvania. Our committees—a great number of them—have been appointed, and cover every subject that can be of practical utility to consider. The topics proposed by the gentleman from Fayette (Mr. Kaine) to be discussed and decided are not, I submit, topics to be inquired into at all. What does the gentleman from Philadelphia (Mr. Dallas) mean by "miscellaneous subjects?" I do not see what he can mean. If he will specify something that is not already covered by some one of the twenty-eight committees we have now in existence, I will agree to call it a "miscellaneous" matter; but until the gentleman will enlighten us upon this question, I hope we will refrain from any action looking to an increase of the number of our committees.

MR. KAINE. Mr. President: I am very glad that my proposition to raise that committee has brought that very able and patriotic speech from my friend Judge Woodward; but, sir, the gentleman is mistaken. He says the boundaries of Pennsylvania are fixed and settled, and have been so for a long time past. I do not propose to disturb the boundaries of the State at all; but would it do any harm to put into this Constitution an article defining the boundaries of the great Commonwealth of Pennsylvania? I can tell the gentleman that there is a board of commissioners, appointed by the Gover-

nor of Pennsylvania, now awaiting the appointment of a similar board of commissioners by the State of Delaware, to fix the boundary line betwixt this State and that. The act of Assembly under which this commission was appointed was passed in 1869.

That act of Assembly proposes, in direct terms, to surrender to the State of Delaware a portion of the territory of this Commonwealth. The State of Delaware has thus far refused to appoint a joint commission on this subject, or I suppose ere this time that little angle that runs down the eastern line of the State of Maryland, and bordering upon the circle of the State of Delaware, between Delaware and Pennsylvania, would have been surrendered to the State of Delaware by extending the east and west line of the State of Maryland eastward until it touched the circle. Hence, I think it would do no harm, sir, to put a clause or article or section of an article into this Constitution, fixing and declaring the decision of this Convention as to what are the boundaries of the Commonwealth of Pennsylvania. It is certainly a subject worthy of consideration, as are, I think, the other subjects which I have named.

The gentleman is also mistaken in regard to the flag of Pennsylvania, of which he so much boasts. It may be a matter of tradition, but it is not long since that flag was established, and he wants it to remain as it stands there. It is not now the same as when it was established. Those horses, for instance, are very much changed. The gentleman will find that the horses of the original are not the magnificent horses that now display their fine proportions to the eye, but the old Pennsylvania Conestoga horses with harness on. I do not propose myself that any thing should be said in the Constitution in regard to the flag or coat of arms of Pennsylvania; but I do think it meet and proper that the great seal of the Commonwealth should be defined and described by an article in the Constitution.

It will do no harm for the committee to consider this subject. It will do no harm to bring the matter to the consideration of the members of this Convention; and after it has been brought to their consideration if they choose to adopt anything of the kind it will be well; if not, no harm will be done.

MR. DALLAS. I thoroughly agree with my colleague (Mr. Woodward) that we have a sufficient number of committees

for all the purposes of this body, and I will not vote to add a single other committee to the number we already have.

MR. WORRELL. As this resolution will, in effect, abridge the powers of at least one of the standing committees of this House, and as the chairman of that committee is not now present, I have felt it my duty to rise and speak upon the question. The gentleman from Fayette (Mr. Kaine) has merely demonstrated that there are certain subjects which should receive the consideration of some committee of this Convention, but he has not shown that there is no standing committee in existence to which these subjects can properly be referred. I grant that these subjects should be considered by the Convention, and that they should be considered by some one of our committees, but until some necessity for the creation of a new committee is demonstrated I take it that this resolution is improper. Now if any resolution is offered which cannot be properly referred to one of the committees already in existence, I think it will be time enough then to create a new committee. The fact is that all the resolutions which have been so far introduced have been referred, by the President, to the appropriate committees, and therefore there can be no necessity, at this time, for the creation of an additional committee.

MR. JNO. PRICE WETHERILL. Mr. President: I have listened with a great deal of pleasure to the remarks which have been made on both sides of this question. I am, sir, clearly of the opinion that our twenty-seven committees can attend properly, prudently and judiciously to every matter that may come up before this Convention and be referred to them. I do not think, although it may be a very important matter, that the great or lesser seal of the State of Pennsylvania should be looked after. I do not see the reason for creating a special committee of this body for this purpose; but I do think that if there is any necessity for a change that one of the twenty-seven committees which we have appointed will certainly take care of that matter. The same remark will apply in regard to the boundaries of the State. Certainly one of these twenty-seven committees can take just as good care in seeing that we are protected in our State lines as any special committee, simply because it may have the dignified title of the Committee on the State. Now, sir, the same

remark will also apply in regard to the flag. I was rejoiced to hear the patriotic remarks of the gentleman from Philadelphia, (Mr. Woodward,) and I fully endorse every word he has said upon the subject; but, sir, the flag need not be touched, for there may be a danger, if the matter of the flag be referred to the committee, that it may possibly be placed a little higher or a little lower than the flag of our country, and I do hope, for that reason, that no such action will be taken by any committee on this subject.

I find, Mr. President, that, as the gentleman from Philadelphia (Mr. Woodward) has stated, that nearly every member of this Convention is already upon two committees, and I do think if we add a third we will increase the present evil of absenteeism which many of our committees are now experiencing. I admit that several of the members of the Convention have asked for leave of absence on very good grounds, and therefore they cannot attend to their committee duties, but what is the consequence? When they do attend the work must all be gone over again or some of them will probably not be satisfied. Therefore, do not let us incur the danger of having any more absent men upon committees. The committee work of this Convention is its most important work. There the work will be done thoroughly, carefully and prudently, and every member upon the committees should take his full share and part in the work. If we increase our number of committees I fear that it will increase this absenteeism, and this important work may not be done. But above all, we certainly do not want a committee raised for so small a purpose as to put a harness on the unharnessed horses of the Pennsylvania flag.

The amendment was not agreed to.

The question being on the resolution,

MR. JNO. R. READ offered the following amendment, which was rejected:

Resolved, That the resolution be amended, by striking out the word "five," and inserting the word "nine."

On agreeing to the resolution a division was called. The resolution was not agreed to, twenty-one less than a majority of a quorum voting in the affirmative.

MR. LILLY moved to adjourn, and the Convention adjourned at one fifty-five P. M.

SIXTEENTH DAY.

TUESDAY, *January 14, 1873.*

The Convention met at twelve o'clock M.

Prayer was offered by the Rev. Mr. Boardman, as follows:

O, Thou, who art the King eternal, immortal, invisible, the only wise God, to-day we adore and worship Thee! Thou art our God, and we will bless Thee, our fathers' God, and we will glorify Thy name. We render thanks to Thee for Thy great goodness to the land in which we dwell. We bless Thee for the prevalence of peace, plenty and prosperity. We thank Thee for wise laws and just institutions; that we have a government of law, and not a government of force. We bless Thee for the ordinance of religion; that we have grown up in a land where we can worship God according to our consciences, with none to molest or make us afraid. We bless Thee for the institutions of learning, and pray that the streams which go forth from them may enrich and fertilize, may purify and elevate the people of the land.

We deplore before Thee the prevalence of ignorance and vice. We lament that we have not rendered thanks to Thee as we ought for Thy great benefits towards us; that we have been lifted up with pride, and that we paid to our own wisdom and powers the homage which was due to God alone.

We entreat Thee to forgive our sins, the sins of our rulers, the sins of our people; cleanse our land from vice and crime, and above all do we pray, O, God, that this carnival of dishonesty may cease, that Thou wouldst restore to us the reign of truth and purity and integrity; that our law-makers may not be law-breakers; that those who sit in the seats of magistracy may set before all the people an example of honor and equity and purity; that we be not visited for the sins of our rulers with the displeasure of our God. To this end may it please Thee, O Lord, to meet Thy servants here in Convention assembled; imbue them with just views of the greatness of the task Thou hast laid

upon them; may they bring to their work an unbiassed judgment, a paramount regard for the true interests of the Commonwealth, and an abiding sense of their responsibility to Thee, the great Law Giver and Judge of all; and so may it please Thee to crown their deliberations with Thy favor, that through their instrumentality the well being of all the people shall be promoted; that merit shall be encouraged; that vice shall be repressed; that faction and discord and violence may be banished from our borders, and that we may live together in the enjoyment of a true peace and with the lasting favor of our God. Hear our prayer. Let Thy benediction be upon us, and accept and save us in our Redeemer. Amen.

The Journal of yesterday's proceedings was read and approved.

MR. NEWLIN. Mr. President: I am directed by the Committee on Printing to ask leave to sit during the session of the Convention.

Leave was granted.

MR. ARMSTRONG. The Judiciary Committee has requested me to ask leave of the Convention to sit during the session of the Convention. We are now engaged in the consideration of some important matters, and hope to make a report as soon as possible.

Leave was granted.

HISTORICAL SOCIETY.

THE PRESIDENT. The Chair has received a communication from the Historical society of Pennsylvania, which the Clerk will read:

The Clerk read as follows:

I have the honor of communicating to the Constitutional Convention the following resolution, unanimously adopted by the Historical society of Pennsylvania, at a meeting held this day:

Resolved, That the members of the Convention assembled to propose amendments to the Constitution of Pennsylvania be invited to inspect the library and historical collections of the society; and that the use of the reading room be offered

to them during the sessions of the Convention.

(Signed) ROSS LOWDEN,
Corresponding Secretary.

Mr. HANNA. I move the invitation be accepted, with the thanks of the Convention.

The motion was agreed to.

SOLDIERS' MASS MEETING.

The PRESIDENT presented to the Convention a communication from the Philadelphia soldiers' colony, inviting them to be present at a mass meeting of soldiers and their friends, January 18, 1873.

Mr. LILLY. I move the invitation be accepted, with the thanks of the Convention.

The motion was agreed to.

MEMORIAL OF CITIZENS' MUNICIPAL REFORM ASSOCIATION.

Mr. J. P. WETHERILL. Mr. President: I have been requested by the Citizens' Municipal Reform association to present to the Convention a memorial, which I hold in my hand. I desire that the separate articles be referred to the proper committees.

The memorial was read, as follows:

MEMORIAL

To the Constitutional Convention of Pennsylvania from the Citizens' Municipal Reform Association.

ROOMS EXECUTIVE COMMITTEE, }
711 Sansom st., Jan. 13, 1873. }

The undersigned, a committee appointed by the Citizens' Municipal Reform association of Philadelphia, respectfully beg leave to lay before you some suggestions of amendments to the Constitution proposed by that body, and to ask for them your earnest consideration. They are designed to remove evils which we believe are universally felt and acknowledged, and if to your superior wisdom they may not appear sufficient, we look with confidence to your devising more effectual measures.

As the scope of the association is confined to matters connected with municipal administration, it has restricted itself to a few subjects bearing directly or indirectly upon the purity and efficiency of the government of large cities. It, of course, speaks only for Philadelphia, but it believes that the other municipalities of the State suffer, to a greater or less degree, from the same causes and would be benefited by the same remedies.

I. LOCAL SELF GOVERNMENT.

It is admitted by all thoughtful men that the municipal government of Philadelphia is a failure. While exacting an amount of taxation of which the yearly growth threatens soon to be intolerable, the municipality appears unable to perform properly a single one of the functions for which the money of the citizens is nominally collected. Immense sums are yearly spent for paving, street cleaning, police, gas, water and education, with as lendoriness of return, which argues either corruption or incompetency or, possibly, both. Many citizens, wearied with the constant aggravation of resultless expenditure, are losing faith in the ability of the people to govern themselves, and are led to the conclusion that, in dense communities at least, republican institutions are worse than useless, and that some form of absolutism is requisite if we would escape from the rule of the incompetent and unprincipled men who seem to have found the secret of capturing the suffrages of the people.

We think that this conclusion is unwarranted, and that the true reason of our failure in municipal administration lies in the fact that the people of our large cities really do not govern themselves. They are governed by a body known as the State Legislature, itself irresponsible directly to municipalities, which delegates to them such powers as chance, caprice or corruption may dictate, revokes or modifies those powers at will, and interferes, in every way, with the concerns of great communities, about which only a small fraction of its members can have the least acquaintance or feel the slightest interest. The authority thus exercised, without responsibility to those affected by it, leads, inevitably, to the grossest corruption. All the arts known to the most venal of demagogues are used to secure seats in the Legislature, where power can be turned to profitable account, and good men yearly shrink with greater disgust from the contamination involved by membership in the supreme law-making power of the Commonwealth.

With such an example before them, and such a supreme body to relieve them of responsibility, is it any wonder that our municipal Legislatures, wielding a limited and divided power, should be similarly self-seeking and corrupt, incompetent for good and energetic only in evil? Is it any wonder that our citizens,

bewildered by such an artificially cumbersome and duplicate form of government, uncertain where to place responsibility, and feeling that their best efforts at reform at home may be neutralized by the action of some constituency at the furthest end of the State, should be discouraged, should abandon the conduct of local affairs to those who are only too ready to grasp it for their own purposes, and should yield to a despairing apathy born of disgust and hopelessness?

The primary condition of success in popular government is that every citizen should acknowledge the duty which he owes to the community by taking part in public affairs, scrutinizing the conduct of public servants, and holding them to strict responsibility for their acts. This public spirit should be carefully cultivated, and its growth can be healthy and effective only when every man sees that he can make his influence felt, that he can watch the actions of those in power, and can bear his share in rewarding the faithful and punishing the corrupt. To accomplish this, the frame of government should be as simple as possible, the powers and duties of officials should be clearly defined, and there should be no opportunity afforded them of escaping the responsibility of their own acts. If it were desired to evade all these conditions it would be difficult to construct a system more ingeniously adapted than ours to confuse the average voter and enable the unfaithful public servant to shirk responsibility.

The only mode, we are convinced, to arouse the people to a sense of their duties, and to lead them to that activity and vigilance which are indispensable to good popular government, is to entrust each community with control over its own affairs. When there is no longer a distant body exercising authority at once supreme and vexatiously minute, local evils can be traced to their sources, officials can be held to due responsibility, and citizens will feel that if they desire redress there is one way, and only one, by which they can certainly obtain it. Thus they would soon be trained in the practice of self-government, which is rapidly becoming a mere tradition among us; a new and healthy and vigorous public spirit would spring up, and corrupt officials would be regarded as public enemies in place of being looked upon with a sort of tacit admiration as shrewd and successful men.

If we hesitate to try this experiment, if

we fear to trust ourselves with the conduct of our own affairs, let us be consistent; let us no longer prate of republicanism and democracy, but let us seek refuge and protection under the paternal care of Caesarism.

You will doubtless be urged to mitigate the evils of which we complain by limiting the power of special legislation in the hands of the Assembly, and we will hail with satisfaction all measures of this kind which your wisdom may enact. Yet we hope that you will not content yourselves with this and stop short with palliatives when you have it within your power to effect a radical cure. We need hardly remind a body, such as yours, that the most dangerous form of legislation is general legislation for special objects, and that so long as the Legislature has power to interfere, directly or indirectly, in the local concerns of the wealthy communities within our borders, that power will be exercised and will be a source of the most dangerous corruption.

At the same time we admit that the experiment is a momentous one. We may err in our expression of confidence as to the wisdom with which the power of self-government would be exercised, and we can imagine supreme occasions in which a community might find it requisite to appeal for aid to the sovereign authority of the State. As a Constitution is not lightly to be modified, it should provide, as far as practicable, for all contingencies, and possess an elasticity adapting it to unforeseen circumstances. We would therefore suggest a provision whereby the people should not be precluded from seeking the interposition of the Legislature, if they should deliberately determine to do so.

Entertaining these views, we respectfully submit, for your consideration, the following clauses, which have been framed for the purpose of restoring to the municipalities of the Commonwealth the right of self-government, of which they have been so long deprived:

I. The Legislature shall pass general laws whereby a city may be established whenever a majority of the electors of any town or borough, voting at any annual election, shall vote in favor of the same being so established.

II. The Legislature shall pass no special laws creating any municipality, or regulating its form of government or the management of its internal affairs, unless such

laws be specially asked for, for a definite object, by a majority of the legal voters of any municipality, voting at any general or special election. And every municipality shall have power to pass laws for its own regulation, not repugnant to the Constitution of the United States or of this Commonwealth.

II. ALDERMEN.

No greater blot upon our civilization exists than the administration of justice in petty cases as exercised in a great city such as Philadelphia. All the worst arts of the professional politician are exerted to secure the position of alderman for those who are unfitted for it by training, by habits and by character; and it is only because their victims are habitually the poor and friendless that their brutal and venal tyranny fails to attract general attention and to arouse the sternest popular indignation. The abolition of the system which gives rise to these abuses is so generally recognized as desirable that it has been formally recommended by the grand inquest of the city of Philadelphia in a recent presentment.

No greater boon could be conferred on the community than a system by which cheap and equal justice could be had by poor and rich alike. To secure this we would urge you to adopt a plan by which the office of a magistrate of the lower jurisdiction should be made attractive to capable and upright men, who by good conduct could secure a permanent career, but who, at the same time, could be speedily removed for any neglect or malfeasance. To this end we suggest for your consideration the following amendment:

"The office of alderman shall be abolished in all cities, and in lieu thereof there shall be appointed, by the Governor, a magistrate for every — thousand inhabitants, who shall have the jurisdiction and powers as justices of the peace, heretofore exercised by aldermen, and no other functions or powers. Such magistrates shall be learned in the law, not less than — years of age, and shall receive an adequate compensation, to be determined and paid by the authorities of their respective cities, which compensation shall not be diminished during their continuance in office. All the fees of the office shall be payable into the treasury of their respective cities. They shall hold their office during good behavior, but shall be liable to be removed therefrom by the court of common pleas of their respective

counties upon cause therefor being shown by any citizen; and any person aggrieved by the judgment of the court of common pleas in such cases may remove the same, by writ of error, into the Supreme Court for the proper district; which writ of error shall be heard and decided by the judges thereof at the term to which it is returnable."

If in suggesting the appointment of these magistrates by the Governor we should be thought to deviate from the principles of local self-government above set forth, we would reply that a wise discretion would seem to require the isolation of judicial functions from the influence of political passions, and that the complexity of large municipalities brings so many candidates before the people that it becomes impossible for the average voter always to exercise a careful discrimination with respect to the multiplicity of names presented to him upon his ticket. We have therefore proposed that this amendment should apply only to the cities, without disturbing the existing system in localities where a less dense population and simpler interests enable the citizen to act with greater knowledge and deliberation.

If it should be urged that such appointing power would result in these magistrates being all of one political faith, we would answer that the power of removal lodged in the courts would soon weed out all who would prostitute their office through political partizanship, as well as other unworthy motives; that in the course of a few years only those worthy of the position would be left; that political changes throughout the State would soon enable vacancies to be filled with the representatives of other political creeds; and by this sifting process we should ere long possess a body of earnest, independent and experienced men, devoted only to the duties of a position which would afford them an assured career, and fairly representing the average political sentiments of the people. It is not in your power to confer a greater blessing than this upon our community.

An objection may be raised against the provisions we have suggested as to salaries and the disposition of fees, viz: That, as is too frequently the case at present, the fees might be retained through dishonest returns. This is readily disposed of. The exaction of fees for legal processes is a necessity to check unnecessary and wanton litigation, but no magistrate

should be exposed to the temptation and degradation of having his income dependent on such a source. At the same time all suspicion of unlawful gains thence arising could be removed by having all fees for processes payable by stamps, to be affixed to the documents, such stamps being issued by the city treasurer and accounted for by the magistrate.

Not the least of the advantages to be expected from the creation of such a local magistracy as this would be the fact that the vast reduction in the number of cases returned to court would enable us to abolish altogether the antiquated system of procedure known as the grand jury.

III. THE GRAND JURY.

In the purer and simpler life of the country districts, the institution of the grand jury doubtless accomplishes the good purposes for which it was founded in past ages. In a city of three-quarters of a million souls it is simply an anachronism, powerless for good yet powerful for evil. The grand inquest into the condition of public institutions is scarcely more than a form which passes unheeded. As a sieve for the criminal courts to protect them from the avalanche of trivial cases returned by ignorant, careless or corrupt aldermen, it is still of some service, but the substitution of stipendiary magistrates for aldermen would promptly supersede its usefulness in this regard.

As an instrument for evil it would be difficult to exaggerate the power of the grand jury. One device after another has been tried to insure the drawing of impartial jurors, and all have confessedly and notoriously failed, while, even if no underhand means be used to secure the presence of certain men on a given jury, its mode of procedure renders it peculiarly liable to corruption by wealth or political influence, and shields it effectually from all practical responsibility. It is but a few weeks since the mayor of Philadelphia officially stated that it was useless to send before the grand jury bills of indictment against a certain class of criminals who had established an association with a fund for mutual protection. Even when honestly disposed, the grand jury is so much in the power of the minor officials of the court as to create temptations and suspicions, against which the halls of justice cannot be too scrupulously guarded.

When the public see that offenders of a certain class can never be brought before the courts, all bills of indictment against

them being promptly and regularly ignored, while every one who excites the enmity of that class is liable to be arraigned on the most trivial charge, the temper that is likely to be aroused is the most dangerous that can be excited in a free community. Carlyle once defined American institutions to be "anarchy *plus* the street constable," and when once the reverence for law and its impartial administration, as typified in the "street constable," is lost, the reign of undiluted anarchy will not be far off. We would therefore respectfully urge upon your attention the propriety of adopting the following amendment:

"In all cities the grand jury is hereby abolished, and the Legislature shall provide by appropriate legislation for the preparation of bills of indictment to be tried by a jury."

IV. BRIBERY.

Unless popular belief be wholly misled few crimes are more frequently committed and more rarely punished than the bribery of public officials. If this be so the waste and extravagance of public expenditure and the interference with private rights thereby engendered is the least of the evils which it causes. Far more serious is the destruction of public confidence in municipal and State administration, and the debasement of public morality caused by the conviction that so grave an offence enjoys practical immunity.

No one concerned in such a crime against our institutions should be permitted to enjoy the rights and privileges of a freeman, and while we would not urge your honorable body to descend into the details of criminal legislation, it would appear not inappropriate to your functions if you should render this offence a sufficient cause for disfranchising utterly any one connected with it.

One reason of the rarity of conviction and punishment for bribery doubtless arises from the fact that the law very properly holds both the tempter and the tempted as equally guilty. Transactions of this nature, however, are necessarily confidential, and absolute knowledge almost inevitably pre-supposes guilty complicity. Each accomplice, therefore, is shielded by his partner's instinct of self-preservation; and, as an unwilling witness can always in such cases refuse to testify on the plea of self-crimination, legal evidence is so impossible to obtain that those who are inclined to transgress

can do so in full confidence that an offence committed runs little risk of being punished or even divulged. It is easy to see how powerful an influence this must have in stimulating a crime so peculiarly dangerous to our institutions.

It appears to be, therefore, worthy of thought whether a provision which should practically protect either of the accomplices who should accuse and testify against the other would not have a most beneficial effect, not only in procuring the conviction of criminals, but, what is even much more important, in preventing the commission of the crime. All confidence would be destroyed between parties. The solidarity of interest in crime would be abolished, and each partner in the guilty transaction would feel that he was placing himself at the mercy of the other, whose very participation in it would be evidence that he was not to be trusted. The preventive influence of such a provision would thus be most beneficial, while it would also be efficient in detecting and punishing the offence. If suspicion of bribery arose no one could refuse to testify on the plea that he would thereby criminate himself. He would rather be eager to do so for the purpose of exonerating himself from responsibility in advance of his accomplice, and such investigations would no longer be so ludicrously hopeless as they have been in the past. For these reasons we venture to submit the following amendment:

"In addition to the penalties now or hereafter to be provided by law for the punishment of bribery, the party or parties convicted shall be forever disfranchised and disqualified from holding any office of trust, honor or profit in this Commonwealth; and no one shall be liable to prosecution by reason of any testimony which he may have given showing his complicity therein."

V. ELECTION FRAUDS.

We cannot conclude without expressing a hope that your wisdom may devise some plan by which the rapid development of fraud in elections may be checked. It is not too much to say that in Philadelphia, under the existing registry law, the perpetration of these frauds has been reduced to a science, and systematized to that degree that the confidence of the people in the result of an appeal to the ballot box is being undermined with dangerous rapidity. As the foundation upon which all our institutions rest, this confidence is so sacred a thing that it should

be guarded and fostered with the most jealous care. Nothing can re-place it as a preservative element. The acquiescence of a defeated party in the result of an election is the most decisive proof of our capacity for self-government, and the most precious result of centuries of training in constitutional liberty; but that acquiescence can no longer be expected when fraud is openly practiced and audaciously boasted of, and a real majority finds itself helpless to assert its rights through the forms of law. When that time comes, and redress seems hopeless, the end will not be far off, and it is the part of wise statesmanship to calmly consider all possible contingencies and to devise whatever measures may be best adapted to avert them. We do not presume to offer suggestions. The subject is one requiring for its comprehensive treatment throughout the Commonwealth a knowledge of details as to other localities which we do not possess. We can only say that it seems to us the remedy lies in the direction of limiting, as far as practicable, the size of election divisions, and giving the fullest opportunities for scrutinizing votes as they are polled.

VI. THE FEE SYSTEM.

The Municipal Reform association has been too earnest in its efforts to abolish within our city the corrupting influence of the fee system for us to hesitate in asking your attention to the propositions which have been laid before you with that object. Like the regulation of elections, it concerns too nearly the citizens of other localities for us to venture to obtrude upon you any general measure for that purpose. Our association last winter prepared a carefully matured bill on the subject, adapted to the necessities of Philadelphia, and the relief which the community failed to obtain from their representatives they now confidently expect at your hands. No one not familiar with the inner workings of our municipal machinery can form an adequate idea of the amount and the character of the wrongs which are perpetrated under the color of fees, or of the deplorably debasing influence which they exercise over public morality. There is, perhaps, no more potent stimulus at work in the rapid deterioration of our whole political life, and few more energetic agencies of reform could be devised than their removal.

In the confident hope that your deliberations will lead to the regeneration of

our institutions, we have the honor to remain,

Your obedient servants,
 HENRY C. LEA,
 R. RUNDLE SMITH,
 WILLIAM H. RAWLE,
Committee.

Mr. J. P. WETHERILL. I move that article one of that memorial, entitled "local self-government," be referred to the Committee on Cities and City Charters; articles two and three on "grand jury," to the Committee on the Judiciary; article four, on "bribery," to the Committee on Constitutional Sanction; article five, to the Committee on Suffrage, Election and Representation, and article six to the Committee on County, Township and Borough Officers.

The articles were so referred.

INTOXICATING LIQUORS.

Mr. TURRELL presented a petition from the citizens of Susquehanna county, praying for a Constitutional amendment tending to the restriction of the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

RATE OF INTEREST.

Mr. KNIGHT offered the following resolution, which was referred to the Committee on Revenue:

Resolved, That the Committee on Revenue, Taxation and Finance be requested to consider the expediency of so amending the Constitution as to establish the legal rate of interest at seven per cent.

LEAVE OF ABSENCE.

Mr. STANTON. Mr. President: I ask leave of absence for a few days from today for Mr. Temple, from whom I have had a written request this morning to ask this leave, as he is ill.

Leave was granted.

RAILROAD FREIGHTS.

Mr. WALKER offered the following resolution, which was referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads be instructed to inquire and report whether a provision should not be incorporated into the Constitution compelling all railroad companies incorporated by the laws of this State to carry freight from any point in this State to any other point either within or beyond the limits of the State, at the same rate per mile that similar freight is transported over said roads

from any point beyond the State. And also inquire and report whether a provision should not be inserted in the Constitution prohibiting the president, directors, managers or officers of any railroad company incorporated by this State, or by this and other State or States, from being interested, either directly or indirectly, in cars for the transportation of freight upon or over said road, whereby freight is shipped, handled or transported with any greater speed or safety than the same character of freight is shipped, handled or transported in the cars of the company.

ALDERMEN IN CITIES AND BOROUGH.

Mr. HAY offered the following resolution, which was referred to the Committee on Judiciary:

Resolved, That the Committee on Judiciary inquire into the expediency of so amending the Constitution as to provide that:

There shall be one alderman in each city and borough, and one for every ten thousand inhabitants therein up to one hundred thousand, and one for every additional fifteen thousand. When the population of any city or borough entitles it to more than one alderman, districts of as nearly equal population as may be, without dividing wards shall be established by law, in each of which districts but one alderman shall reside and hold office.

Aldermen shall have and exercise jurisdiction and powers as heretofore, excepting as the same may be hereafter modified, altered or enlarged by law; and shall receive a compensation, which shall not be diminished during their term of office, and which shall be determined and paid by the city or borough in which such alderman hold office.

They shall be appointed and commissioned by the Governor, but only upon the previous recommendation of the court of common pleas of the county in which is situated the city or borough wherein they are to reside and serve.

They shall hold office for seven years, if they so long behave themselves well, and recommendations to the Governor for such appointments shall first be made at the last term of said courts, which shall be in the year 1874: *Provided*, That the term of aldermen in office at the time of the adoption of this Constitution shall not be hereby affected.

PARTITION OF SHERIFFS' DUTIES.

Mr. S. M. WHERRY offered the following resolution, which was referred to the

Committee on State Institutions and Buildings :

WHEREAS, Our present system of county jails, both as to their construction and management, is a disgrace to the intelligence and a slur upon the humane sentiment of the age :

And whereas, Many of the evils complained of are due to the fact that the incompatible duties of the chief executive officer of the court and keeper of the jail are united in the one person and office of sheriff, the nature of whose duties, the manner of whose selection and the length of whose term wholly disqualify him for the discharge of those high and responsible duties which society owes to itself in the detention, punishment and reformation of its criminal members; therefore,

Resolved, That the amended Constitution ought to contain some provision distinctly and entirely separating the office of sheriff from the office of keeper or warden of the county jail.

JUDICIAL POSITIONS.

Mr. EDW. R. WORRELL offered the following resolution, which was referred to the Committee on Judiciary :

Resolved, Whenever any judicial position shall be created by act of Assembly the same shall be filled in the first instance by election by the people and not by appointment.

METHOD OF VOTING ON NEW CONSTITUTION.

Mr. HUNSICKER offered the following resolution, which was referred.

Resolved, That this Convention accepts the mode provided by section four of the act of Assembly, approved April 11, 1872, entitled "An act to provide for calling a Convention to amend the Constitution," for the submission of the proposed amendments to the Constitution to the people for adoption or rejection.

Mr. HUNSICKER. Mr. President : I would like that to pass to a second reading, and I will give my reasons.

The PRESIDENT. The resolution as offered is upon a subject appropriated to the Committee on Schedule, and the Chair is under the order of the Convention to refer such resolutions to the appropriate committee. By unanimous consent the gentleman can have a second reading.

Mr. HUNSICKER. I would like to explain—

The PRESIDENT. Debate is not in order.

The question being upon the second reading of the resolution, it was agreed to; so the resolution was again read.

Mr. HUNSICKER. I desire to state the reason why I offer that resolution at this time. There was a vote taken at Harrisburg while the Convention was in session there, in which the Convention decided, by a very marked vote, that the Legislature had no power to impose any terms upon this Convention by the act of April 7, 1872, inasmuch as the Convention had been called by the people, by virtue of a prior act of Assembly; and I call this question up now for the reason that, as yet, no proposed amendment has been adopted by this Convention.

I take for granted that if one-third of the members of this Convention should be opposed to the adoption of any particular amendment to the Constitution, and if that amendment was submitted along with the rest of the Constitution, the whole might be endangered.

I think, therefore, that it is highly proper that at this time, and before the Convention is subject to any excitement, and when no person knows exactly what is to be done, a rule shall be adopted in conformity with section four, which, as every member of the Convention knows, provides that in every case in which one-third of the members of the Convention request that any particular clause shall be submitted to a separate vote of the people, it shall be so ordered; therefore I trust that this motion will prevail, so that we may know in the future what we will have to depend upon when a proposition comes up that does not meet with the unanimous concurrence of all the members of the Convention.

The PRESIDENT. I desire to state that as this resolution is couched, in indirect terms, it did not occur to the Chair that it is substantially a proposition for a new rule of the Convention. Under the rules it must, therefore, be laid on the table.

GOVERNMENT OF INCORPORATED CITIES.

Mr. GUTHRIE offered the following resolution, which was referred to the Committee on Cities, &c. :

Resolved, That the Committee on Cities and City Charters be requested to inquire into the expediency of amending the State Constitution, as follows, viz :

Every incorporated city shall be governed by a mayor and a select and common council, in whom the legislative power thereof shall be vested; the mayor, whose term of office shall be for three years, shall be the chief executive officer, and shall have a qualified veto on the acts and ordinances passed by councils; he shall see

that the duties of the several city officers are faithfully performed; he shall be a salaried officer, and not entitled to any fees or perquisites, and shall not exercise any judicial functions, civil or criminal.

No city charter now existing or hereafter enacted shall be altered or repealed except by act of the General Assembly, accepted by two-thirds of the members of the select and common councils and by a majority of the qualified electors of the city at the next annual municipal election after acceptance by the city councils.

No public commission shall be created for any city with power to fill vacancies, to raise money by loan, to levy taxes or to execute police or municipal function.

No money shall be borrowed by the city for a term of years unless by ordinance, passed by a majority of two-thirds of the select and common councils at stated meetings, and every such ordinance shall provide for the redemption of the loan thereby created by taxes annually levied, collected and paid into a sinking fund of the city, sufficient in amount to pay the interest and extinguish the principal of such debt in twenty years nor shall any city increase its permanent debt to an amount exceeding twenty per cent. of the assessed value of the real and personal property within its corporate limits; but temporary loans, for a period not greater than one year, and in amount not exceeding at any one time ten dollars for such taxable inhabitant of the city, may be made by ordinance, passed by two-thirds majority in each council. The sinking fund shall be invariably pledged for the redemption of the permanent loans of the city.

No member of the city councils, or of any of the departments of the city, shall at the same time hold any other office under the city, county, State or United States.

Cities containing fifty thousand inhabitants or more may elect three citizens thereof to act as police commissioners for three years, whose salaries shall be fixed by ordinance of the city, and who, together with the mayor of the city, shall form a board of police, and who shall appoint one superintendent of police, and such a number of other policemen and officers as may be authorized by ordinance of the city councils. The police board shall also have power to remove any policeman or officer for misconduct

in office, and to fill any vacancy however created.

The police commissioners may be removed from office by the mayor on the recommendation of the select council, and the mayor shall fill any vacancy thus occurring, by and with the advice and consent of the select council, until the next succeeding annual municipal election, when a successor shall be elected by the qualified electors of the city to fill the unexpired term of three years.

INQUIRING INTO THE CAPITAL STOCK OF RAILROADS AND CANALS.

Mr. EWING offered the following resolution, which was twice read, considered and agreed to:

Resolved, That the Auditor General be requested to furnish to the Convention information on the following subjects:

First. The amount of capital stock of all the railroad and canal companies organized or doing business in this State; also the amount of indebtedness of the said companies.

Second. The amount of capital stock of all the corporations organized and doing business in this State other than railroad and canal companies; also the indebtedness of said companies.

Third. The valuation for taxation of the real and personal property in the several counties of this Commonwealth.

LIMITING DEBTS OF COUNTIES, CITIES, &C.

Mr. HOWARD offered the following resolution, which was referred to the Committee on Revenue, Taxation and Finance:

Resolved, That the Committee on Revenue, Taxation and Finance be instructed to consider and report:

Whether counties, townships, boroughs and cities shall not be prohibited from contracting debts exceeding, in the aggregate, ten per cent. of the taxable valuation; and whether taxation for county, township, borough and city purposes shall not be limited, as follows:

When the assessed valuation shall not exceed one-fourth of the cash value of property, taxation shall not exceed four per cent.

When the assessed valuation shall not exceed one-half and be more than one-fourth of the cash value, taxation shall not exceed three per cent.

When the assessed valuation shall not exceed three-fourths of the cash value and be more than one-half, taxation shall not exceed two per cent.

When the assessed valuation shall be the cash value, or be more than three-fourths, taxation shall not exceed one per cent.

And the above rates of taxation on valuation shall embrace all taxes, for all purposes, that may be levied by all officers, combined authorities to levy taxes in and for any county, township, borough or city of this Commonwealth.

APPOINTMENT AND COMPENSATION OF STATE OFFICERS.

Mr. HEMPHILL offered the following resolution, which was referred to the Committee on Legislation :

Resolved, That the Committee on Legislation be requested to inquire into the propriety of reporting the following :

SECT. —. All State officers shall be paid in salaries for their services, which shall be fixed by the Legislature, and shall be neither increased nor decreased during the term for which the person is elected or appointed, excepting in cases of appointment or election during good behavior or for life, when the salaries may be subject to legislative revision once in every ten years.

SECT. —. The Legislature shall require all State officers in receipt of fees to make quarterly returns to the proper office, together with an itemized account of the same, made under oath.

STATED SALARIES OF PUBLIC OFFICERS.

Mr. CAMPBELL offered the following resolution, which was referred to the Committee on Offices, &c. :

Resolved, That the Committee on Counties, Townships and Boroughs take into consideration the following section :

SECT. —. That all officers elected by the people to lucrative or remunerative offices shall be paid by stated salaries, and shall in no instance receive for their own use, profit or compensation or any fees whatever.

INVIOABILITY OF TRIAL BY JURY.

Mr. DE FRANCE offered the following resolution, which was referred to the Committee on Declaration of Rights :

Resolved, That the Committee on the Declaration of Rights be requested to inquire into the propriety of making section six of the Declaration of Rights read, in substance, as follows :

“That the trial by jury in all criminal cases, whether the cases existed as such in 1776 or were created since, or may be in the future, shall be as heretofore, and the

right remain inviolate, except in cases triable before justices of the peace.”

EQUAL TAXATION.

Mr. NILES offered the following resolution, which was referred to the Committee on Taxation :

Resolved, That the Committee on Revenue, Taxation and Finance be requested to inquire into the expediency of so amending the Constitution that all taxation shall be equal ; and also to prohibit the Legislature from passing any law discriminating against any property in taxation for general purposes.

INDICTMENT AND TRIAL FOR FELONY.

Mr. BARCLAY offered the following resolution, which was referred to the Committee on the Legislature :

Resolved, That the Committee on the Legislature be instructed to inquire as to the propriety of amending the Constitution so that the Legislature shall provide by law for the indictment and trial of persons charged with the commission of any felony in any county other than that in which the offence was committed whenever, owing to prejudice or any other cause, an impartial grand or petit jury cannot be empanelled in the county in which the offence was committed.

PUBLIC DEBT NOT TO EXCEED TAXATION.

Mr. BARDSLEY offered the following resolution, which was referred to the Committee on Public Debts :

Resolved, That the Committee on Public and Municipal Debts and Sinking Funds be directed to report a section to be inserted in the new Constitution to prohibit any city, county, borough, township, or any corporate bodies deriving their existence from the people, to issue warrants, or any certificate of indebtedness of any character whatever, for any sum beyond the amount already provided for by taxation.

IN COMMITTEE OF THE WHOLE.

The PRESIDENT. The next subject for consideration is the resolution reported by the Committee on Suffrage. The House will resolve itself into committee of the whole. Mr. Walker will please take the chair.

Mr. WALKER in the Chair. The committee of the whole has had referred to it an article reported by the Committee on Suffrage. The first section will be read.

The CLERK read as follows :

SECTION —. The general election shall

be held on the Tuesday next following the first Tuesday of November, but the Legislature may, by law, fix a different day, two-thirds of each House consenting thereto.

Mr. DARLINGTON. Mr. Chairman: I desire to hear from the chairman of the committee who reported this amendment what reasons there are for its adoption.

Mr. M'ALLISTER. Mr. Chairman: I will state that the committee were unanimous in reporting this resolution, with a view of having but one day for the general election, and that it might conform to the elections under the general government. They were unanimously of opinion that it would be better to have but one day instead of two, for the purpose of preventing colonization, first from other States, next from adjoining counties, to influence the elections, and it was with a view of preventing frauds upon the elective franchise that this section was reported. It seemed to the Convention that the section under consideration would commend itself to the approval of this Convention. There is no principle involved in the two sections reported. It is merely a question of expediency. Though the Committee had some difficulty on the manner in which the sections should be expressed, they had none upon the expediency of fixing but one day for the general election. It does not seem to me necessary that I should take up, at this stage of these proceedings, much of the time of this Convention. There having been no difference of opinion upon this subject in the committee, it is supposed there will be little in this Convention. If there is a diversity of opinion I may have more to say in behalf of the committee upon this subject.

Mr. DARLINGTON. Mr. Chairman: It has been very properly stated by the chairman of the committee, who reported this amendment, that it involves no principle. It is a mere question of expediency and with that point in view, I propose one or two observations. Is it expedient to make any change in the fundamental law in a matter of this kind? I am not aware that there has been any complaint existing in this Commonwealth in regard to the day upon which the general election is held. I have heard of no demand for anything from any quarter. I have seen no advocacy of it in the public press. It strikes me as being introduced here as a new proposition, that has not been discussed by the people of the State,

and upon which they have expressed no opinion coincident with the recommendation of this committee.

We have had the same election day in this State since the foundation of the government. For the last eighty years it has been found convenient and suitable to the habits of our people, occurring at a season of the year which is at all times least liable to objection, neither affected by extreme heat nor extreme cold, when the whole of the voters of the State can, with as much ease and comfort to themselves, appear at the polls as upon any other day that could be selected. The aged, the infirm, the weak and the sickly can all get to the election on the second Tuesday of October. In this climate, it seems to me, that it is a day best suited of all others, or, at least, as well as any other to attain these great objects. If we desire to have the elections so that everybody can attend them, can any gentleman point out a day in the whole circle of the year that is more likely to suit everybody than the one that we have already adopted and practiced for the last eighty years? No one will pretend that if we put off our elections until the month of November we can ever hope to get as many people to the polls as are got there on the second Tuesday of October. In the whole experience of this country every gentleman knows full well that at the presidential election, which occurs on the day named, a smaller vote is always had than is given at the general election. This may be in part due to the influence exercised upon that second election by the result of the first, but not wholly so. It is perhaps due in a much greater degree to the ordinary inclemency of the weather, which prevents many from attending the polls, and to the better weather that we usually have on the day of the general election. For some cause or other, however, certain it is that so large a vote is never polled in November as is usually given in October. This has been the experience of this country and of this State for the last eighty years at least.

In the former Convention an attempt was made to change the day of holding the general election to another day a little later in the month. It was supposed that this would be more agreeable to the farming interest, that the grain would be gathered and everybody would be more at leisure to attend the election. Therefore, early in the session of the former Convention, in 1837, it was agreed to change the

day to one a few weeks later. By the time, however, that the delegates had gone home, spent their summer vacation and returned, they were all satisfied that it was a mistake, and therefore the election day was permitted to stand as it had stood before.

Now, sir, the same day, allow me to remark, has been adopted by a belt of the great States of this Union, running through from east to west, embracing New Jersey, Pennsylvania, Ohio, Indiana, Iowa and Nebraska, all adopting the same day and holding the general election at the same time. What population these States embrace I am not prepared to say; the Convention is as familiar with it as I am myself. We have then, therefore, these large, powerful and, so far as regards the new States, rapidly growing communities all adopting for their general election the same day that we have adopted. In addition to that, if gentlemen will be kind enough to turn to the books on their tables, they will find that besides these States which I have named there are twelve others voting some earlier and some a trifle later than Pennsylvania. In New Jersey the elections are held in March; in Rhode Island and Connecticut they are held in April; in Oregon in June; in Kentucky, Tennessee and North Carolina they are held in August; in Vermont, California and Maine they are held in September; in West Virginia and South Carolina they are held in October, probably a few days later than our own. There are, therefore, in this Union eighteen States voting earlier than or in the month of October. How soon these States may all agree, for any reasons that may satisfy them, to adopt the same day I know not; but quite as likely is it that they should all adopt the day which is already adopted by this State and the great States stretching from New Jersey across the continent to the far west as any other. Quite as likely is it that in a very few years the second Tuesday of October will be the general election day for a majority of the States as that the election day will be in November, and more so.

I am aware that some of the great States of this Union, and some of the smaller ones also, hold their elections in November—New York and Illinois and others. They have their reasons probably. They have been so long used to it that they do not feel the inconvenience of having their elections on that day but I submit that the reason educe

the committee for the change with regard to Pennsylvania is unsatisfactory. It is so because the only reason assigned for it is that we shall make it on the same day as the election for President. That occurs but once in four years. What is the great inconvenience of holding a second election once in four years? Nothing, so far as I have heard alleged by anybody, but the additional expense. Nothing else. And what is the additional expense?

Can any gentleman inform me what it will cost to hold a Presidential election in this State? There are the election officers in the districts and townships, the two inspectors, the judge and the clerks, in each, which may amount to seven or eight dollars. Multiply this by the number of districts in the State, which is but an approximation, and the amount would probably be not more than thirty thousand dollars. Suppose it amounts to fifty thousand dollars to the State. What is that in comparison with the convenience and comfort of voters in going to the polls when the weather is pleasant, and when all can go—the halt, the lame, the blind, the sick, the weak, the aged. What is this trifling expense once in four years in comparison with these advantages?

Now will there be any relief from the evils of elections by making this change? I am not able to see that there will. Colonization of voters from one place to another is to be gotten rid of by some other means than this. I think when the elections become more pure; when the people themselves are more pure; when we bring our elections down to every hamlet, when every hundred voters shall have their election officers, and when they shall know every man who comes to vote, there will be but few evils of which we have heard so much in the large cities.

In addition to this the reason suggested is that we can hold our election on the same day with the Presidential election; but it must be borne in mind that that day may be changed. The day of the Presidential election is fixed by Congress. It is liable to change at any time, and who knows how long it will be before Congress, impressed with the propriety of it, shall be driven to the change of fixing the election for President upon the same day which these great States that I have named have fixed as their general election day. If we devote our energies, and exercise our influence through our members, this may be brought about, probably much earlier than you can get all the

States I have named—New Jersey, Ohio, Indiana, Iowa and Nebraska.

Mr. LILLY. The gentleman is mistaken with regard to New Jersey. New Jersey votes in November.

Mr. DARLINGTON. Then our book is wrong. I am very glad to hear that, because New Jersey has been very much out of the Union for the last few years. I am not at all displeased with the correction. I will refer to the others. Ohio, I believe, is all right; and Indiana and Iowa. No one finds fault with them.

Now, sir, when we consider that these other States whose elections are held earlier than ours are just as likely, when an opportunity presents, to change their day of election, so as to make it uniform with ours I do not know whether they will or not. They will be just as likely to do it as to change it to November.

In addition to these that I have named, we shall have the larger number of citizens of this great country calling for the election day for President to be at a milder season. October is a pleasanter month the whole Union over than November, and we may fairly expect that the Presidential election day will be changed, and that before a very great while, so as to conform more likely to our day than to any other. Whether this shall be the case or not I will not pretend to say. It may not be, but for the present, and in view of the convenience that this has been found to be to the people of Pennsylvania and everywhere, in view of the entire satisfaction which the present system has given to the people of this State, I deem it inexpedient, for my part, to make any change in the day of holding the general election.

Mr. PARSONS. Mr. President: I move to amend the section, by striking out all after the word "November." The effect of that amendment will be to prevent the Legislature from changing the day. The words to be stricken out are: "But the Legislature may by law fix a different day, two-thirds of each House consenting thereto."

Mr. SIMPSON. Mr. President: The argument which we have been listening to, it seems to me, is in keeping with the argument of the old Dutch Pennsylvania farmer, who contended that because his ancestors, when they went to mill upon a mule, placed the wheat in one end of the bag and a stone in the other end to equalize the weight, he and his children should do the same. He has not, in his argument,

touched the real question, nor referred to the reason why the committee has reported the day it has fixed upon in the section which we have now under consideration.

Let me refer the gentleman to the fact that in 1874, for the first time in the history of this government, there will come into power the exercise of a constitutional right given to Congress, fixing the day upon which we must elect Congressmen. Not merely at the Presidential election, but in every two years, Congressmen must be elected upon the same day that the Committee on Election has reported shall be the election day in this State. If this Convention so amends the Constitution as to provide for biennial elections—and I hope it will—the first biennial election will take place in 1874, in November; and if we have biennial elections, why should they not be upon the same day? Why should we every second year have two elections, one in October and the other in November?

You will recollect, under the Constitution of the United States, Congress has the supreme power to determine the time of electing Congressmen, and they have, for the first time in the history of the nation, exercised that power by the passage of an act, and hence there is a reason existing now that has not existed in the eighty years past, that our election day should be changed.

Another reason. This Convention was called by the people of the State for the purpose of endeavoring to put down fraud; and this, I claim, is one of the means of assisting to do that very thing.

I am not a very old man, but I recollect of Presidential elections occurring when all the States did not vote upon the same day, and it was charged, in the public press, that men were transported from one State to another to vote for President in each State, for the purpose of carrying both; and who does not know that, in the October election in Pennsylvania, in the year of grace 1872, there were men imported for the purpose of carrying Pennsylvania, not merely by one party, but by both, because, they alleged, that, as Pennsylvania went, so would go the Union at the Presidential election to follow. If you have the general State election fixed, in the Presidential year, for the same day as the Presidential election that incentive to fraud will no longer exist, and it is a great incentive.

The gentleman from Chester (Mr. Dar-

lington) says he would not fix any other day, because the other States may adopt the same day—may fix their election days in October. Why, sir, if the Presidential election is fixed by Congressional action, and the Congressional election is fixed by Congressional action, can we hope they will fall into our ways when they have had our example for eighty years and not followed it? How many States have followed us? Ohio, Iowa, and there is the end of them. Two out of twenty-four States that have been admitted into the Union since Pennsylvania. ["Indiana."] Three. ["Nebraska."] That is four—four out of twenty-four States admitted into the Union since this State has fixed that day, and the remaining twenty States have repudiated it. Is it likely the twenty will fall in now, with the additional incentive that they must hold their elections for Congressmen in November, under the Congressional act? I do not think it at all probable.

With all due respect for the gentleman from Chester (Mr. Darlington) I claim that he is in error when he avers, on the floor of this Convention, that the vote polled at the October elections in this State has always exceeded the vote cast in November at the Presidential election. With the single exception of 1872 he cannot name a year in which his figures will not fail; and we all know how the vote of 1872 was made up.

MR. CHAIRMAN. I hope this committee will not adopt the proposition of the gentleman from Lycoming (Mr. Parsons) to strike out the latter clause for this reason: The proviso was inserted in the section that the Legislature might have the power to change the day by a two-thirds vote of each branch, with the intention that if Congress hereafter, in the exercise of the power vested in it by the Constitution of the United States, should determine another day for the election of Congressmen, and another day for the election of Presidential Electors, as the case may be that the Legislature of this State, having had power granted by so restricting the vote, will adopt the same day which was designed for the presidential election and for the election of Congressmen. It is a wise provision, and does any one doubt that the Legislature would exercise the power except in cases of emergency? It must be remembered too, that it would also require the sanction of the Executive, for the provi-

sion of the section is that the Legislature may by law fix a different day—and in order to comply with the law, the approval of the Governor would be necessary. Surely, if Congress, in the exercise of its power fixed one day, why should not the Legislature have the power to fix upon the same day, so that throughout this broad land there would be but one day upon which the people would be called away from their homes, giving up their business to attend to the affairs of the country and the selection of their rulers.

The frequency of elections is one objection that has often been made to our institutions. We propose by this amendment to obviate that objection to some extent, as far as this State is concerned, and I trust the day is not far distant when all the States will do the same. I have no doubt but that the Convention soon to be in session in Ohio will adopt the same day, and if the other States hold conventions I doubt not they will fall into the same line, and I trust Pennsylvania will not be an exception to the rule.

MR. LITTLETON. Mr. President: I desire to say a single word upon the subject under discussion; as to the amendment offered by the gentleman from Lycoming (Mr. Parsons) I am not in favor of it. I think it has been sufficiently answered by the gentleman from Philadelphia (Mr. Simpson.) Upon the general amendment proposed I simply desire to strengthen the argument offered by the gentleman from Centre, (Mr. McAllister,) the chairman of the Committee on Suffrage, on the score of expediency, by adding the other argument of economy. It will save us, in Philadelphia, at least thirty-five thousand dollars in each year in which a public election is held; and if the same ratio extends throughout the State the saving will be an item well worthy of consideration; and I hope the section, as reported from the committee, will be adopted.

MR. EWING. Mr. President: In regard to this provision to change from the second Tuesday of October to November, I agree with the gentleman from Chester (Mr. Darlington) that so far as Pennsylvania is concerned the day proposed is not so convenient as the October day. The climate here is such that it suits us better to have our elections in October. Especially is this so since it has become our custom, and I hope it will always continue so, that during the political canvass there are a great many public discussions upon matters in issue. September and

October are suitable for out-of-door meetings; and if it stood alone on our determination of elections I should say do not change; but I agree fully with the gentleman that in ordinary cases it is unnecessary to hold two elections in autumn, and we should conform to the present act of Congress, which establishes November for the election of Congressmen in all the States. If we do not make this change we shall, every second year, have two general elections in autumn.

For this reason I shall vote for the proposition as submitted by the Committee on Suffrage, and I trust that the amendment offered to strike out the power of the Legislature to change will not be adopted. For this there are two reasons: One given by the gentleman from Philadelphia, (Mr. Dallas,) that if Congress should by law change to October or some other time than that now fixed, then the Legislature could change our day of general election without the necessity of an amendment to the Constitution. There is another reason, and I think an important one, why that provision should be in, and without it I would not vote for the report submitted by the committee, and that is this: There is a possibility that in some political changes that may occur there may be danger of Congress interfering with our State elections, and I trust that it will be so left that we can, without serious trouble or inconvenience, make a change, so that our State elections will be held when no national election whatever is held, thus giving no excuse for any interference on the part of federal officers in our State and local elections. We have lately had some warning, and if there was no other reason, I should vote against the amendment offered, which proposes to strike out the power of the Legislature to change, and shall vote for the proposition submitted by the committee.

Mr. CHURCH. I move to amend the amendment, by striking out all after the word "November," and inserting: "*Provided*, That if the Congress of the United States should by law fix a different day for the election of President and Congressmen, the Legislature shall by law change the date for such general election in conformity with the date fixed by Congress."

It appears to me that meets the views of all the gentlemen who have spoken on that subject.

Mr. PARSONS. I now withdraw the amendment I offered.

Mr. CHURCH. Then my amendment stands, Mr. President.

Mr. LILLY. Mr. President: The committee have thought over the subject very carefully, and in fixing the matter as they did, in such a way as to require a vote of two-thirds of both Houses of the Legislature to change it, the committee thought that every proper and sufficient safeguard was placed around it. It does seem so to me.

It is not an impossibility that some other grave contingency might arise which would make it desirable or necessary to change the day, and it seems quite proper that some means should be provided whereby the change could be made without the necessity of a constitutional amendment. By requiring a two-thirds vote of both branches of the Legislature in order to make the change, it would be certainly impossible to change the day, except for grave and important reasons. I trust, therefore, that the report of the committee will stand.

Mr. MCLEAN. I desire to say that the measure, as reported by the committee, is a very wise one. I must beg leave to differ with the honorable gentleman from Chester, when he states that it is a measure not demanded by the people or the press. Coming from the interior, as I do, I know that this amendment, as proposed by the committee, has been demanded by the people and press of all sections of the State, and I know, also, that the expense attending the holding of elections is a very considerable item, and that the people desire just such a change as that now proposed on this score alone. In connection with the other considerations, however, I do not doubt that the November election day will suit the people at large as well as the second Tuesday of October.

I think that the reform, as proposed, is a very desirable one, and will meet the approval of the people of the State. I am therefore in favor of the measure reported by the committee.

Mr. DALLAS. I trust that the amendment now pending will be adopted, and that the section as reported, when so amended, will meet the approval of this body.

I deem it very important that the power should not be placed in the hands of the Legislature, in relation to any section of this Constitution to alter it. Whenever we grant that power there should be a

very clear case presented of necessity for it. I confess that there seems to be here a very clear case in the propriety that might arise in case of a change in the time of holding the presidential election, for making the time of holding our general election correspond with it; but such a contingency is provided for by the amendment as now modified.

No other case has been suggested of probable necessity for the action of the Legislature for alteration of this section as reported. None, therefore, having been presented by the able gentlemen who have discussed the question, we have a right to presume that there are none that can be foreseen by the wisdom of this committee, or of the committee which has had this matter in charge.

Whilst I recognize that the alteration proposed by the section under consideration is important, on the ground of economy, the first matter of importance, in my view, is that it is a measure of reform in the direction of correcting gross evils and preventing palpable frauds at elections, and I do not desire that we shall say to the Legislature of Pennsylvania that it may alter any such provision. Those of us who reside in this city know that this thing is really and materially important. We know the process called "colonization" is in operation here to such extent as makes the fraudulent votes the balance of power, and we believe that the adoption of the section under consideration will greatly tend to abridge that evil. We know that the argument is constantly made at every October election—it is used by the press and by all public speakers—that we must vote for bad men in October, in order that we may, for the contest of November, make for our respective parties the prestige of success. We know that in the elections of every fourth year bad men force themselves into nomination, and use this very argument for the purpose of securing office, and when party excitement runs high that argument has much weight.

Therefore it is that I do not desire to trust the Legislature to alter the measure reported by the Committee on Suffrage, and I will accordingly vote for the modified amendment, and, when amended, for the section.

Mr. HUNSICKER. I am very sorry that the gentleman from Lycoming (Mr. Parsons) withdrew his amendment. His amendment left the day in November without any power in the Legislature to

change it, and I think that the power should not be vested in the Legislature, for the reason that if it is fixed in the Constitution that then the people shall have the right to vote upon a proposed change; and I take it for granted that this Convention, being a Convention to amend the Constitution, will provide a mode of amendment by the Legislature.

I am entirely opposed to the amendment proposed by the gentleman from Crawford, that we should put into the Constitution a proviso placing our legislation in Pennsylvania at the mercy of Congress. I am not exactly a State's rights man, in the extreme sense of the term, but I believe, nevertheless, that the general government is one of limited power, and that the State possesses all powers not delegated; that the State has a perfect right to provide by law a day for holding State elections. It is eminently wise and proper, for the reasons already given, that the presidential election and the gubernatorial election should be held on the same day. If in order, I move to amend the amendment of the gentleman from Crawford, (Mr. Church,) by restoring the amendment of the gentleman from Lycoming, (Mr. Parsons,)—that is to say, that the resolution shall so read as to place the election in November.

Mr. LAWRENCE. You can effect your purpose by voting down the amendment of the gentleman from Crawford (Mr. Church.)

Mr. SIMPSON. The gentleman can first vote down the present amendment and then offer the amendment he proposes.

Mr. HUNSICKER. The committee's report states that the election day shall be changed to November, and that the Legislature shall have power to change *that* by a two-thirds vote of each House. I am in favor of the first part of that motion.

Mr. CHURCH. Mr. President: I adhere to my amendment as being just the thing. I will explain a little more. This proviso compels uniformity or conformity to the election day that may be fixed by Congress. I have provided that the Legislature not even *may* change the date to conformity, but "*shall*," so that it is compelled to do so. In that case if Congress should fix the day for the election of Congressmen to the first of July, or to any other time, the Legislature would be compelled to fix, by law, the date for the State general election on that day also. That prevents two elections in one

year, and avoids the want of conformity and uniformity in our State and congressional elections. Hence, I believe that my amendment brings about the exact state of affairs contemplated by the majority of the people of the State.

Mr. J. W. F. WHITE. Mr. Chairman: I desire to make a few remarks in regard to the reasons which influenced the Committee on Suffrage in reporting this section as they did. Now, sir, suppose that Congress should change the time of election for President and members of Congress to January or some other season of the year. It might not suit the people of Pennsylvania to have our general election on the day designated, and for one I should be very strongly opposed to putting in the Constitution a provision that would compel us to hold our general election on the day that Congress might indicate for President and members of Congress. Another reason why the committee reported the section as it is, is that the Legislature ought to have some power over this subject, or rather the people should have some power over the subject through the Legislature, without going through the formality of an amendment to the Constitution. There are a great many persons in the State of Pennsylvania who think that it would be better to have our elections in October than in November, and I believe myself that it would be better if we had not two elections occurring in the fall. In the next place the people of this State should become dissatisfied with having our election in November, and say that they will go back and have the election in October. Congress may possibly fix some other day for the election for President and members of Congress, and we do not want to bind ourselves to have our general election on the day that Congress may designate. Let us then trust the representatives of the people. I am willing to trust two-thirds of the Legislature on a question of this kind. I would not trust a bare majority, but we all know from the history of our State that we never have two-thirds of both branches of the Legislature belonging to one party. It would not be a party measure.

The time our election could be easily changed when there was a strong overwhelming feeling on the part of the State for the change, and if the people of Pennsylvania want their general election in October, and are willing to submit to two elections in the fall instead of one, why

the change can then be made without going through the formality of an amendment to the Constitution. I think there will be no danger whatever in retaining this provision as the committee reported it, and that it will meet any contingency which may arise in a manner that cannot be effected by striking it out.

Mr. MACVEAGH. Mr. Chairman: I am quite aware, and have been for some time, that it would be idle to endeavor to convince this Convention of the wisdom of the views, which in common with the gentleman from Chester, (Mr. Darlington,) and perhaps a little in advance of him, I entertain. I am opposed to the undue frequency of elections, and I am thoroughly satisfied that a remedy for the evils which the gentleman from Philadelphia (Mr. Dallas) has mentioned, is to be found, not in this amendment, but, in the first place, in the real organization of the civil service which shall lift the degradation of spoils out of your public life; and, in the second place, by a severance of a partisan and non-partisan elections, leaving one to be held at a totally different season of the year from that in which the other is to occur. So far as any member of this Convention will devise plans that will reach this end I am with him heartily and earnestly, but I cannot vote to dictate to the State of Pennsylvania in her elections. I cannot say by my vote that it will advance the public service, increase the tone of the public life, or free from corruption anything in Pennsylvania, to require our citizens to vote for the Governor of this great State, for the legislators of a reform Legislature upon the same day and at the dictation of the federal Congress.

I think the State of Pennsylvania is too distinct in her identity; in her State sovereignty within the limits of the federal Constitution; within the limits of the federative system under which we live, and that her political distinctness is better preserved, and the political duty her sons owe to her and her public life, will be better discharged by having a separate day for the discharge of that political duty; free it thoroughly from the degrading associations that have clustered around it, lift out of it all the demoralization and corruption that you can, but at the same time do not imagine that it will be a political benefit to create a day uniform even with the time of election from Maine to New Orleans, and that the vote shall be taken on such a day, within such

Resolved, That such printing as shall be ordered by the respective committees in pursuance of the resolution for that purpose, passed on the eighth inst., shall be printed on unsized paper with long primer type, and not in the form used for Legislative bills;

Respectfully recommend that said resolution be adopted by the Convention.

JAMES W. M. NEWLIN,
Chairman.

Mr. HOPKINS moved to adjourn, which was not agreed to.

Also, the following report, with the annexed contract, which was approved :

To the Constitutional Convention :

The Committee on Printing and Binding, to whom was referred the following :

Resolved, That the Committee on Printing and Binding be instructed to make a contract with William W. Harding to supply printing paper to the Convention in accordance with his proposals therefor;

Respectfully report the annexed contract, and recommend its adoption.

JAMES W. M. NEWLIN,
Chairman.

CONTRACT OF WILLIAM W. HARDING FOR
FURNISHING PRINTING PAPER.

Know all men by these presents, That I,

William W. Harding, of Philadelphia, hereby covenant and agree with the Commonwealth of Pennsylvania to supply printing paper to the Constitutional Convention of the quality and for the price specified in my proposals therefor, now on the files of the Convention, said paper to be of the quality and to be furnished in the quantities which may be ordered by the Committee on Printing and Binding of the said Convention.

Witness my hand and seal this—day
of January, A. D., 1873.

WM. W. HARDING, [L. S.]

Signed and sealed in the presence of
EMERSON BENNETT, JR.

I hereby covenant and agree with the Commonwealth of Pennsylvania for myself, my heirs, executors or administrators to be responsible for the performance of the above contract by the said William W. Harding.

Witness my hand and seal this—day
of January, A. D., 1873.

CHAS. E. WARBURTON, [L. S.]

Witness present :

W. F. DAWSON.

The hour of two o'clock having arrived, the President declared the Convention adjourned under the rules.

SEVENTEENTH DAY.

WEDNESDAY, January 15, 1873.

The Convention met at twelve M.

Prayer was offered by Rev. Dr. Boardman, as follows:

O, Thou great and merciful God, Thy mercies are renewed to us every morning and every evening. We have laid us down and slept and risen again, because Thou, Lord, makest us to dwell in safety, for the darkness and the light are both alike to Thee. With the light of this morning encourage us by shedding upon us the light of Thy countenance; shed also Thy love in our hearts; grant us the indwelling of Thy Holy Spirit, that we may be guided by His unerring counsel. The wise man is not of himself wise, for we are blind and helpless, guilty and miserable sinners. Our only hope is in Thy boundless mercy. Our only plea is the great sacrifice of the cross; and we humbly entreat Thee that, for the sake of Thy dear Son, our sins may be pardoned, and our transgressions blotted out, and that we may have each for himself a sure personal and abiding interest in the atonement in the Son of God.

O, Thou, by whom kings reign and princes decree justice, we again invoke Thy presence on behalf of these Thy servants here assembled in Convention. Graciously aid them in the discharge of their duties; may they come to the great work which, in Thy providence, is laid upon them. Direct them with pure motives; raise them above the influence of all mere personal attachments and party ties, that they may estimate aright the greatness and the solemnity of the work which is committed to their hands to do. In all moments of perplexity and doubt, let Thy light brighten their hearts. Harmonize all distracted councils, and so direct the deliberations of Thy servants that all their labors shall tend to the promotion of lasting peace and prosperity of our Commonwealth. May they give us a fundamental law founded upon the principles of unchangeable truth, and justice, and equity throughout all these States.

May those who are appointed to positions of honor and power be men who shall fear God and hate covetousness;

may we be blessed by the summary cessation of the corruption which is desolating and defiling the land even in its high places.

Let Thy benediction be upon Thy servants and upon their absent families; surround their homes with Thy guardian care, that they be shielded from violence and sickness, from fire and blood, and from all harm. Meet out unto us the changes of this mortal state; be our guide through life, our support in death, and our eternal peace beyond the grave: This we humbly ask in the name and for the sake of Jesus Christ, our Mediator. Amen.

REPORT OF PRINTING AND BINDING COMMITTEE.

Mr. NEWLIN, from the Committee on Printing and Binding, requested unanimous leave to present the following report, which was granted:

To the Constitutional Convention:

The Committee on Printing and Binding, to whom was referred the following resolutions:

"Resolved, That each member of the Convention be supplied with five copies of the loose sheets of the Debates of the Convention;" and the following:

"Resolved, That the Committee on Printing be requested to inquire into and report to this Convention whether, in their judgment, it would not be expedient to instruct the State Printer to forward, by mail, one copy of the daily Journal and Debates to each newspaper published in this State during the session of the Convention, and one copy to be sent to the Governor and the heads of the departments of the State at Harrisburg, and one copy to each member of the Legislature;"

Respectfully report the following resolutions, and recommend their adoption:

Resolved, That Benjamin Singerly, who is doing the printing of this Convention, be instructed to forward daily, by mail, one copy of the Debates, in sheets, to each newspaper published in the State, to the Governor, to each head of department at Harrisburg, and to each member of the

Legislature; and that he also furnish to each member of the Convention, during its session, one copy of its Journal at the opening of its next daily session after the copy shall be placed in his hands, and one copy of the Debates thereof at the opening of its daily session after said debates shall take place.

Resolved, That forty-five hundred copies of the Debates and fifteen hundred copies of the Journal of the Convention be printed and bound for the use of the Convention; the Debates to be in octavo form, double column, solid brevier type, and the Journal to be octavo form, in solid brevier type.

Mr. NEWLIN moved the second reading and consideration of the resolutions.

Mr. DARLINGTON. Mr. President: Is it in order to ask a division of the question?

The PRESIDENT. Certainly.

Mr. DARLINGTON. Then I ask that the matter be so divided as to separate the sending to newspapers from the sending to ourselves.

The PRESIDENT. The Clerk will read the first part of the resolutions as divided.

The CLERK read as follows:

"Resolved, That B. Singerly, who is doing the printing of this Convention, be instructed to forward daily, by mail, one copy of the Debates, in sheets, to each newspaper published in the State."

The question being taken on this clause of the resolution, a division was called, which resulted as follows: Ayes, fifty-six; noes, forty-one.

So the clause was agreed to.

Mr. HAY. I call for a further division of the question, so as to separate the following: "To the Governor, to each head of of department at Harrisburg, and to each member of the Legislature," from the remainder of the resolution.

The question being taken on this clause of the resolution, a division was called, which resulted as follows: Ayes, fifty-nine; noes, forty.

So the clause was agreed to.

The PRESIDENT. The remaining clause will now be read.

The CLERK read as follows:

"And that he also furnish to each member of the Convention, during its session, one copy of its Journal, at the opening of its next daily session after the copy shall be placed in his hands, and one copy of the Debates thereof, at the opening of its daily session after said debates shall take place."

The question being taken on this clause, it was agreed to.

The question then recurred on the following resolution:

Resolved, That forty-five hundred copies of the Debates and fifteen hundred copies of the Journal of the Convention be printed and bound for the use of the Convention, the Debates to be in octavo form, double column, in solid brevier type, and the Journal to be octavo form, in solid brevier type.

STYLE OF TYPE FOR DEBATES.

Mr. COCHRAN. Mr. President: Before the vote is taken, in order that the Convention may not be taken by surprise, I wish to call the attention of members to one thing, because I do not think it is advisable to be in too great a hurry in regard to this resolution. I desire to ascertain, if possible, the views of the Convention respecting the type in which the Debates shall be printed. Now it is very evident to me, as well as it was to those gentlemen who have seen a sample page of the Debates, that the minion leaded page was the handsomest page submitted. The Committee on Printing were induced to report in favor of solid brevier for the reason that the proposals that were before the committee was made in that form; but there is no reason why the Convention should not, if it thinks proper this morning, change this resolution and adopt the leaded minion page. I will say further in regard to the question of expense that the leaded minion page, double column, will cost somewhat more for composition to the printer, but it will be a saving of paper and a saving to some extent in press work. The expense then may be greater, but as to a book made up and bound, minion pages will make by far the most respectable publication. I make these statements so that the Convention may vote understandingly on this proposition, in order that the matter may be brought to a conclusion, and that we may have no complaint about it hereafter. I move to amend by striking out "solid brevier" and inserting "minion leaded."

Mr. MANN. I move to amend the amendment, by striking out the words "minion leaded" and insert "leaded brevier." I certainly think that minion is too small a type, and that leaded brevier will make a very clear and distinct page.

Mr. COCHRAN. I would state to the gentleman, (Mr. Maun) that if leaded

brevier is adopted that it will add materially to the expense. Ledged minion will be more economical, and further than that, if the gentlemen of the Convention had an opportunity of inspecting a page as printing in ledged minion, they would at once decide that it is sufficiently perfect and legible. I was myself under the impression that minion was entirely too small until a specimen page was exhibited. I examined it and in comparison with a page of solid brevier. I will say, however, that the brevier type that was used was neither very good or new, but the minion type, as presented in the specimen page, and which the printer said he was going to use if authorized, made a very handsome and legible page, and I think it would be nearly as legible, if not quite so, as the solid brevier page.

Mr. M'VEAGH. Mr. President: I simply desire to say, in explanation of my vote, that as I have no idea whatever of what brevier type or minion type is, I shall vote with Mr. Cochran on account of my confidence in his judgment, and if I vote wrong I will want him to take the responsibility.

Mr. NEWLIN. Mr. President: I desire to say but one word for the information of the Convention in addition to what has been said by the gentleman from York (Mr. Cochran) on this subject. The ledged minion page presents a handsome appearance unquestionably to the eye, and the ledged brevier will be much larger and it will be more easily read, but the solid brevier page, as reported by the Committee on Printing, presents a very fair appearance and is composed of tolerably good sized type. It can be easily read and will be far cheaper than either of the other forms.

Mr. SIMPSON. I would like to inquire what effect the adoption of either of these amendments will have on the contract which has been made for the printing of this Convention.

Mr. COCHRAN. I would merely say, in reply to the gentleman from Philadelphia, (Mr. Simpson,) that, as I understand it, it makes no difference in the contract whether we order the printing to be done in minion or brevier.

Mr. NEWLIN. In answer to the gentleman from Philadelphia (Mr. Simpson) I would say that this matter of the contract with the State Printer is a thing we cannot settle until this Convention has determined how the Debates and Journal shall be printed, and that after this is deter-

mined we will know what contract we will have to make with the printer. The changing of the type may possibly give rise to some question, but I am not prepared at this time to say what change, if any, will have to be made.

Mr. MANN. Mr. President: I am not in the habit of making motions to increase the expenses of the Commonwealth, and therefore I will withdraw my amendment which I offered, though I take it for granted that it would have been better to have printed a less number of copies in larger type which would have been satisfactory.

Mr. EWING. Mr. President: I suggest an amendment if the committee will accept it. Instead of designating the type, to amend, by adding "in such type as the committee may determine." I will willingly leave it to the committee.

Mr. NEWLIN. Mr. President: The committee, I judge, would prefer that the Convention should settle that question.

Mr. TEMPLE. Mr. President: Inasmuch as there seems to be some misunderstanding on this subject, I move that the further consideration of the resolution be postponed until to-morrow.

The motion to postpone was rejected.

Mr. CAREY. Mr. President: I have had a good deal of experience, unlike my friend from Dauphin, (Mr. MacVeagh,) in both brevier and minion. I am satisfied that the amendment of my friend from York (Mr. Cochran) is perfectly right, and that we should have a much better and much handsomer work in ledged minion than we should in ledged brevier.

The amendment and the resolution, as amended, were agreed to.

Mr. LAWRENCE. Mr. President: I hold in my hands some papers which have been referred to the Committee on Counties, Townships and Boroughs. On examination by that committee it has been found that the papers properly belong to the Committee on County, Township and Borough Officers, they having been referred to the improper committee. I therefore move you that the Committee on Counties, Townships and Boroughs be discharged from the further consideration of these documents, and that they be referred to the Committee on County, Township and Borough Officers.

The motion was agreed to.

A STATE REVISOR.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Revenue, Taxation and Finance:

Resolved, That the Committee on Revenue Taxation and Finance examine into the expediency of so amending the Constitution that one State Revisor shall be elected every three years, whose duty it shall be to examine and revise the accounts in the Auditor General's office, and ascertain and report, annually, to the Legislature whether bills and claims against the Commonwealth, on file in said office, for work, labor and material, are fair and true accounts of the services rendered or material furnished, and whether all taxes on corporations have been equally and fairly adjusted according to law.

Mr. MANN. Mr. President: I rise to a question of order. The Convention having given leave to the committee of the whole to sit at half-past twelve o'clock today, is it not the order of the day that the committee do so sit?

The PRESIDENT. The Chair is of opinion that the leave given yesterday to the committee of the whole to sit at a particular hour does not repeal the rules of the House or the order of business.

Mr. LAMBERTON. Mr. President: I offer the following, desiring to preface it with the statement that I do so by request, without concurring in the proposition contained in it:

The PRESIDENT. The Chair has observed for some days that gentlemen have been in the habit of trying to attract the President's eye by standing in their seats while other business is being transacted. The Chair must say, and hopes he will be pardoned for saying, that he makes it his duty not to see any gentleman who is standing while other business is going on, because if he did see him it would be the duty of the Chair to call the gentleman to order in compliance with the rules of the House.

THE JUDICIAL POWER AND ARRANGEMENT.

Mr. LAMBERTON then offered the following resolution, which was referred to the Committee on Judiciary:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of altering the Constitution in the following manner, viz:

SECTION 1. The judicial power of this Commonwealth shall be vested in a Su-

preme Court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, registers' court and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the Legislature may from time to time establish.

SECTION 2. The Supreme Court shall consist of nine judges, elected by the qualified voters of the Commonwealth at large, a majority of whom, that is to say, not less than five, shall constitute a quorum. They shall hold their office for the term of eighteen years if they shall so long behave themselves well, subject, however, to the arrangement in regard to the election and terms of the first board of nine judges as hereinafter provided. The first election shall take place at the first general election of this Commonwealth, which shall be held three calendar months or more after the adoption of this amendment, at which time the people shall elect as many additional judges of the Supreme Court as will, with those in office three calendar months previous to said election, make nine in all. The persons who shall then be elected shall hold their offices as follows: One of them for eighteen years; one for sixteen years; one for fourteen years; one for twelve years; and each additional one, if any more, then elected for a term of two years, less than the lowest of the others, so as to leave an interval of two years successively between the expiration of the said terms. The term of each to be decided by lot, by the said judges, as soon after the election as convenient, and the result certified by them to the Governor, that the commissions may issue in accordance thereto. The terms of the supreme judges holding by election who are in office three calendar months before the aforesaid general election shall expire as follows: The one whose term is nearest its expiration, two years; the next in four years; the next in six years; the next in eight years, and the next in ten years from the second Monday of December next after said general election. And commissions shall issue in accordance therewith, and revoking their former commissions so far as they are inconsistent with those last issued. The terms of the judges of the Supreme Court, elected under this amendment, shall commence on the second Monday of December in the year they are elected, and shall continue till the second Monday of December of the year in which the term expires. The

judges elected for the term of eighteen years shall be ineligible for a second term, but having served a term of eighteen years shall thereafter be entitled to receive half pay for life. The judge whose commission will first expire shall be chief justice during his term, and thereafter each judge whose commission shall just expire shall in turn be the chief justice; and if two or more commissions expire the same day the judges holding them shall decide by lot which shall be the chief justice. Any vacancy by death, resignation or otherwise shall be filled by appointment by the Governor, to continue till the second Monday of December, which occurs more than three calendar months after the vacancy occurs. All the supreme judges shall be commissioned by the Governor for the term they are to hold the office.

SECTION 3. The commissions of all associated judges not learned in the law shall expire on the first Monday in December after the first general election at which judges of the Supreme Court are elected under the provisions of this Constitution. The judges of the courts of common pleas, district courts and such other courts of record as now are or may hereafter be established by legislative authority, shall be persons learned in the law, and, except those learned in the law now holding said offices by election, shall be appointed by the Supreme Court and commissioned by the Governor for the term of ten years if they shall so long behave themselves well. It shall be the duty of the Supreme Court to appoint and assign to each district as many judges of the court of common pleas as the proper and speedy administration of justice requires; and the Supreme Court may make such rules and regulation, and such designation of work and duties of the several judges of the common pleas and other courts of record, as will facilitate the administration of justice. The Supreme Court may, for sufficient cause shown, remove any judge whom they appoint. The judges learned in the law holding, by election, at the time of the adoption of this Constitution, shall continue in office till their commissions respectively expire, but the Supreme Court shall have all such authority and control over them in every respect as they have over those appointed by them. The Supreme Court shall make such appointments and regulations that there may be at least one competent common pleas judge, learned in the law, in

each county, except where the county has so little population and territory, and is so convenient to the judges who preside as not to need a resident judge in the county; also that every man may have his cause tried and finally decided within a year after it is brought. If either party desires it, and the other does not object, both the law and the facts may be submitted to one or three of the said judges, and their decisions made final; or if either party is not willing to make such decision final, then the other party not objecting the case may be tried before one judge, and the parties may submit points of law to be answered and made part of the record and subject to exceptions and a writ of error; or if either party demand it, the case shall be tried before a judge and jury in the ordinary way, and subject to exceptions and writ of error. In civil cases involving long or difficult accounts the legislative authority may provide that either party may require the jury to be selected by men whose business tends to give them skill in accounts, and that such case either party may challenge or cause such persons as do not come within that description, and the Legislature may, where it is deemed practicable and expedient, extend the same principle to other cases.

SECTION 4. The judges of the Supreme Court and of the courts of common pleas, and of the other courts of record shall, at stated times, receive for their services an adequate compensation, 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 or under the government of the United States, or any other State of this Union. The judges of the Supreme Court shall, during their continuance in office, reside within this Commonwealth, and the other judges, during their continuance in office, within the district or county to which they are assigned by the Supreme Court.

FUTURE CONSTITUTIONAL CONVENTIONS.

Mr. BRODHEAD offered the following resolution, which was referred to the Committee on Future Amendments:

Resolved, That a due regard for the rights of the people requires that the Convention should provide that any existing Constitution may be changed whenever the people may so desire, without the intervention of the Legislature; and that to secure such object the Committee on

Future Amendments shall provide for a vote of the people, for or against a Constitutional Convention, at the general election to be held in the year 1892, and every ten years thereafter, unless a Convention shall sooner be called by the action of the Legislature or otherwise.

PRINTING TEXTS OF PROPOSED AMENDMENTS.

Mr. MACVEAGH offered the following resolution, which was read a second time:

Resolved, That one hundred and fifty copies of the proposed texts of the Constitution, as prepared by any of the standing committees, shall be printed, in the form of legislative bills, for the use of the Convention, for the purpose of consideration and amendment.

Mr. MACVEAGH. Mr. President: The Convention will bear with me one minute. I wish to state that it is not intended to reverse the action of the Convention at all as to the printing of resolutions. But that when any committee is ready to report a proposed text of the Constitution for the action of this body, that this proposed text thus prepared by the committee should be printed in the form of legislative bills, so that when any gentleman proposes to amend he can do it by ready reference to the line which he has before him, and so that every other member of the Convention, having the proposed text of the Constitution, thus before him, will be ready to appreciate the full import of the proposed amendment.

I offer the resolution also because I have the honor to announce to the Convention that the Committee on Legislation is prepared to make its report. The chairman of that committee, however, happens to have always been in a minority of one on one question, that is the legibility of his handwriting. He thinks he can write copper plate and that anybody can read it who can read print, but in that conclusion no other person has ever agreed with him, and he therefore desires, before sending the written report of the committee to the Clerk's desk, that the Convention will pass this resolution allowing committees to print, in the form suggested, the text they propose to make part of the Constitution.

Mr. COCHRAN. Mr. President: The thirty-first rule of the Convention, as adopted by it, says: "That the Convention shall order the printing of the same," that is all articles of amendment proposed to the Constitution, "for the use of the

members as they shall think expedient." I do not read that by way of throwing any obstacle in the way of the passage of the gentleman's resolution at all. I merely want to call the attention of the Convention in connection to that fact, while ordering the printing, for I presume that in accordance to that rule it would be nevertheless necessary, that whatever printing is ordered and reported by the committees, shall be first made in manuscript to the Convention.

Mr. MACVEAGH. Yes, sir. I proposed to do that.

HUSBAND AND WIFE.

Mr. BROOMALL offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation inquire into the expediency of providing that the contract of marriage shall have no effect relative upon the right of the property of the parties during its continuance, and that upon its termination by the death of either husband or wife the survivor shall take the same share and interest in the estate of the decedent.

PREAMBLE.

Mr. SIMPSON offered the following resolution, which was read and referred to the Committee on Schedule:

Resolved, That the following preamble to the Constitution be adopted, to wit:

We, the people of the Commonwealth of Pennsylvania, acknowledging our dependence upon Almighty God, and grateful to him for the blessings which we have enjoyed, and invoking His aid in our efforts to form a permanent government, establish justice, insure domestic tranquility, and to secure political and religious liberty to ourselves and our posterity, do ordain and establish the following Constitution.

Mr. T. H. B. PATTERSON offered the following resolution, which was read and referred to the Committee on Schedule.

Resolved, That the proper committee be requested to inquire into the propriety of adopting the following preamble:

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for our freedom and prosperity, and invoking His favor and guidance in order to secure for ourselves and our posterity the rights of liberty and property, do ordain and establish this Constitution.

PUBLIC PROPERTY.

Mr. WRIGHT offered the following resolution which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be directed to inquire into the expediency of inserting a provision in the Constitution that all places of burial, ways, parks, squares, commons and other land now or hereafter dedicated to the public shall, in no case, be appropriated by individuals or corporations, or applied to other uses than those originally intended.

CONSTITUTIONAL AMENDMENTS.

Mr. JOHN R. READ offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation are requested to inquire into the expediency of so amending the Constitution that the General Assembly shall not have power to ratify any amendment to the Constitution of the United States, nor consent to any alteration therein, until the second re-organization of the General Assembly held after the submission of such amendment or alteration by Congress to the Legislatures of the respective States.

PROTECTION OF LIFE AND LIMB.

Mr. MANTON offered the following resolution, which was read and referred to the Committee on Railroads:

Resolved, That the proper committee be requested to inquire into the necessity of incorporating a section into the Constitution, as follows:

"That it shall be the duty of railroad companies traversing any portion of the territory of this State to provide the best means of safety for the security and protection of human life, limb and property placed in their charge."

RATES OF FREIGHT, &c.

Mr. STRUTHERS offered the following resolution, which was read and referred to the Committee on Railroads:

Resolved, That the Committee on Railroads be requested to report a section, substantially as follows:

"Public railroads and corporations are created to furnish cheap and ready transportation of persons and property, thereby facilitating the developments of the resources and promoting the commercial, agricultural, mining and manufacturing interests of the Commonwealth. They shall use and exercise their powers and

rights with equal favor to all the people of the State. The rates of transportation over their roads and their charges for service shall be in proportion to distance, &c., with the right to add an additional reasonable charge for greater stoppage and delay on short hauls, and in no case shall more be charged for passengers or freight received by them without the limits of the State.

ENFORCEMENT OF CONTRACTS.

Mr. METZGER offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Bill of Rights be requested to inquire into the propriety of adding to the seventeenth section of the Declaration of Rights the following clause:

"Nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made."

RATES OF TAXES.

Mr. ELLIOTT offered the following resolution, which was read and referred to the Committee on Revenue:

Resolved, That the proper committee be requested to report an amendment to the Constitution, in substance, as follows:

"The property of corporations now existing or hereafter created shall be subject to taxation at the same rate and in the same manner as the property of individuals, and not otherwise, provided the property offered for municipal, charitable or educational purposes may be exempt by law."

BRIBERY, PERJURY AND FRAUD.

Mr. CAMPBELL offered the following resolution, which was read and referred to the Committee on Suffrage, Election and Franchise:

Resolved, That the Committee on Election and Suffrage consider the following proposed section:

SECT. —. Every person who shall hereafter be convicted of bribery or perjury at any election, or of wilful fraud, either in giving or receiving votes, or in counting or returning the same, or fraudulently tampering with, altering, mutilating or destroying any election returns, certificate or records, shall be disqualified for voting at any election thereafter and for holding any office of honor or profit in this State. No idiot or insane person or persons convicted of treason or felony in

this State shall hold any office or vote at any election therein.

ANOTHER PAGE.

Mr. STANTON offered the following resolution:

WHEREAS, One of the pages of the Convention has been directed to take charge of the coat room, and therefore the number of pages on the floor has been reduced to nine;

Resolved, That the Chief Clerk be authorized to appoint one additional page.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

The PRESIDENT. Reports from standing committees are now in order.

Mr. MACVEAGH. Mr. President: I beg leave to make a report from the Committee on Legislature.

The PRESIDENT. The report will be received and read.

Mr. MACVEAGH. I move that the reading of the report, for the present, be dispensed with.

The motion was agreed to.

Mr. MACVEAGH. I move that one hundred and fifty copies of the report be printed, for the use of the members, in the form of legislative bills.

The motion was agreed to.

The report is as follows:

First. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Second. An election for members of the General Assembly shall be held on the first day fixed for the general election succeeding the adoption of this Constitution and every two years thereafter. Their term of office shall begin on the first day of January succeeding their election. When vacancies occur in either House the Governor shall issue writs of election to fill such vacancies for the balance of the term in which such vacancy occurred.

Third. Senators shall be elected for the term of four years: *Provided*, That those who shall be elected at the first election after the adoption of this Constitution shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of two years, and of the second class at the expiration of four years.

Fourth. Representatives shall be elected for the term of two years.

Fifth. The General Assembly shall

meet at twelve o'clock, noon, on the first Tuesday of January succeeding the adoption of this Constitution, and every two years thereafter, unless sooner convened by the Governor in special session.

Sixth. No person shall be a Senator who shall not have attained the age of twenty-five years, and has 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, and no person shall hold said office after he shall have removed from said district.

Seventh. 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 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, and no person shall hold said office after he shall have removed from said district.

Eighth. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during such time, and no member of Congress or other person holding any office (except attorney-at-law and in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in Congress or in office.

Ninth. No person who has been or hereafter shall be convicted of bribery, perjury or other infamous crime, or who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

Tenth. Every member of the General Assembly, before he enters upon his official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Pennsylvania, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability; and I do solemnly swear (or affirm) that I have

not paid or contributed anything, or made any promise in the nature of a bribe, to corrupt or influence, directly or indirectly, any vote at the election at which I was chosen to fill the said office; and I do further solemnly swear (or affirm) that I have not accepted or received, and that I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act."

Eleventh. The foregoing oath shall be administered by one of the judges of the Supreme Court in the hall of the House to which the member is elected, and the Secretary of State shall read and file the oath subscribed by such member; any member who shall refuse to take said oath shall forfeit his office; and every member who shall be convicted of having sworn falsely to, or of having violated his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

Twelfth. Each member of the General Assembly shall receive, for such period of two years, the sum of twelve hundred dollars and mileage, at the rate of ten cents, for every mile traveled in going from their place of residence to their place of meeting and returning therefrom, and no other allowance or perquisite whatever, either for expenses or services, whether as member of any committee or other duty as member of said General Assembly: *Provided*, That if the Governor shall convene the General Assembly in special sessions each member shall receive ten dollars for each day of said session, with the same mileage as is hereinbefore provided for the regular session.

Thirteenth. Every person who shall be elected or appointed to any office by the Legislature shall discharge the duties of such office in person and not by proxy.

Fourteenth. The Lieutenant Governor shall preside over the Senate, and in case of a vacancy in the office of Lieutenant Governor the Senate shall elect one of its members as Speaker; the House of Representatives shall elect one of its members as Speaker; each House shall choose its other officers and shall judge of the election and qualifications of its members.

Fifteenth. A majority of each House shall constitute a quorum, but a smaller

number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed.

Sixteenth. Each House may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State.

Seventeenth. The doors of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Eighteenth. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Nineteenth. The members of the General Assembly shall in all cases, except treason, felony, violation of the oath hereinbefore prescribed, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Twentieth. The General Assembly shall apportion the State every ten years, beginning at its first session after the adoption of this Constitution by dividing the population of the State as ascertained by the last preceding federal census by the number thirty-three, and the quotient shall be the ratio of representation in the Senate. Counties containing a population of four-fifths of said ratio shall be separate Senatorial districts, and elect each one Senator. Counties containing not less than the ratio and three-fourths thereof shall each elect two Senators, and one additional Senator for each number of inhabitants equal to the ratio contained by said counties in excess of twice the number of said ratio. All Senatorial districts shall be formed of contiguous and compact territory, each as nearly as possible an equal number of inhabitants: *Provided*, That no city or county shall elect more than four Senators.

Twenty-first. The General Assembly shall apportion the State every ten years, beginning at its first session after the adoption of this Constitution by dividing the population of the State as ascertained

by the last preceding federal census by the number one hundred, and the quotient shall be the ratio of representation in the House of Representatives. Every county shall be entitled to one Representative, unless its population is three-fifths of the ratio. Every county having a population of not less than the ratio and three-fifths shall be entitled to two Representatives, and for each additional number of inhabitants equal to the ratio one Representative. Counties containing less than three-fifths of the ratio shall be formed into single districts of compact and contiguous territory, bounded by county lines, and contain, as nearly as possible, an equal number of inhabitants.

The PRESIDENT. The Convention will now resolve itself into a committee of the whole, for the further consideration of the report of the Committee on Suffrage, Election and Representation. Mr. Walker will please occupy the Chair.

The CHAIRMAN (Mr. Walker.) The committee of the whole has had referred to it the report of the Committee on Suffrage, Election and Representation. When the committee rose the second section was before it. That section will now be read

The section was then read, as follows:

"All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Friday of March."

Mr. M'ALLISTER. I was called upon yesterday for an explanation of the reasons why changes were made in the Constitution in reference to the subject matter of these two sections. The first alone was then under consideration. I beg leave, this morning, to make a very few remarks in explanation of the section now under consideration. And first, in reference to the municipalities to which it shall apply, for city, ward, borough and township officers, there may be elections which are not included in these four designations, but it was thought that that could be safely left to the Legislature. These are restrictions upon the Legislature. All power is in that body unless we deprive it of its exercise, and for that reason it was thought best not to multiply words, but to describe these as city, ward, borough and township officers.

Again, for "regular terms of service." The question of vacancies was before the Committee on Suffrage, and it was thought best to leave to the Legislature the manner in which vacancies shall be supplied,

and to confine these elections under these restrictions to "regular terms of service."

Again, "on the third Friday of March." In reference to this day, there was some diversity of opinion in the committee, and the third Friday in March was agreed upon, because it had been the general time, so far as one time had ever existed in Pennsylvania. It was thought best, for that reason, to retain it, although there was much diversity of opinion among the members of the committee on this subject. Many of the members believed that the third Friday in February would better accommodate the people of the State.

What the committee desired, and what they thought was necessary, was one uniform time. In the past, any person from any portion of the State, who considered the election day inconvenient to himself, could go to his friend in the Legislature and have a special time appointed for the election in his district.

Now, if there is any one thing the people of Pennsylvania are agreed upon in reference to our organic law, it is to kill special legislation; and we will not do it if we commit to the Legislature the fixing of the time for holding elections. Under the old rule, if a man wanted to get married and it did not suit him to be home just at the appointed time, he would have another day fixed by law to suit himself.

Now it has been alleged that there are such diversities growing out of the industrial pursuits, particularly of the farmer, as render it impossible to agree upon one time. I deny that proposition. In our national government it was thought advisable to fix one certain day for the election of our President and Congressmen; and that matter has accordingly been taken in hand by the national government itself, which is hereafter to control it. If diversity of climate throughout the entire length and breadth of the United States was not an insuperable objection to fixing one day for the national general election there should certainly be no trouble about fixing one day in the State of Pennsylvania.

My attention was called to this subject less than a year ago, at a national convention of agriculturists of the United States. On the 18th day of May it was assigned as a reason why certain delegates were not in attendance that they were taking in their wheat crops. On the next day the convention was entertained by the agricultural society of Missouri, and

a box of crackers was furnished from Alabama, which had been made out of the wheat crop of that year. So that wheat and barley seem to be coming in from some one State or another almost all through the summer months.

I allude to this for the purpose of showing that the diversity of climate in our country can be no good reason why we should not fix upon the same day for a State election. For myself, as an individual member of the committee, I am free to say I should prefer the third Friday of February, because it would accommodate our citizens engaged in lumber. That is a business dependent upon the weather, and must be attended to at a certain time, and it takes away a large portion of the citizens of my county. Why, then, should it not be agreed to? I have no preference for myself, individually, between the third Friday of February and the third Friday of March. I have already said I should have preferred the third Friday in February, because my constituency are then disengaged. I was, however, perfectly willing to coincide in this report and advocating the third Friday in March, conscious that my constituency would ratify our action if we fixed a uniform time, even one to their inconvenience.

But, Mr. President, what objection is there to February? It is said that it is in the midst of winter and the weather is cold. March is in the rainy season, and consequently the weather is damp. I think our citizens would rather go to the polls in cold weather than in damp weather. But be this as it may, let us fix one uniform time; that is all that the Committee on Suffrage desires.

It is important for the same reason that our general election should be held upon a particular day. The evil does not probably exist to the same extent in the local as in the general elections; but whenever there is an interest felt in the local election, and you have adjoining election districts, electing on different days, you have the same importation from adjoining districts that you have in the general election from adjoining States, and above all, if it were fixed for a uniform day, as it is by the proposition coming from the committee, we take away all cause for special legislation, which has been the curse of our State.

Mr. CORBETT. I move to amend, by striking out "March" and inserting "February."

Mr. J. N. PURVIANCE. I move to amend, by striking out all after the word "whole" and inserting as follows:

"At such time and place as shall be fixed by act of the Legislature, and that such election shall be held on the same day in each election district. The persons then elected shall hold their offices respectively for two years, and until their successors are duly elected and qualified."

The CHAIRMAN. The amendment of the gentleman from Allegheny is before the Convention.

Mr. J. P. WETHERILL. Mr. Chairman: I am satisfied from the character of the debate that has taken place on this question, that there will be a great diversity of opinion in regard to the fixing of any one day upon which spring elections can be held. I do not pretend to know what may be the wishes of gentlemen outside of cities, in this regard, but I am satisfied of one thing, that whatever time will be acceptable to any one section, will not be likely to be acceptable to any other. There will, therefore, be a great deal of difficulty in arranging and fixing the time to suit all.

But there is another, and I think a more important fact, which we who are from the cities, should consider. I desire, coming as I do from this city, to make my remarks principally upon that point.

I do not conceive, sir, although much may be said in favor of frequency of elections, that there is any advantage in it. I do not see that it will do the people of our State any good for them to exercise that sovereign power of which we have heard so much twice a year. I am fully aware how, oftentimes, people are led by those who conceive themselves to be party leaders; but, to come direct to the practical question—the question in which we who live in cities are much interested: Is it to our advantage to have a fall and spring election in large cities?

What is there to be said in regard to the advantages of two elections? It has been urged, and forcibly so, that if we separate municipal matter from State matter—if we divide municipal elections from State elections—inasmuch as party ties are not then so binding—inasmuch as a voter can have his attention fixed more directly upon the election of those who are to govern his city, he can then, perhaps, exercise more care in regard to his choice. A resident of this city, as I am, I can fully understand all that. But I can,

at the same time, see disadvantages perhaps equally great.

I need not say, in this presence, that that there is a strong doubt as to the wisdom of keeping a city of seven hundred thousand inhabitants in continual turmoil. I need not say that to set the political cauldron boiling twice a year will be extremely inconvenient to the inhabitants of a large city. I need not allude to the excitement which occupies the time just preceding elections. I need not allude to the fact that we elect to offices men who, in their official positions, secure a fortune; and I need not refer to the fact that, in securing these positions, they strain every nerve and move Heaven and earth to accomplish their purposes. It must be apparent that, in doing this, there is a tumult created—a disturbance raised—which is extremely dangerous to the well being of a large city. We have that tumult once a year, and I am sure the people of cities do not care to have that infliction placed upon them twice a year.

Now, sir, we have only to look at this matter for a moment to be convinced of its apparent evil effects. I cannot conceive how those of our members coming from large cities are enabled to see clearly and fully, at the present time, the necessity of having spring elections, and for this reason. If we have spring elections, who will we have to elect in the fall? If we have biennial sessions, which I understand will be presented by the committee and acted upon by this body, it seems to me that the fall elections will dwindle into a very small matter, perhaps one State officer every two years.

There is also another important point in regard to this matter. I have an idea if we conclude to do away with special legislation, that thereby there will be created a good Legislature or a better one, perhaps, than we have had heretofore. Therefore, in the fall of the year, men who desire to go to the Legislature for motives which may be improper will not care to go there for the purpose of passing general laws, and they will not be so desirous of becoming candidates. In the fall, then, all the activity and zeal exhibited by men anxious for place and power, knowing the result secured by the possession of that place and power under special legislation, will not care to become candidates; and as we may have pure and good men nominated for office, a great deal of the turmoil, trouble and the unpleasant dissension will be done away with, and

we will have, I think, infused into our fall elections a degree of quiet which will be extremely acceptable to us all.

Again, sir, if we do away with feed officers and salary our own and all other officers, we will lessen that desire which prompts a man to go into the political field that he may make a fortune in two years or so. In the city, Mr. Chairman, it is well known that when a large fortune is ensured to a man who can secure an office for only a term of two years, the struggle is desperate, first to get the nomination, and then to secure the election; and when this element enters into an election it greatly disturbs the peace and quiet of a large city. This element will be removed by fixed salaries. If you remove it and the element of special legislation and decide in favor of biennial sessions, I think the city of Philadelphia would be content with one election in the fall, but until this is done I cannot consistently vote for two elections.

MR. SIMPSON. Mr. Chairman: As one of the committee that reported this section, and having been unable to agree with the other members of that committee in regard to the proposition before the Convention, I desire to add a few remarks to what has just been so well said by the gentleman from Philadelphia (Mr. Wetherill.) In addition to the frequency of elections, there are other considerations of which I desire to get rid. The business habits of the people are not uniform throughout the State, and it is impossible to fix any one day upon which the whole people of the State can generally agree as a day for holding municipal, ward, borough and township elections. A day that will suit the farmers of Chester, York, Delaware and Lancaster counties will not suit the residents of Tioga, Warren, Potter and M'Kean, comprising the range of the northern tier of counties. A day that will suit the citizens of the border counties will not be acceptable to those inhabiting the lumber regions, and should a day be selected which will meet the views of the interior counties, it will not be acceptable to the business men of our cities. I do not care whether a day in February or March is selected; either will be equally unacceptable to the business men of Philadelphia, who are in the height of their business in that season of the year, and they will not desire to be taken away from their business duties to attend to a spring election. In addition to this, I may remark that Philadelphia has

had no spring election for years, and I believe the people of Philadelphia are entirely satisfied with the present arrangements of affairs. There is also another consideration which enters in this question, and it is the expense which is involved. It costs even now about \$36,000 to hold an election in the city of Philadelphia, and additional taxes will have to be imposed if these elections are held in all the cities of the Commonwealth as well as in the rural districts. I therefore, Mr. Chairman, offer the following amendment:

"Provided however, That the cities having a population of fifty thousand and upwards may, when authorized by law, change the time of holding the municipal elections by a vote of the people at the next general election."

The CHAIRMAN. The Chair will state that there is already an amendment to the amendment now pending, and the gentleman's amendment is not in order.

Mr. CAMPBELL. Mr. Chairman: As a member of the Committee on Suffrage I advocated the insertion in this clause of the word "city," so that it should apply to the city from which I come—Philadelphia. I differ with my colleague (Mr. Wetherill) in his statement that it is very well known, and that it is the feeling of the people of Philadelphia, that they do not wish two elections. There is a large body of people in Philadelphia who desire to remove all the interference of politics from their elections for city and county officers, and they desire, for this purpose, to have the election day for city and county officers fixed upon a different day from that on which the general election is held. Now, sir, I was mainly instrumental in putting that word into this section, and, in fact, I wished also to include the word "county," so as to have every officer of the city and county elected at a different time from that upon which the members of the Legislature, judges of the Supreme Court or Governor shall be elected.

The argument used by my colleague (Mr. Wetherill) that there would be great tumult at this election, and that the people of Philadelphia would be kept in constant turmoil, trouble and political excitement, will not apply here. This Convention, as the gentleman wishes and suggests, will remove the temptation for all this turmoil and excitement, that is now so much feared from having two elections, by fixing salaries, instead of fees,

for all the public officers of the Commonwealth. I desire to see this provision stand just as it is reported by the committee, because if there is anything that the people of Pennsylvania called this Convention to accomplish, it was for the purpose of purifying our elections. The firm conviction among the people of the State that there must be something done in order to purify our elections has done more to assemble us here to-day than any other reforms that are demanded. Now, the people of Philadelphia are of the opinion that in order to purify our city and county elections, this Convention must remove them from all political influence—that is, using the word political in its poorest sense—and, for this reason, I hope that this provision in reference to municipal elections will be retained in this section, so that the people of Philadelphia may have an opportunity of selecting their city and county officers without being influenced by this partisan and political strife.

Mr. DARLINGTON. Mr. Chairman: It appears to me that this debate is degenerating into the question whether there shall be a change made in the election day for the city of Philadelphia. Now, sir, this is a question involving a principle like the one we discussed yesterday. It is a question entirely of expediency as to whether it will be proper to make a change in the day of holding spring elections for the ordinary township officers, and not in respect to the city of Philadelphia, which has no spring election at present. Is this the right place and is this the proper body to decide this question? It strikes me, Mr. Chairman, that they are not. It may be, it is true, that the city of Philadelphia ought to have a separate time for the election of her city officers from that prescribed for the general election of State officers, but I do not think that this Convention is the body to settle that question for its citizens. I have no doubt that we shall have before us, in due time, a report from the Committee on Cities and City Charters, in which, if I understand the foreshadowings, we shall be asked to place guards upon the action of the Legislature, restraining the legislative power from interfering with the business of a city in her municipality, and I, for one, would go further, and say to the Legislature that there shall be no legislation affecting the interests of a city unless it is asked for by the city government. If the city authorities should so desire, and if, when we

come to the definition of the powers of the Legislature, it shall be asked by those on this floor representing them, that the Legislature shall not hereafter be allowed to pass laws granting certain privileges to railroad corporations or to individuals, unless they are asked for by the city authorities, I, for one, will be prepared to grant their request in placing this restriction upon that body. Whenever this subject comes before this Convention for its consideration, and the representatives of the citizens of Philadelphia may say to us that the city councils will ask the Legislature to pass a law to enable them to take a vote upon the question of spring elections, so that, uninfluenced by other considerations, the people themselves shall decide whether they will have spring elections for their municipal officers. This will be the way in which to reach the end that is desired; but this is not the place, nor is it the time, to discuss that question. I submit to the Convention that there is no necessity whatever for putting anything in the Constitution which we are here to frame in regard to the subject, for all these township elections are held in the spring, and require no constitutional provisions or guards to be placed around the Legislature. Generally, they are held at the time indicated—on the third Friday in March.

But I am told, I suppose correctly, that in some portions of the State it would be a very inconvenient day to compel the people to hold their elections on the third Friday of March. If so, what reason of State or policy should prevent the people of any town or county from holding their local elections at such times as would be most convenient for themselves? I hear none. I know of none. We are satisfied in our portion of the country with the time in which the spring elections are held there. In the lumber regions, I am told, they desire a different time. Why should they not have them on a different day? In Philadelphia, according to the advice of some gentlemen who have spoken to us, they want but one election day in the year. According to the information given us by others they want two. Whenever they decide that question for themselves I am in favor of their having one or two, as they please.

Is it any good objection, allow me to ask of my friend from Centre, (Mr. M'Allister,) to bring in the plea of special legislation about which this out-cry is raised? I apprehend that the out-cry is not against

that kind of special legislation. The out-cry is against that kind of special legislation in which, according to the familiar phrase, there is money. That is the kind of special legislation for which private interests ask, and when it is said and supposed that money is used to influence public judgment. That is the kind of special legislation that we are to guard against. What special legislation would it be to allow any county to hold its local election in any month it desires to? Where there is no principle involved why should we interfere with the wishes of any portion of citizens of the State, and compel them to vote for their county or municipal officers at a time when it is inconvenient for them to do so?

But the committee state through their chairman (Mr. M'Allister) that they desire a uniform day throughout the State. They advocate the idea of symmetry, but it is such symmetry as the English gardener believed in, who, finding a lad marauding on his premises, locked him in an upper room in a stable, and when the lad put his head out of the window the gardener took his master's son and put him in a building opposite to look out of the window there. That idea of symmetry may be run into the ground. It is not necessary that we should all have precisely the same legislation in different districts. We have in our county one way of mending roads, most acceptable to our people. We let them out on contract. Our people think they get their roads better made in that way than they would in any other mode. Who is to settle such a question? Whose rights are interfered with by allowing our people to have whatever road laws they choose for the management of their domestic highways? What rights of the people of the lumber counties will be infringed by allowing them to elect their county officers on whatever days they please? It is, Mr. President, for the purpose of allowing the Legislature to accommodate the citizens of this great Commonwealth, or any portion of it, with any legislation that suits them best—call it "special legislation" if you please—that the power to name different days of election in different counties is given to the law-making power of the State. If the Legislature should fail to accommodate my district with any particular legislation, that infringed upon nobody else, they should fall short of their duty. It is the business of the Legislature to do for the people what the people want to have done to promote their comfort and conve-

nience in every department and every walk of life, so long as the in interests of nobody else are interfered with by it.

It is for that reason, Mr. President, that I am opposed to this whole proposition. It ought not to be any part of the Constitution. It concerns officers which are creatures of law and not of the Constitution. It never has been part of the Constitution. There has been, as I said yesterday in regard to the other portion of this resolution, no public call for its amendment; at least it has escaped my observation if there has been. Has there been the suggestion of a public print, or of a public man, or of a public newspaper anywhere, in favor of this change? Not one that I know of. Then why should we, for the sake of change, make a change uncalled for by the public, unnecessary and inconvenient to a large class of our people?

MR. HAY. Mr. President: It seems to me that the reasons which are urged for the passage of this resolution are only such as should cause this Convention to vote against it. The reasons given in its favor are simply those of expediency. As far as I am concerned I have not been convinced by anything that has yet been said why the people of the different localities of this Commonwealth should not call their local elections at such times as may be most convenient to themselves. It does not seem to me that there is any important principle involved in this matter which demands action of this kind, and for one I am opposed to the adoption of this resolution, because I do not think this is one of those questions which ought to be determined here. It is one which I think ought to be left to the action of the legislative department of the government, and should be regulated by the convenience of the people in the different portions of the State.

MR. HANNA. I have listened, with much interest, to the debate upon this question, a proposition which to my mind seemed to be merely a local election. I have asked myself this plain question: Why should this be provided for at all in the Constitution of the State?

I agree entirely with the remarks made by my friend from Chester (Mr. Darlington.) As has been said, there is a great disparity of opinion in regard to what would be convenient for the different sections of the State. What will suit the cities will not suit the counties. My colleague (Mr. Simpson) has very fully ex-

plained what the wants of the cities are in regard to this matter, and I conceive, Mr. Chairman, that we need not take any action upon this matter at all. As the gentleman from Allegheny (Mr. Hay) has just said, let it be a matter of local legislation entirely. The people of the different sections of the State know for themselves what time of the year will suit them best, and what will suit one section will not suit the other.

I concede that this question is not for us to decide as a matter of constitutional enactment. We have gone far enough, I submit. We have gone thus far in fixing a day for general State elections and congressional elections. Now let us stop there and let the people of the different sections through their representatives in the Legislature, express their will in regard to these minor and local matters. I therefore hope that the Convention will take this view of the entire subject. Let this matter of private, local business be settled by the people in the different sections of the State. We, as a Convention, I do submit, have nothing whatever to do with this matter. Let it be with the people themselves.

The amendment of Mr. JOHN N. PURVIANCE was rejected.

MR. CLARK. Representing as I do a section of the State somewhat interested in the lumber business, it is proper, perhaps, for me to say that the third Friday of March would be most inconvenient for all that portion of the State so interested. It is true that the month of February, and indeed all the winter months, are times when the people in our part of the country, and in all the lumber portions of the State, are busy, and it has been remarked by my friend from Philadelphia (Mr. Simpson) that it is a business season here; but men are not usually so busy that they have not time to vote, while with us it becomes utterly impracticable for lumbermen to vote on the third Friday of March, because, ordinarily, they are not at home at that time. Their business calls them away, and I venture to say that one-third of the voting population of the rural districts could not vote on the third Friday of March, though all could vote on the third Friday of February. There can then be no special objection to fixing that day as the time of holding municipal and county elections, especially in view of the fact that on the day now named it would be utterly impracticable for a large portion of the voters of the State to vote if the election be fixed

in the latter end of March. I hope the members of the Convention will take this fact into consideration. As an illustration of this, in the northern and eastern parts of Indiana county we have a large lumber interest, and there the elections are held in February, while in the balance of the county they are held in March. This distinction is held throughout the State. In Clearfield county the elections are held in December, which is as busy a month as any in the year, but in that month the people of that county are at home. I hope the Convention will consider favorably the proposition to change the day of election from the third Friday of March to the third Friday of February.

Mr. DARLINGTON. Mr. President: Before that question is taken, I wish to say that that would be a most inconvenient time to all our people. It is a very bad season of the year for us.

On agreeing to the amendment, to insert "the third Friday in February" for the "third Friday in March," a division was called, resulting eighty-seven in the affirmative, more than a majority of a quorum.

So the amendment was agreed to.

Mr. SIMPSON. Mr. President: I offer the following amendment:

"Provided however, That cities may, when authorized by law, change the time of holding their municipal elections by a vote of the people at the next general election."

The amendment was not agreed to.

The question being upon the section as amended, a division was ordered, which resulted, affirmative eighty-four, which being a majority of the Convention, the section was agreed to.

Mr. CORBETT. Mr. Chairman: I move the committee rise and report back to the Convention the report of the Committee on Suffrage, Election and Representation, with the amendments thereto, which have been adopted.

The motion was agreed to.

Mr. WALKER. Mr. President: The committee of the whole have instructed their chairman to report with amendments the sections upon the subject of elections, which they have had under consideration.

The PRESIDENT. The question will be first taken upon the last amendment, to strike out "March" and insert "February."

The yeas and nays were ordered.

The CLERK proceeded to call the roll.

Mr. HOPKINS. Mr. President: I rise to a point of order. My point of order is: That a vote of this Convention, either by rising or by yeas and nays, is not in order upon the question as it now stands before the Convention. The report is made by the chairman of the committee of the whole, with amendments. The question then, at the proper time, comes up before the Convention upon second reading, and the gentlemen can have the yeas and nays upon any proposition that they may choose to submit.

The PRESIDENT. The point of order should have been stated sooner, but the Chair will consider it. The committee of the whole nor no other committee has a right to alter a bill which is once in possession of the House. They may propose amendments to it, but it is for the House to agree to those amendments, and thus put them on the Journal. The loose practice which the Chair is aware prevails in some Legislatures in reference to amendments, made in committee of the whole, is such that when the original bill is altered nobody can tell whether it was done by committee of the whole or how it was done. Sometimes it has been alleged to have been done in a very irregular manner.

The clerk then completed the call of the roll, and the result was as follows:

YEAS.

Messrs. Achenbach, Alricks, Andrews, Armstrong, Baer, Bailly, (Perry,) Bannan, Barclay, Beebe, Black, Charles A., Brodhead, Brown, Campbell, Carter, Cassidy, Church, Clark, Cochran, Corbett, Corson, Craig, Curry, Curtin, Dallas, Davis, De France, Dimmick, Dodd, Elliott, Ellis, Ewing, Fulton, Gibson, Gilpin, Guthrie, Hay, Hemphill, Hopkins, Horton, Howard, Hunsicker, Kaine, Lamberton, Landis, Lawrance, Lear, Lilly, Long, M'Alister, M'Camant, M'Clellan, M'Connell, M'Culloch, M'Murray, MacVeagh, Mann, Mantor, Metzger, Minor, Mott, Niles, Palmer, G. W., Palmer, H. W., Parsons, Patterson, T. H. B., Patton, Pughe, Purman, Purviance, John N., Purviance, Samuel A., Reed, John R., Reynolds, S. H., Rooke, Runk, Smith, W. H., Temple, Turrell, Walker, Wetherill, J. M., Wherry, White, David N., White, J. W. F., Worrell and Wright—84.

NAYS.

Messrs. Addicks, Ainey, Baker, Bartholomew, Bowman, Boyd, Broomall,

Buckalew, Carey, Collins, Cronmiller, Darlington, Dunning, Edwards, Hanna, Hazzard, Knight, Littleton, Newlin, Patterson, D. W., Porter, Reynolds, James L., Ross, Simpson, Smith, Henry W., Stanton, Struthers, Van Reed, Wetherill, Jno. Price, and Meredith, *President*—30.

So the amendment was agreed to.

ABSENT AND NOT VOTING. — Messrs. Bailey, (Huntingdon,) Bardsley, Biddle,

Black, J. S., Cuyler, Fell, Finney, Funck, Gowen, Hall, Harvey, Heverin, Reed, Andrew, Russell, Sharpe, Smith, H. G., Stewart, White, Harry, and Woodward.

MR. COCHRAN. I move the Convention do now adjourn.

The motion was agreed to.

So the Convention, at one o'clock and fifty-nine minutes, adjourned.

EIGHTEENTH DAY.

THURSDAY, January 16, 1873.

The Convention met at twelve o'clock M.

Prayer was offered by Rev. James W. Curry, of Altoona, as follows :

We acknowledge Thee, our Heavenly Father, as the Giver of every good and perfect gift. Grant us Thy presence this day, especially during the hours we may spend together in our deliberation. Give us clear conceptions of the duties we have to perform. Help us to perform those duties with fidelity to our constituents and with an eye single to the glory of God. We ask Thy blessing, Oh God, to abide with this Convention. Let Thy blessing rest upon the President of the United States. Bless our land and nation. Guide all in authority in Thy fear, to glorify Thee, the God of nations ; and finally save us through Jesus Christ. Amen.

APPROVING THE JOURNAL.

The Journal of yesterday was read and approved.

INTOXICATING LIQUORS.

Mr. MANN presented a petition from citizens of the county of Indiana, praying for a prohibitory clause in the Constitution against the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

PRIVATE CORPORATIONS.

Mr. WOODWARD offered the following resolution, which was twice read and considered :

Resolved, That the Auditor General be requested to respond, without further delay, to the resolution of inquiry adopted on the twenty-seventh of November last, in respect to private corporations doing business in Pennsylvania.

Mr. WOODWARD. Mr. President : I would say, for the information of the Convention, that I offer this resolution by direction of the Committee on Private Corporations. I submitted at Harrisburg, on the 27th of November, two resolutions of inquiry, one of which was directed to the Secretary of the Treasury at Washington, and the other to our own Auditor General. When the Convention

met in this city the Secretary of the Treasury submitted the only response to our resolutions ; that response I have in my desk, but up to this moment the Auditor General has submitted no response whatever. The Committee on Private Corporations think it is about time that the Auditor General should be heard from, and they have directed me to offer this resolution in order to stir him up. I hope the convention will adopt this resolution, and that the Auditor General, although he is at present in a state of transition, will perform the remaining duties before he retires from his office.

The question being taken on the resolution, it was agreed to.

REFERENCE OF RESOLUTIONS.

Mr. WOODWARD. I am also instructed by the Committee on Private Corporations to return a certain resolution, which was referred to that committee, with the suggestion that it be referred to the Committee on Counties, Townships and Boroughs. The resolution relates rather to the duties of this latter committee than to those of the Committee on Private Corporations.

The question being taken on the reference of the resolution offered by Mr. J. R. Read, on the tenth of January, to the Committee on Counties, Townships and Boroughs, it was agreed to.

PRINTING REPORTS OF COMMITTEES.

Mr. LILLY offered the following resolution, which was twice read and considered :

Resolved, that the Committee on Printing, &c., be instructed to arrange to have the reports of the Committee on Constitutional Provisions placed upon the desks of the members the next morning after the reports are made to the Convention.

Mr. D. N. WHITE. I would state, for the information of the Convention, that the copy has only recently reached the hands of the printer, and that as soon as the arrangements can be made the object of the resolution will be accomplished.

Mr. LILLY. Mr. President : It is said, in this part of the House, that the printing is at present being sent to Harrisburg

to have it done. If so, it is probable that we shall have to wait any time from two days to a week for it. It was to avoid this delay that I offered this resolution. Yesterday there was a report made by the Committee on the Legislature, which ought to be on the desks of the members this morning. Without a resolution of this nature delay will be frequent, and I hope the Convention will agree to the direction therein contained.

The resolution was agreed to.

REFERENCE OF PROPOSITIONS.

Mr. T. H. B. PATTERSON. Mr. President: I move that the preambles which were yesterday proposed to the Constitution, and which were referred to the Committee on Schedule, be referred to the Committee on Declaration of Rights, and that the Committee on Schedule be discharged from the further consideration of the subject.

The motion was agreed to.

IMPEACHMENTS OF LOCAL OFFICERS.

Mr. NEWLIN offered the following resolution, which was referred to the Committee on Impeachment.

Resolved, That upon information by the Attorney General, or upon complaint by any citizen on oath, to the Supreme Court, of malfeasance in office by any city or county officer, said court shall proceed, without delay, to hear and determine the same; and if a majority of the judges shall be of the opinion that the charge is sustained they shall forthwith remove such officer. The several courts of common pleas shall have like jurisdiction in the case of all township, borough and ward officers. The vacancies thereby created shall be filled in the manner provided by law in the cases of vacancies occurring by death or resignation.

LANDHOLDERS' DAMAGES.

Mr. Ross offered the following resolution, which was referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads and Canals be directed to inquire into the expediency of so amending the Constitution, that the original allowance of six per cent. to the patentees of land, under the proprietary grant, shall not be deemed or taken as a payment of the damages of any landholders for land appropriated for public use.

Mr. Ross offered the following resolution, which was referred to the Committee on Railroads and Canals:

Resolved, That the Committee on Railroads and Canals be requested to inquire into the expediency of so amending the Constitution that the same shall provide, in substance, as follows:

"That the Legislature shall pass no act limiting the owner of land, appropriated by a corporation under a legislative grant, by the right of eminent domain, to the direct damages accruing from such appropriation, but all the damage, whether direct or consequential, shall be assessed against and paid by the appropriating corporation."

INCOMPATIBILITY OF OFFICES.

Mr. BAER offered the following resolution, which was referred to the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office:

Resolved, That the Committee on Offices, &c., be requested to inquire into the expediency of incorporating into the Constitution the following provision:

"That no person shall be eligible to hold more than one lucrative office at the same time, nor to hold any lucrative office in this State while holding a lucrative office under the United States."

STATIONERY AND PRINTING CONTRACTS.

Mr. CURRY offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the Legislature shall provide by law that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use or for the State shall be let by contract to the lowest bidder; no member of the Legislature or other State officer shall be interested, either directly or indirectly, in any such contract.

LEGISLATIVE VACANCIES.

Mr. WHERRY offered the following resolution, which was referred to Committee on the Legislature:

Resolved, That the Committee on the Legislature be directed to inquire into the expediency of amending section twenty-two, article one, so as to read:

"When vacancies happen in either House the Governor, on certificate of such vacancies, as prescribed by law, shall issue writs of election to fill such vacancies."

LEAVE OF ABSENCE.

Mr. ADDICKS. Mr. President: If in order at this time, I ask leave of absence for the gentleman from Centre (Mr. Curtin) for the remainder of this week.

Leave was granted.

Mr. ADDICKS. Mr. President: I also ask that the same favor be granted the gentleman from Lehigh (Mr. Brodhead.)

Leave was granted.

Mr. LAWRENCE. Mr. President: The gentleman from Butler (Mr. Purviance) was called home this morning suddenly, by a telegraphic dispatch, announcing severe illness in his family. I move that leave of absence be granted him for a few days from to-day.

Leave was granted.

Mr. CLARK. Mr. President: I also ask leave of absence for my colleague (Mr. Porter.)

Leave was granted.

THE SUPREME COURT.

Mr. BARTHOLOMEW offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of reporting a section to article five of the Constitution, in substance, as follows:

"The Supreme Court shall consist of fifteen judges, to be elected by the qualified electors of the Commonwealth in the following manner, viz: The State shall be divided into seven judicial districts, to embrace, as nearly as may be, an equal number of inhabitants. Each district shall elect two judges, to hold office for fifteen years, except the district composed of the city of Philadelphia, in which there shall be three judges elected. That each elector shall be entitled to vote for one judge. That eight judges shall constitute a quorum. That there shall be held at Pottsville, Wilkesbarre, Erie, Williamsport, Pittsburg and Philadelphia *nisi prius* courts, to be fixed by the Legislature, and said courts shall have jurisdiction in the district where the same shall be holden of all matters involving the title to lands, and of all contracts and trespasses where five hundred dollars and upwards are in controversy. That this section of the Constitution shall go into force and effect at the next general election for State offices after the adoption of this Constitution or amendments proposed by this Convention.

ELECTION OFFICERS.

Mr. BARCLAY offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That whereas, it is believed, that fraud upon the ballot box might be prevented by dividing the State into small election districts, provided proper persons could be induced to act as officers at such election. And whereas, it is believed that the services of such proper persons could be secured freely, voluntarily and without compensation, by proffering a proper inducement for such services, besides saving to the cities or counties in which such elections are held the great expenses to which they otherwise would be subjected therefrom.

Resolved, That the Committee on Elections be requested to inquire into the expediency of so amending the Constitution, that it shall provide that every person who shall be elected or appointed to serve as such officer at such election, and who shall so serve, freely and without compensation, shall be exempted from serving as a juror during the year following the year of such service.

PRISON INSPECTORS.

Mr. M'CONNELL offered the following proposed article of constitutional amendment, which was referred to the Committee on the Executive Department:

ARTICLE —.

SECTION —. That there shall be a board of inspectors of prisons, jails, houses of refuge, houses of correction, and the prisons in the State, and all public insane asylums, and all other public hospitals, asylums or infirmaries whatsoever in the State, which board shall consist of three persons, who shall be elected by the legal voters of the State at the first first general election after the adoption of this amendment. Three inspectors shall be elected, one for one year, one for two years, and one for three years; except, as aforesaid, the term of office of said inspectors shall be three years, and it shall begin on the first Monday of January next after their election. In case of vacancy happening in said board it shall be filled by appointment by said board until a person to fill it is elected, which shall be done at the next general election. The person so elected shall enter on the duties of his office on the first Monday of January next after his election, and shall hold the office only for the remainder of the term of the person whose death, resignation or removal occasioned the vacancy.

SECTION —. The said inspectors shall visit the said institutions at least once every year, appoint all the keepers and

other officers thereof, and inspect and report upon their condition and that of their inmates; also on their character, managements and buildings; also what changes or improvements should be made therein, and on such other matters as the Legislature may direct or they themselves may deem proper, which report shall be presented to the Legislature on or as soon as possible after its assembling at each regular session.

SECTION —. The Legislature shall fix the salary of said inspectors, which, with all proper expenses of said board, shall be paid by the State.

SECTION —. The persons composing said board, together with the Governor, Secretary of State and Attorney General, shall compose a council of pardons, with power to grant pardons and reprieves, to modify sentences in all criminal cases, and to change any sentence of death to imprisonment for life or for a term of years. A majority of said board shall be a quorum for doing business, but no pardon or modification or change of sentence shall be granted unless at least four of said members concur therein. In every capital case wherein application is made for a pardon, the said board, or if it is not in session, its president or secretary shall order the sentence not to be executed until the application shall be heard and determined by said council: *Provided*, That no pardon shall be granted before sentence: *And provided further*, That no pardon, reprieve or change or modification of sentence shall be granted except by said council, and in the manner aforesaid.

PAY OF OFFICERS AND EMPLOYEES.

Mr. TURRELL offered the following resolution, which was twice read and considered:

Resolved, That the Committee on Accounts and Expenditures be requested to report a resolution directing warrants to be drawn for such proportion of the pay of clerks and other officers of this Convention as they may deem proper.

Mr. COCHRAN. Mr. President: I hope that resolution will not pass at the present time. I think there is no immediate necessity for its adoption, as it will commit the Convention to a particular course of action, which may be very inconvenient in the future. I would rather ask for the postponement of it for a day or two, so that we may see whether some

arrangement cannot be made which will answer the same purpose, without the necessity of drawing warrants for a portion of the pay so frequently as we shall have to do under an arrangement of that kind. I move to postpone the consideration of the resolution.

Mr. TURRELL. Mr. President: I hope not—

The PRESIDENT. The motion to postpone is not debatable.

Mr. KAINE. Mr. President: I move the indefinite postponement.

The PRESIDENT. No motion is in order. The question is upon the motion of the gentleman from York, (Mr. Cochran,) to postpone.

The motion was not agreed to.

The PRESIDENT. The question is upon the resolution. The gentleman from Fayette (Mr. Kaine) has the floor.

Mr. KAINE. Mr. President: I merely want to inquire of the gentleman from York (Mr. Cochran) what arrangements he proposes shall be made?

Mr. COCHRAN. I do not propose any definite arrangement at the present time. I think it is possible that some arrangement can be made, or some understanding had, which will prevent the necessity of frequently drawing warrants.

Mr. KAINE. Mr. President: I would very cheerfully agree to the proposition of the gentleman from York (Mr. Cochran) if he could suggest any reason for it. While at Harrisburg a resolution was offered, and the Committee on Accounts presented to the Convention a resolution, for paying the mileage and stationery of members. I do not remember whether anything was said in that resolution about the clerks or other officers of the Convention or not, but my recollection is that there was nothing of that kind in it; therefore I suppose the clerks and officers of the Convention have received nothing whatever for their services. That is not fair. It is not proper. They ought to be paid as well as the members of the Convention, at least a portion of what they are entitled to, for their salaries; and therefore I will not agree to the postponement of the matter, unless the gentleman from York (Mr. Cochran) has information that no other member of the Convention has about some arrangement which might be made with the State Treasurer, by which members or officers could get their pay without this frequent drawing of warrants on the part of the President.

Mr. STANTON. Mr. President: I understand the resolution only applies to officers and other employees of the building. Now the firemen and the janitor really need their money every week. They are very poor, and they ought to be paid; and I think the resolution only applies to them. I trust it will pass.

Mr. HAY. Mr. President: If I understand the resolution which has been offered it only applies to officers of the Convention, that is to say, those who have been elected or appointed under the direct action of this body. If the resolution passes in its present shape, without any modification, which I understand the gentleman from Philadelphia (Mr. Stanton) proposes, I would inform him that it was the purpose of the Committee on Accounts to hold a meeting with the view to the consideration of the question of the payment of the expenses of the care of this building.

The question recurring on the resolution offered by Mr. Turrell, it was agreed to.

PRAYERS.

Mr. STANTON offered the following resolution, which was twice read and agreed to.

Resolved, That the Rev. James W. Curry, delegate to this Convention from Blair county, be requested hereafter to open the proceedings of this body with prayer.

UNION LEAGUE.

Mr. LITTLETON. Mr. President: I ask leave, at this time, to present a communication.

Leave was granted.

The CLERK read the communication, as follows:

UNION LEAGUE HOUSE, }
PHILADELPHIA, Jan. 15, 1873. }
To the President of the Constitutional Convention of the State of Pennsylvania:

DEAR SIR:—I am instructed by the board of directors of the Union League to extend to the members of the Constitutional Convention the courtesies of the League house during the session of the Convention in this city.

Very respectfully,

STEPHEN G. COLWELL,

Secretary.

Mr. LITTLETON. Mr. President: I rise to move the acceptance of the invitation, and to extend the thanks of the Convention to the Union League. I desire to

state to the members of this Convention who have not visited the league building that it is centrally located, has an agreeable restaurant, a fine reading room, where they will find all the leading periodicals and newspapers of the day, and a very good library; and to add, on behalf of the directors of the league, that this is not simply a formal and polite invitation to the Convention, but a cordial invitation to all the members, irrespective of party, to visit the league building whenever they see fit.

Mr. HAY. Mr. President: I desire to second the motion of the gentleman from Philadelphia, (Mr. Littleton,) and in so doing to express, as a member of an organization which differs somewhat in opinion from the directors of the Union League, an appreciation of the courtesy they have shown us in extending such an invitation. I will accept it, personally, and I hope other gentlemen will do so in the same spirit.

The motion was agreed to.

TERM OF OFFICE OF JUDGES.

Mr. S. H. REYNOLDS offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the judges of the several courts of this Commonwealth shall hold their offices for the term of twenty-five years, and thereafter shall be ineligible: *Provided*, That all judges shall be retired at seventy-five years of age, and that, after their term of office has expired or been terminated by retirement, they shall receive a pension equal to two-thirds of their salary; but no pension shall be paid to any judge unless he shall have served for at least fifteen consecutive years.

MINORITY REPORT ON LEGISLATURE.

Mr. DALLAS. Mr. President: I am instructed by the Committee on the Legislature to present a minority report, which I send to the desk to be read.

The CLERK read the report, as follows:

To the Constitutional Convention:

The undersigned, a minority of members of the Committee on Legislature, are unable to concur in so much of the report of that committee as proposes the following, viz:

Provided, That no city or county shall elect more than four Senators.

The undersigned therefore respectfully submit that, in their opinion, the proviso above quoted should be stricken from

the second section as reported by the majority of the committee.

(Signed) J. PRICE WETHERILL,
GEO. M. DALLAS.

Mr. DALLAS. Mr. President: I move that the minority report be printed in the same manner as, and in connection with, the majority report.

The motion was agreed to.

ELECTIONS.

Mr. D. N. WHITE. Mr. President: I move we proceed to the second reading of the report of the committee of the whole upon the article submitted by it yesterday, in reference to elections.

The motion was agreed to.

The CLERK read the first section, as follows:

"The general elections shall be held on Tuesday next following the first Monday of November, but the Legislature may, by law, fix a different day, two-thirds of each House consenting thereto."

Mr. PURMAN. Mr. President: I offer the following amendment: Strike out all after "held," and insert:

"Annually, on the second Tuesday of October, except in regular presidential and congressional elections, when it shall be held on Tuesday next after the first Monday of November; but the Legislature may, by law, fix a different day for years in which said federal elections shall occur, two-thirds of each House assenting thereto."

The amendment was not agreed to.

The PRESIDENT. The question is upon the section.

Mr. DARLINGTON. Mr. President: I scarcely know whether it is expedient or polite for me to say anything in addition to what I said yesterday in committee of the whole. I do not know, sir, that I can add anything to the argument I then made. This is a change of the election day, in which no principal is involved—a change merely for convenience, and because the Congress of the United States have fixed upon the day proposed as the day on which the members of Congress shall be elected.

Already there is in session in New York a Commission to revise the Constitution of that State. A Convention has been called in Ohio to revise the Constitution of that State. We cannot, I take it, at this stage of our proceedings, intelligently act on this question, in view of what may be the result in these other States. I rather think that if it had not been for this

change made by Congress in the day on which its members should be elected, very few, indeed, would have thought of making any change in our general election day. I have faith still that Congress will change, eventually, the day upon which its members should be elected; that they will change it in conformity to the general sentiment of the whole Union. All I ask gentlemen to consider maturely is the state of things that we are going to bring about when we agree to change this election day to another which will be less convenient for us. All our citizens, from east to west, and from north to south, know well that we cannot to advantage make a change. There are about a dozen States whose elections are held at an earlier period than ours, and about the same time. Those holding elections in October are Iowa, Indiana, Nebraska and Pennsylvania, comprising, with those States that hold elections prior to that month, a population equal to one half or more of the whole Union. Is it not reasonable to suppose that when this question comes to be considered maturely, in Congress, if they fix a day for the election of members of Congress throughout the Union, they will strike that just medium between those States that are in advance of us and those that are after us, and adopt a day found to be so convenient in the larger States?

It is for this reason that I feel earnestly and anxiously; it is for this reason that I am extremely averse, for one, to a hurried change, at this stage of our proceedings, before we can know what New York and Ohio are going to do about this subject. If Ohio adheres to her day, as now established, we shall then have that day continued. Suppose New York should change her day from November to October, nothing would be more natural. It would be better for them than if the day were fixed otherwise. They would have their election day when every man could go to the polls. So also is it with Massachusetts and Illinois, a portion of the latter of which States lies north of our line and a portion of it south.

There is every reason to suppose that a careful and mature judgment exercised by Congress and by those States will more than likely lead to the adoption of the day designated by Pennsylvania and those other States to which I have referred as forming this great belt, if we stand fast to our election day. Let the election day remain, by the voice of this

Convention, where it is, and let others who wish to change come to us. Unquestionably it has been our example which has influenced those western States to propose to make new Constitutions; unquestionably those other States will come to us, and unquestionably the members of Congress, when they come to discuss this question, and hear the proper arguments upon the subject, will agree with us.

It is for these reasons that I am opposed to any change; because it is better for us to remain where we are, before we know whether anybody would go with us in a change, and before we know whether it is necessary to make a change that will involve so much inconvenience.

MR. PURMAN. Mr. President: As a mere question of convenience I have not the slightest doubt that October is the month in which our general elections ought to be held. The season of the year and the condition of the weather make it a better time for the assembling of people together than the month of November. The fact that we have indicated the month of October in our Constitution, if our elections are to be uniform throughout all the States of this Union, would be an invitation to the general government to fix the date for the election of members of Congress and President on the same day, as well as a general invitation to other States to follow in our footsteps.

This government of ours is founded on the opinions and intelligence of the people. That the people may understand public questions and act intelligently upon them they should hear them discussed throughout the length and breadth of the land. The people, with a keen appreciation of their own interests, demand and receive, through discussion, information on the various public questions that are to be voted upon by them. This is just as it ought to be. Public matters ought to be discussed before the people, and the people ought to assemble together for the purpose of hearing them discussed.

In State contests questions of State interest ought to be discussed. Hence we must consider the convenience of the people at such seasons for purposes of assembling. It will be necessary for them to gather themselves together somewhere, and while in cities they usually assemble in ample and well protected buildings; in the rural districts they generally assemble in the open air. October, therefore, is better fitted for such occasions

than is November. In the latter month the weather is generally inclement—cold and stormy; while on the second Tuesday in October we are likely to have a pleasant and agreeable temperature for open-air demonstrations. As a matter of fact we generally, in the rural districts, devote the month of September and the fore part of October to the examination of public questions.

For these reasons and others which I could name, but with which it is not necessary to take up the time of this Convention, it seems to me that we ought to adopt for our election day the second Tuesday in October.

I may add, in the same line of argument presented by the gentleman from Dauphin (Mr. MacVeagh) yesterday, when this question was under consideration, that it is entirely proper for the States to manage their own affairs independent of any dictation from the Capitol at Washington. If in the course of events it should become necessary for Pennsylvania, as one of the great States of this government, to assert her independence, apart from any dictation of federal authority, the Legislature will have the power to change the day of election. Let us leave the power in the Legislature to make this change when circumstances may imperatively demand it. Let us not tie up the hands of the people so that they can never amend it without a constitutional amendment. In my opinion it is important that we should not irrevocably fix the day, but leave the question in such shape as that the people's representatives may exercise it in accordance with the demands of advancing prosperity. It is idle for us to suppose that nothing may occur in the time to come which may call for some change in the time of holding elections. Let us cast our eyes backwards, over even so short a period in our history as twenty years, and we will learn the important lesson that if we tie our hands now we may have occasion to regret it hereafter.

Our government is founded upon the idea of decentralization. So much power is delegated to the federal government as it is not convenient for the States to exercise, and all other power is reserved by and to the States themselves and to the people. These—the States—again divide their powers out among their natural subdivisions, such as counties, townships and cities. All is founded, however, upon this idea of local self-government, and all powers that may be necessary to the fullest

development of this capacity for local self-government should be left where they can be properly and rationally exercised.

Mr. COCHRAN. Mr. President: I shall very reluctantly vote for this section as it stands. Individually I greatly prefer holding the general election on the second Tuesday in October, for reasons which have been already stated; but when we come to consider the question of convenience, it seems to me very much better to take the section as it stands. It is true that it changes the day of election by some three weeks. It is true, also, that ordinarily the season is not so favorable on the first Tuesday of November as on the second Tuesday of October. The days, too, are somewhat shorter.

But, if we adhere to the plan of having the second Tuesday in October, it necessarily compels us to have two elections every second year; one on the second Tuesday in October and one on the first Tuesday of November; because, under the act of Congress, we must elect Representatives to Congress on that day. Why should we hold two elections? In the county from which I come it costs from twelve to fifteen hundred dollars to hold any election, spring or fall; that amount represents the cost to the county alone. If you hold two such elections every alternate year you just double that expense, and, of course, the expense is proportionately increased in other counties. Is there sufficient advantage in the fact of holding the election in October, to counterbalance the expense which will be entailed upon the people? I think not, and so thinking, I believe we had better fix a uniform day.

Shall we put the necessity of voting on one day for State officers, and on another day simply for Representatives in Congress? Now, sir, as I do not think it is advisable on the score of convenience and economy, I shall vote for the proposition as it stands, although I would greatly prefer if, under other circumstances, our State election should be held on the second Tuesday of October.

Mr. BUCKALEW. Mr. President: I desire to express my opinion with reference to this question, as I differed in opinion from the majority of my colleagues of the Committee on Suffrage in their decision upon it. I intimated to them that in Convention I would vote for such an amendment as that proposed by the member from Greene, (Mr. Purman,) by which we will make as small a change as possi-

ble in our existing Constitution. This amendment leaves the general election as it is now fixed, except that in years of federal elections it will be on the day fixed by Congress for choosing presidential electors and members of Congress. Now this change in the years of federal elections is all that is necessary to meet existing evils. In the first place it will establish the principle that we shall have but a single election in any one year, and next that we shall prevent the importation of votes from abroad, and other evils which have attended upon elections in October in years when presidential electors were to be chosen. In short, the change proposed by the amendment leaves the best day, according to the practice and opinion of our people, in full force, except in those years when an overwhelming necessity, arising out of the action of the federal government, calls upon us to make a change or modification of time.

Now, sir, by establishing a single general election in each year we shall save the expense of a second election every second year under the recent act of Congress. This is a very great advantage. We shall also avoid a large amount of fraud with which we are now troubled and vexed, and in this respect this arrangement is vindicated; but I pray you, what reason is there for changing the ordinary time in the odd years when there will be no federal elections? What reasons can be given for it? I know that one of the arguments which has been used is that it will be more symmetrical to have a uniform day, but certainly this argument amounts to but little. It is rather a matter of taste than of necessity. In November the days grow shorter, and the time in which to receive votes will have to be shortened unless the election is pressed into the evening after dark, when frauds are more likely to be committed. I do not desire to enter into a general argument upon this matter, but simply to restate the case as presented by the amendment of the gentleman from Greene. In the argument of the gentleman from York (Mr. Cochran) he seems to suppose that we are to have two elections in the same year. That is not so. We simply propose that the Constitution shall be left as it is, except that in years of federal elections we shall conform to what has been determined by the federal power.

But the main reason why I favor this amendment is this: I am anxious to save

the chance in the future of obtaining the time for the election of presidential electors and members of Congress in October instead of November. In the present year a Constitutional Convention is to meet in the State of Ohio. A Commission to prepare amendments is now in session in the State of New York, and in States west of us, and in other sections of the country Conventions will be held within a few years.

There will be a great deal of this work of constitutional amendment constantly going on in other States of the Union, and I desire when our rule is established that it shall present an invitation to those States as well as to the Federal government to change this November day of election to the day selected by the people of our State. There is then no reason stated or apparent why we should change our regular time of election except in the years of federal elections, unless it may be upon the mere ground of uniformity, and as there is nothing in this argument of consequence I hope the amendment will be adopted.

Mr. CARTER. Mr. President: I desire to correct the gentleman who preceded me (Mr. Buckalew) upon a question of fact. As I am a member of the Committee on Elections, I know that we discussed this question very fully. The gentleman seems to think that our chief motive for the establishment of a uniform day was to gratify a sort of sentimental feeling for symmetry. I did not so understand it, and I do not think that any feeling of this kind entered at all into the determination of this question by the majority of the committee, but the fact that there are thirteen States that hold elections on that day, and the growing disposition on the part of the States of Illinois, Maryland, New York and others that have remodelled their Constitutions, to make the day uniform, indicated to the majority of the committee the propriety of selecting the day we have reported. I think the prominent idea before the committee in its deliberations was to secure immunity as far as possible from the growing evil of colonization. The gentleman will remember that colonization or the importation of voters from other States takes place in October as well as it does in November, and so long as other States hold their elections in November, they will be able to spare voters to send into this State in October, when important and lucrative positions are to be filled by an election.

It seems to me that it will be very important to make the day uniform with the elections in other States, because we shall then be exempt, to a considerable extent, from the frauds which have been perpetrated of late years. The animating feeling of the members of the committee, as far as I understood it, tended solely to the prevention of this importation of voters which has reduced our elections to such a lamentable condition. I think there are thirteen States that have selected the day reported by the committee; and in regard to the question of time, I would say that a very short space elapses between the second Tuesday of October and the first Tuesday in November. I think the question of time is a very unimportant matter indeed, and I hope the section as reported will receive the assent of this Convention.

Mr. DARLINGTON. I move to re-consider the vote taken on the amendment offered by the gentleman from Greene (Mr. Purman).

The PRESIDENT. As the gentleman voted in the affirmative, he cannot move a re-consideration.

Mr. BROOMALL. I move, then, to re-consider the vote taken on the amendment.

The question being taken, the motion to re-consider was not agreed to, there being on a division, ayes, forty-seven; nays, fifty-three.

Mr. DARLINGTON. I move to strike out the words "first Tuesday in November," and insert "second Tuesday in October."

On this motion, the yeas and nays were required by Mr. Hopkins and Mr. Darlington, and were as follow, viz:

Y E A S.

Messrs. Addicks, Darlington, Kaine, MacVeagh, Patterson, D. W., Purman, Runk, Wetherill, John Price and Meredith, *President*—9.

N A Y S.

Messrs. Achenbach, Ainey, Alricks, Andrews, Baer, Bailly, (Perry,) Baker, Bannan, Barclay Bardsley, Bartholomew, Beebe, Black, Charles A., Black, J. S., Bowman, Boyd, Brodhead, Broomall, Buckalew, Campbell, Carter, Cassidy, Church, Clark, Cochran, Collins, Corbett, Corson, Craig, Cronmiller, Curry, Cuyler, Dallas, Davis, De France, Dodd, Dunning, Edwards, Elliott, Ellis, Ewing, Fell, Fulton, Funck, Gibson, Gilpin, Guthrie, Hanna, Harvey, Hay, Hazzard,

Hemphill, Hopkins, Horton, Howard, Hunsicker, Knight, Lamberton, Landis, Lawrence, Lear, Lilly, Littleton, Long, M'Allister, M'Camant, M'Clean, MacConnell, M'Culloch, M'Murray, Mann, Mantor, Metzger, Minor, Mott, Newlin, Niles, Palmer, G. W., Palmer, H. W., Parsons, Patterson, T. H. B., Patton, Pughe, Purviance, Samuel A., Read, John R., Reed, Andrew, Reynolds, James, L., Reynolds, S. H., Rooke, Ross, Russell, Simpson, Smith, Henry W., Smith, W. H., Stanton, Struthers, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wherry, White, David N., White, J. W. F., Woodward, Worrell and Wright—107.

So the amendment was not agreed to.

ABSENT AND NOT VOTING. — Messrs. Armstrong, Bailey, (Huntingdon,) Bidle, Brown, Carey, Curtin, Dimmick, Finney, Gowen, Hall, Heverin, Porter, Purviance, John N., Sharpe, Smith, H. G., Stewart and White, Harry—17.

Mr. STRUTHERS. Mr. President: It seems to me that the use of the words "general elections" is not as sufficiently definite as it ought to be. I believe that we have nothing in the old Constitution, and we may have nothing in the new, which will designate exactly what is to be understood by that term. In the existing Constitution it is provided that the members of the General Assembly are to be elected on a certain day, and that the Governor and other State officers are to be elected on a certain day. It therefore appears to me that it would be best to amend this proposed amendment by wording it in some similar way which would carry with it its own meaning. I therefore move to amend, by striking out the words "general elections," and inserting "the election for Governor and other State officers, and members of the General Assembly."

The amendment was rejected. The question recurring on the first section, it was agreed to.

The second section was read, as follows:

"All elections for city, ward, borough and township officers for regular terms of service shall be held on the third Friday of February."

Mr. STANTON. Mr. President: I move to amend, as follows: Strike out the words "third Friday of February," and insert "third Tuesday of February," and I do so simply because the third Friday is, with some religious denominations, observed as a day of worship.

On the question of agreeing to this amendment, the President stating that

the vote was doubtful, called for a division, which resulted fifty-five in the affirmative and thirty-six in the negative. So the amendment was agreed to.

Mr. BROOMALL. Mr. President: I offer the following amendment: To strike out all after the word "held," and insert: "At such times as the Legislature shall fix: *Provided*, That the time fixed for each county and city shall be the same throughout such county or city."

The PRESIDENT. This amendment is not in order. The word "Friday" had been stricken out and "Tuesday" inserted by a vote of the House immediately preceding. The amendment of the gentlemen from Chester, (Mr. Broomall,) to strike out, includes the words which were thus inserted by vote of the House.

Mr. SIMPSON. Mr. President: I offer the following amendment:

"*Provided*, That cities may, when authorized by law, change the time for holding the election for municipal officers by a vote of the people at the next general election."

Mr. SIMPSON. Mr. President: I have offered this amendment, with the conviction that it will assist to prevent fraud and corruption at elections. In the rural districts, where the offices are not very numerous nor lucrative, there is not much incentive to bring in an element from a distance for the purpose of endeavoring to carry elections. But in the cities, where the offices are more numerous, where the positions are lucrative, where the power is considerable, there is an incentive to introduce fraud into an election. The city of Philadelphia, as a sample, used to have its municipal elections in May, but for the past eleven or twelve years they have been held upon the day of the general election, and I am convinced in my own mind that three-fourths of the people of Philadelphia would prefer that their elections should be upon one day, both for their municipal and their general officers.

If they do not want it, if the power is given to them to vote it down if they desire so to do, it will stand in the shape it will be without the proviso; but if they desire it, if a majority of the people of Philadelphia, or a majority of the people of other cities, desire to have a different time, why should they not have it? Under what necessity, and by what right, should they be included in a provision against their will, foreign to their consent, to their detriment, and at their great expense? As I stated upon this floor yester-

day, it costs the city of Philadelphia about thirty-six thousand dollars to hold a general election. Now suppose, as a measure of economy, the city does not desire to pay that amount. If you adopt the section without the proviso they will be forced, if the Constitution is ratified by the people, to hold their elections in February, no matter if all of them desire to have them in May or December, or any other time—say at the time of the general election—it cannot be accomplished.

The citizens of Philadelphia are largely interested in this, especially the business men, because the election will come at the very height of their business. Any one familiar with the business habits of Philadelphia is aware of that fact, and if you fix the time proposed in February, or March, or April, you virtually say to the business men, you must surrender your business, you must give up all idea of attending to your customers from abroad for one day at least, and attend to the business of the State. The business men of this city cannot do that. Their customers will not wait. If they cannot be attended to they will go to New York or Baltimore.

To fix such a day would seriously impair the business of Philadelphia. I trust the Convention will adopt this amendment, so that the citizens of our large cities may, by a vote of their own people, when authorized by law, fix another day if they deem it expedient.

MR. DARLINGTON. Mr. President: I cannot, for the life of me, understand why this Convention should desire to impose an election upon the city of Philadelphia at a time when its citizens do not desire it. Why should we, for any consideration that has been named, even for symmetry, impose upon the city of Philadelphia, or the city of Pittsburg, or upon any municipality, the necessity of holding their municipal elections at a time when it is inconvenient to them. What do we gain by it? What do the people of the State gain by it. What great good is to be attained by it? If there is no great good to be attained, and if the city of Philadelphia has not expressed itself in favor of it, why should the members of the Convention from the other parts of the State insist upon imposing it upon them.

The city of Philadelphia became incorporated as a consolidated city. If I understand its history their best men, of all parties, acting together, framed a char-

ter, which they asked the Legislature to adopt. The Legislature did so at their request. The election day was fixed at the request of the city, I presume. Now why should not this be allowed to remain so until the citizens of this city, in some way, authoritatively express their intention to have it changed. If it is more convenient to the city of Philadelphia to hold their municipal elections on the same day that the general election is held, why should they not be allowed to do so.

If there are frauds perpetrated at elections you will have but one set of frauds instead of two; and all the arguments which have been advanced here in favor of changing our election day from October to November apply with full force to the case of the city of Philadelphia. Why impose upon her the expense, inconvenience and double fraud of two elections, when one will answer—if they must be fraudulent—and everybody seems to understand that both parties in Philadelphia are as corrupt as they well can be? I am, of course, loath to believe it in reference to the party to which I am attached, but it seems to be generally understood. The chief justice of the Supreme Court says it is so. If it is so, why then I say, for any consideration which we can imagine, impose upon this great community an election which they do not want, at a time when it is inconvenient to them and destructive to their business men? How will it affect the rest of the State if she is allowed to have her elections her own way? How are our rights affected? I cannot conceive. No reason has been offered for it.

Then upon what principle is it that this Convention, in adopting the fundamental law for the State, upon what principle is it that we should impose, either upon the city of Philadelphia, the city of Pittsburg, Allegheny, Scranton or any other city of the State, the restriction that they shall not elect their municipal officers upon the day which suits them best.

As I said yesterday, we have a Committee on Cities and City Charters. I am perfectly content to trust the respectable gentleman who is at the head of that committee, as well as all its members, to devise and submit to us what is best for this city and for the other cities of the State, and I am then ready, as I said yesterday, with my vote and influence, so far as it is worth anything, to extend to those cities any reasonable demands as to what shall be the provisions of their charters. Nay, I

will go with them to restrain the Legislature from interfering with their city charters and their city elections, except upon demand of the proper authorities, authoritatively expressed. I will go as far as he who goes farthest to restrain the Legislature, and I trust the majority of this Convention will go with me; but let us not set an example ourselves in doing what we wish to prohibit the Legislature from doing. Let us keep our hands off them, and let them alone until they ask, in some authoritative way, that we should make this change for them.

Mr. DALLAS. Mr. President: I would not have said a single word upon this question but for the remarks which have fallen from the gentleman from Chester (Mr. Darlington.) He asks, "why should the Convention force upon the city of Philadelphia an election which the people of the city do not desire." There may be a difference of opinion in this matter, and I have no doubt there is, for it has been developed on this floor amongst the gentlemen who represent this city, but I, for one, have no doubt, sir, that the mass of the people of Philadelphia being, not such as has been intimated—not a class of people devoted to fraud, but desirous and anxious to have pure elections—look to a spring election for their municipal officers as a grand move in that direction, and I believe, sir, that they hope for that protection against the men from whom fraud comes—from the politicians if you please; and they look to this Convention to protect them, and they do not ask us to remit the question to them and, under the form of submitting it to the people, to really hand it over to the control of the politicians. This Convention cannot so escape its responsibilities.

Mr. JOHN PRICE WETHERILL. Mr. President: I have no doubt that my colleague (Mr. Dallas) is as well posted and, perhaps, better than I am with regard to what the wishes of the people of Philadelphia are in this regard; but I still hold to the opinion that if this Convention will do what the people of Philadelphia and the people of the State expect it to do, they will come to the conclusion that one election will be sufficient. Suppose, for instance, that this Convention should decide that the members of the Legislature shall be elected not every year but once in two years, and suppose this Convention should decide that the city of Philadelphia should have in one year two elections—we might in the fall of the year

have to elect but one State officer every other year; at the outside we should only have four to elect independently of the members of the Legislature, and it might so happen that the city of Philadelphia would be called upon in the fall of the year to elect one officer. Our municipal officers must be elected in the spring. It will cost the tax-payers of the city of Philadelphia sixty thousand dollars to elect that one man. My colleague, (Mr. Bardsley,) the chairman of the finance committee of the common councils, is engaged in making a calculation which will show the cost to be at least that amount. I need not allude to the double elections in the spring and fall, and their effect on fraud and corruption. That has been sufficiently commented upon, but as a practical business question for us, as practical men to consider, I put it to this Convention, if we do what the people expect us to do, will it be worth while for us to go to the expense in large cities of having a fall and spring election when the fall election will do for the selection of officers so few in number?

Mr. H. W. PALMER. Mr. President: I shall vote against the amendment offered by the gentleman from Philadelphia, (Mr. Simpson,) because I would vote against the section, and I desire to assist the members from Philadelphia, who are opposed to it, in defeating its adoption. I have heard no reason proposed in this Convention that is sufficient, in my judgment, for this change? Why on earth should we change? Why should not the people of these townships hold their spring elections when they please to hold them? Who ever heard of stuffing a ballot-box or colonization at a spring election? The idea seems to me to be perfectly absurd, and it is very certain that this matter of holding spring elections is one which the farmers and others in the rural districts will perfectly well understand, and one in which they will express some interest; and while they may not have any understanding, or have any thought or care about special legislation, or about any other matters which may come before this Convention, they will perfectly well understand if we undertake to interfere with their local elections. It is very well known that the local customs and habits of the people are fixed. They do not desire that they should be interfered with, and therefore it seems to me this whole amendment should be voted down.

We expect some time to submit the Constitution we are now making to the people of the State for their ratification, and it is not expected of us that we shall amend every line and every sentence in it, but we hope to be able to submit an instrument that will be consistent and uniform in all its parts, and one which the people will ratify. If there is anything like a close vote, some such unimportant and inexpedient proposition as this might defeat the whole Constitution.

The gentleman from Philadelphia (Mr. Simpson) intimated that the time fixed in this section will not suit them at all.

Coming from the northern part of the State of Pennsylvania, and representing the wishes of my constituents, I can say that this time will not suit them at all. Then why not let it alone.

I desire to assist the gentlemen from Philadelphia in defeating the whole subject, and I shall vote against the resolution; but if they get themselves fixed as they desire to be, they may then, perhaps, leave the gentlemen from the rural districts out in the cold.

MR. CAMPBELL. Mr. President: I do not desire to repeat to-day the arguments I offered yesterday in favor of having a spring election; but the very thing that the gentleman from Luzerne (Mr. Palmer) has mentioned, in reference to the absence of fraud in the spring elections, is a very excellent argument, in my mind, for having a spring election throughout the State, not only in the rural districts, but elsewhere. That gentleman says, "who ever heard of fraud in a spring election?" For the very purpose of having an election clear of fraud in the city of Philadelphia, from which I come, I wish to have a spring election there.

I hope the amendment of my colleague from Philadelphia (Mr. Simpson) will be voted down, because I think that the people of Philadelphia really do want a spring election. The politicians of Philadelphia, almost to a man, are in favor of continuing the practice of holding the election in the fall, mainly, no doubt, with the view of preventing the fair election which could be had in the spring. I do hope that this Convention will give us in Philadelphia a spring election, so that we can have our election for municipal officers without the interference of political organizations or the influence of national or State politics.

MR. WORRELL. Mr. President: I desire to say a few words representing the Phila-

delphia sentiment, which is in favor of two elections annually.

The course of the argument yesterday invited my attention to an examination of some of the financial statistics of the city of Philadelphia, a few of the items of which I desire to present for the consideration of the Convention. In 1860 the *city tax* assessed upon the *real estate* within the city of Philadelphia amounted to \$2,677,504 13, and in 1872 the same tax amounted to \$10,048,317 26. These figures do not represent the entire expenditures of the municipal government, because taxation of personal property and the receipts of the various departments—of water, highways, gas and others—contribute largely to the revenues of the city. I find upon examination, that from 1860 to 1872 the councils of this city have expended, on account of the municipality, over \$100,000,000.

On the first day of January, 1860, the funded debt of this municipality was \$21,010,486 56, and on the first day of January, 1872, the funded debt of the city was \$47,075,330 45, an increase in thirteen years of \$26,064,843 89. This increase includes an expenditure of \$11,650,000 00 for war purposes, which amount being deducted would make the actual increase of our funded indebtedness in thirteen years, exclusive of war disbursements, \$14,414,843 89. The municipal government has expended in the last thirteen years over one hundred millions of dollars, and yet the funded indebtedness alone has been increased improperly to an amount between fourteen and fifteen millions of dollars. A large percentage of the revenues of this city is appropriated to the private use, through corrupt contracts and otherwise, of the parties exercising the taxing power. If we can release the elections of this city from the partisan issues involved in national and general elections, it will be an important reform for this city. The party managers, interested in jobbery and speculation, have recognized the difficulty of separating municipal issues from national and State issues, when the election of all officers occur upon one day, and to increase the difficulty, have had it enacted that at elections in the city of Philadelphia the names of all offices, national, State and municipal, to be voted for at any election, shall be printed upon *one* ticket, in order that the voters of this municipality shall not have a fair opportunity of discriminating between those who are candidates for municipal positions, involving only

the personal integrity of the candidates, and those who are candidates for national and State officers, involving important governmental considerations. To farther embarrass the voter, it has been provided that every ticket voted in the three hundred and sixty election districts within this city, must have the ward and division within which it is voted printed on the outside.

This has been done in order to prevent the voter from making an independent and proper selection of municipal officers.

If we provide for a spring election of city officials, the question on that election day will then be: "Is the candidate honest, and is he capable?" We will then be remitted to the tests of the time of political integrity, and officers will be selected for their purity and honesty.

I therefore trust that the amendment will be voted down, and that the citizens of this municipality may have a chance to see this great reform inaugurated.

Mr. HAY. Mr. President: From the remarks of the gentlemen who have, on either side, spoken on this question, it would appear as though we had mainly gathered here to legislate for one city in this Commonwealth. I do not understand that that is the sole object of this Convention, and I am in favor of giving to all localities in the State the same rights claimed for the city of Philadelphia. I see no good reason why that city should be singled out for separate action. If the citizens of Philadelphia should have the right to determine when the local election should be held—and I think they ought to have that right—it seems to me every locality in the State ought to have the same privilege. I am therefore opposed to the amendment offered by the gentleman from Philadelphia, (Mr. Simpson,) which gives to the cities alone the right to determine this question. I am in favor of investing the counties also with that right.

I would much prefer that the consideration of this question should be postponed until the reports of the Committees on Cities and City Charters, and on Townships, Counties and Boroughs, shall be presented to the Convention, in order that we may see what action will be proper under the circumstances.

I will make that motion, in order that a vote may be had upon the proposition as mentioned by me; that is, that the people of the different localities should have the right to determine for themselves,

according to their own judgment and convenience, the time for holding their local election.

The PRESIDENT. The Chair understands the gentleman to move to postpone the section as read.

Mr. HAY. Yes, sir; that is my motion.

The question being upon the postponement, a division was called for, and resulted: In the affirmative forty-two; in the negative fifty-six. So the motion was not agreed to.

Mr. NEWLIN. I move that we do now adjourn.

The question being upon the motion to adjourn, it was rejected.

Mr. HUNSICKER. If in order, I ask for a suspension of the rules, in order to move that the session of the Convention be continued one hour beyond the usual hour of adjournment, namely: Until three o'clock. [Cries of "No!" "No!"]

Mr. HUNSICKER. I withdraw the request.

The question being upon the amendment of the gentleman from Philadelphia, (Mr. Simpson,) it was, by request of Mr. Broomall, again read for information, as follows:

"*Provided*, That cities may, when authorized by law, change the time for holding the election of municipal officers by a vote of the people at the next general election."

Mr. BROOMALL. I move to amend the amendment, by striking out all after the word "provided," and inserting the following:

"That the Legislature may by law fix any other day for any county or city, the same being uniform throughout such county or city."

That is, as I understand it, in order, and it conveys the same idea with the other which I offered, and which I still prefer on account of its language, but which the Chair ruled out of order. As this conveys the same idea, I desire to have the sense of the Convention on the motion whether or not we can get any uniform day throughout the entire community. From the discussion this morning it seems to me we cannot. Philadelphia is trying to fix a day for herself—isolating herself from the rest of the State. The conviction is that when we shall have fixed Philadelphia we shall lose the aid of the Philadelphia delegates in the effort to set the rest of the State right in the same particular.

I hold that there is no reason in the world why each county, as well as each

city, should not have the privilege of having a spring election upon some day to suit its people. There are various conditions, even of climate, in this State. There are a great variety of employments, all of which have to be suited, and if there be uniformity established throughout a single county or city, that is all the uniformity that we can ask and all that is necessary.

I hope the Convention, therefore, will adopt this amendment, and give all of us a chance to have our spring elections in our own county on whatever day the majority of our people may desire, and which

they may express in an application to the Legislature.

Mr. TEMPLE. I move that the Convention do now adjourn.

The question being upon the motion to adjourn, it was rejected.

Mr. NEWLIN. I move to postpone the further consideration of the subject.

The PRESIDENT. That motion is out of order.

The hour of two o'clock having arrived, the Convention stands adjourned till tomorrow at twelve noon.

NINETEENTH DAY.

FRIDAY, *January 17, 1873.*

The Convention met at twelve o'clock, M. Rev. Jas. W. Curry offered prayer, as follows:

We desire to be grateful to Thee, this morning, Almighty Father, for the preservation of our health and lives during the night which is past, and for the privileges and mercies of the day on which we have entered. Here we are in Thy presence for the purpose of performing public duties. Help us, Oh Lord, to do our duty in the fear of God. Give us wisdom in our ignorance. Help us to grasp the great questions that may be brought before us from day to day, so that we may be able to do that which is right in the sight of Heaven. Command Thy blessing to rest upon the aged members of this Convention. Give them strength of body and of mind, so that they, especially, may be able to perform their duties with an eye single to the interest of the people of this Commonwealth. Bless us this day, and save us all, through Jesus Christ. Amen.

The Journal of yesterday was read and approved.

THE SALE OF LIQUOR.

The PRESIDENT submitted to the Convention the following, which was ordered to lie on the table:

The following preamble and resolution were adopted and ordered to be placed in your hands by the East Pennsylvania Eldership of the Church of God, at its late meeting, held at Mechanicsburg, Cumberland county, Pa., November 6, 1872:

WHEREAS, There seems to be some doubt with regard to the final decision of the judiciary of Pennsylvania with reference to the power of the Legislature to pass a law affecting the sale of liquor, we submit the same for approval to the vote of the people affected by it; therefore,

Resolved, That the Constitutional Convention of Pennsylvania, which is about assembling, be and the same is hereby petitioned by the East Pennsylvania Eldership, representing the members of the

Church of God, in Eastern Pennsylvania, to insert an article in the new Constitution giving this right, in all its fullness, to the Legislature.

D. A. L. LAVERTY,
Speaker.

THE PARDONING POWER.

The PRESIDENT submitted to the Convention the following memorial, which was ordered to lie on the table:

PHILADELPHIA, *December 19, 1872.*

To the Convention elected to propose amendments to the Constitution of Pennsylvania:

The memorial of the Philadelphia society for alleviating the miseries of public prisons respectfully sheweth:

That the attention of the society has been called to the subject of the pardoning power, as exercised in Pennsylvania, and that the conclusion to which the society has arrived is that being vested in the Executive alone it is vested in the worst possible manner, the responsibility thrown upon the Executive being burdensome to him, and frequently exposing him to unjust suspicion, and that secrecy of the motives for granting pardons is bad for the community and injurious to the public morals.

That having reached this point the society undertook to ascertain upon what systems the pardoning power was exercised in several of our sister States, and that, having received this information, they prefer the system practiced in New Jersey to those in use in the other States from which they have heard. This State vests the pardoning power in a board, composed of the Governor, the Chancellor and the judges of the Supreme Court, a board which affects no secrecy as to its transactions, but keeps minutes of its proceedings.

The society would therefore recommend to the Convention to follow this pattern as closely as may be by constituting the Governor of the State and the judges of the Supreme Court a board, to whom and to

whom alone the pardoning power shall be entrusted. By order of the society.

JAMES BARCLAY,
President.

Attest: JNO. J. LYTLE,
Secretary.

PUBLICATION OF PRIVATE BEQUESTS.

The PRESIDENT submitted the following communication, which was ordered to lie on the table:

No. 123 CHESTNUT STREET, }
PHILADELPHIA, January 16, 1873. }

To the President and Members of the Constitutional Convention:

GENTLEMEN:—I ask your attention, if within your province, to have a law passed prohibiting the publication of the private bequests and private terms of any one's will except by parties interested in the will. In this day's Philadelphia *Inquirer* the private bequests in the wills of the late John A. Brown and Washington Butcher are published. It is a great invasion of private rights.

J. FISHER LEAMING.

THE DEAF AND DUMB ASYLUM.

The PRESIDENT submitted the following invitation:

PHILADELPHIA, Jan. 16, 1873.

HON. WM. M. MEREDITH,
President of Constitutional Convention:

SIR:—I am instructed by the board of directors of the Pennsylvania Institution for the deaf and dumb to invite the members of the Convention to visit, during their sojourn in the city, the institution at such time as may be convenient to them. On the afternoon of Thursday, at half-past three o'clock, there is an examination of some of the pupils.

JAMES J. BARCLAY,
Secretary.

Mr. LAMBERTON. Mr. President: I move that the invitation be accepted, with the thanks of the Convention.

The motion was agreed to.

THE HOUSE OF REFUGE.

The PRESIDENT submitted the following invitation:

PHILADELPHIA, Jan. 16. 1873.

HON. WM. M. MEREDITH,
President of Constitutional Convention:

SIR:—I am charged by the board of managers of the House of Refuge to state to the members of the Convention that if during their sojourn in the city they would visit the House, the managers will be much gratified.

The House will be open to the members at any time it may suit them to call. I may add that from ten o'clock A. M. until two o'clock P. M. the visitors have a better opportunity of seeing an institution.

Be pleased to communicate this invitation to the members of the Convention.

JAMES J. BARCLAY,
President of House Refuge.

Mr. DARLINGTON. I move that the thanks of the Convention be tendered for the invitation.

The motion was agreed to.

PROHIBITION.

Mr. LANDIS offered a petition from certain citizens of Bedford county, praying for the passage of a law prohibiting the sale and manufacture of spirituous liquors, which was read and referred to the Committee on Legislation.

STATE INSPECTORS OF MERCHANDISE.

Mr. J. PRICE WETHERILL. Mr. President: I have been requested by the clerk of the Merchants' Exchange association in Philadelphia to present to this body a memorial with regard to the abolition of all State inspections of merchandise.

The memorial was read and referred to the Committee on Legislation.

WOMAN SUFFRAGE.

Mr. DARLINGTON presented a petition, signed by one hundred and ninety citizens of Chester county, praying for an amendment to the Constitution granting to women the right of suffrage, which was read and referred to the Committee upon Election, Suffrage and Representation.

Mr. J. PRICE WETHERILL presented five several petitions upon the same subject, which were referred, without reading, to the same committee.

FREE AND EQUAL ELECTIONS.

Mr. HOPKINS offered the following resolution, which was read and referred to the Committee on Declaration of Rights.

Resolved, That the Committee on Declaration of Rights be directed to inquire into the expediency of so amending the fifth section of the ninth article of the Constitution as to read: "That elections shall be free and equal, and electors shall not be controlled or intimidated on election day by the presence of the military, either State or national."

LEAVE OF ABSENCE.

Mr. LAWRENCE asked and obtained leave of absence for Mr. Struthers for two days.

Mr. HOPKINS asked and obtained leave of absence for two days for Mr. Kaine.

CHICAGO LIBRARY.

Mr. HAY offered the following resolution, which was twice read :

Resolved, That the Chief Clerk be directed to furnish to the Chicago public library one copy of the daily Debates and proceedings of the Convention.

Mr. HAY. Mr. President: I have a communication from the Secretary of the public library of Chicago, requesting that this courtesy be extended by the Convention, and I hope the resolution will be adopted.

The resolution was agreed to.

PITTSBURG PUBLIC LIBRARY.

Mr. HAY offered the following resolution, which was twice read :

Resolved, That the Chief Clerk be directed to furnish to the Mercantile library and Mechanics' Institute of Pittsburgh one copy of the daily Debates and proceedings of the Convention.

Mr. HANNA. I beg leave to amend, by adding the words, "and the Mercantile library of Philadelphia."

Mr. HAY. I accept the amendment as a modification.

The PRESIDENT. The question is upon the resolution as modified.

Mr. LILLY. Mr. President: I do not know that the Clerk of the Convention has control of the copies of the debates. As that subject is in the hands of the Printing Committee, I think this matter should go to them. I am in favor of an additional number of copies being given to each member, that they may distribute them.

Mr. HAY. Mr. President: I hope the resolution will be agreed to. I have not received any communication from the Mercantile library of Pittsburgh, asking that this copy be furnished to them, but I thought it necessary. I wish to state to the Convention that this is the only public reading room in the city of Pittsburgh, where it would be proper to have a copy of the Debates of the Convention deposited, and as there has been no provision made by which the members of the Convention can send out to gentlemen in the different parts of the State, who may be interested in such matters, the copies of

the daily Debates, I was very anxious to have one copy sent to the city of Pittsburgh, where those who are interested in the proceedings of the Convention can see what is being done.

Having the honor of occupying a responsible position in that library, I thought my request would be sufficient, without a formal communication from the library company. I hope the members will allow this one copy to be sent to the city of Pittsburgh, for the reason that I have mentioned, and as some of the members from Philadelphia seem to desire that a copy should be furnished to the Mercantile library of this city, I have no objection to that amendment.

Mr. LILLY. I move to refer the whole subject to the Committee on Printing.

The motion was not agreed to.

Mr. JOHN R. READ. Mr. President: I move to add "The Franklin library and the law library of Philadelphia."

Mr. HUNSICKER. Mr. President: The reason why I oppose the resolution offered by the gentleman from Allegheny (Mr. Hay) is, because, yesterday we had before this Convention, and passed a resolution, requiring the Chief Clerk to send a copy of our proceedings to each daily paper in the State, also one to each head of department, and to members of Legislature, and to distribute a certain number to each member of the Convention. Now, it seems to me, if we vote a copy to one library company in the State, we may be called to vote one to each library company in the State. If this resolution is adopted, I shall offer a resolution to send a copy to the Norristown library company, and the consequence will be we shall have more copies ordered to different libraries than will be printed.

Mr. HOPKINS. I move to amend the resolution, by adding, "the library of the borough of Washington." We have a very fine public library there, one single individual having contributed ten thousand dollars for the purpose of purchasing books for that library.

Mr. M'ALLISTER. I move to further amend, by adding, "the Agricultural college of Pennsylvania."

The PRESIDENT. That is not now in order.

The question being upon the amendment of Mr. Hopkins to the amendment offered by Mr. J. R. Read, it was rejected.

The PRESIDENT. Motions to amend the amendment are now in order.

Mr. M'ALLISTER. I move to add, "the Agricultural college of Pennsylvania." It is a State institution, and the only college in this State representing the industrial classes of Pennsylvania.

The amendment of Mr. M'Allister to the amendment of Mr. J. R. Read was rejected.

Mr. DALLAS. I move to strike out all after the word "resolved," and insert: "That the Printing Committee be requested to inquire into and report what public libraries and institutions in the State should be given copies of the Debates."

The PRESIDENT. The motion is not in order at this time.

Mr. HEMPHILL. I move to indefinitely postpone the whole subject.

The question being upon the indefinite postponement, it was agreed to.

Mr. DALLAS. Mr. President: I now move my proposition as an original resolution. It was held not to be germane to the subject just decided, so I suppose it is proper as an original proposition.

The resolution was read, as follows:

Resolved, That the Printing Committee be requested to inquire into and report what public libraries and institutions in the State should be given copies of the Debates.

Mr. COCHRAN. I wish, Mr. President, to call the attention of the Convention to the question whether or not they are prepared to originate a course which may involve a very considerable expense. The Committee on Printing has already reported, and this Convention has passed a resolution directing a copy to be sent to all the newspapers published in the Commonwealth, to the members of the Legislature and to the Governor of the State, as well as to the heads of departments.

The proposition now would be, in effect, to furnish this publication in sheets to all the libraries in the Commonwealth. Is it necessary to incur this expense? The Convention has already resolved that they will have forty-five hundred copies of these Debates bound. The idea was in the minds of some, at least, of the members that those bound copies were for the very purpose of supplying to these libraries. Shall we now incur this considerable expense of sending these sheets to these libraries, where they will never be preserved?

I do not desire to make any argument on the question, but merely to submit it to the Convention.

Mr. MACCONNELL. I move to amend,

by inserting after the words "public institutions" the words "if any."

Mr. DALLAS. I accept that as a modification of my resolution.

The question being upon the resolution, it was not agreed to.

ELECTORAL RIGHTS.

Mr. WHERRY offered the following resolution, which was referred to the Committee on Suffrage, Elections and Representation:

Resolved, That the Committee on Suffrage, Elections and Representation be requested to consider whether it consists with the true theory of representative democracy that the vote of one elector may count in the election of more than one delegate to the same Assembly.

IRREDEEMABLE GROUND RENTS.

Mr. STANTON offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to take into consideration the propriety of making some constitutional provision whereby the existing series of obligations known as irredeemable ground rents may be extinguished, and by which the future creation of any such unlimited charges upon real estate may be prevented.

HOOR OF MEETING.

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

Resolved, That the hour of meeting after Monday next shall be ten o'clock A. M. until otherwise ordered.

On the question, shall the Convention proceed to the second reading and consideration of the resolution?

It was determined in the negative.

BILL OF RIGHTS.

Mr. CORSON offered the following resolution, which was referred to the Committee on the Declaration of Rights:

Resolved, That the Committee on the Declaration of Rights be requested to inquire into the propriety of so amending article nine, section seven, as that at the end thereof it shall continue as follows: "And no conviction shall be allowed except upon positive proof of personal malice on the part of the publisher of the alleged libel."

And amend section nine, by striking out the word "vicinage," and inserting the words "county or city" in lieu thereof.

And amend section fourteen, by adding to the end thereof these words: "And of which necessity due proclamation shall be made by the Governor."

HOOR OF MEETING.

Mr. ALRICKS. I offer a resolution, that the hour of meeting, after Monday next, shall be ten o'clock A. M., until otherwise ordered.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

FOREIGN CORPORATIONS.

Mr. BRODHEAD offered the following resolution, which was read and referred to the Committee on Railroads and Canals:

Resolved, That there shall be no prohibition against corporations not incorporated under the laws of this State, acquiring and holding real estate within the Commonwealth.

PROBATE COURT IN PHILADELPHIA.

Mr. NEWLIN offered the following proposition of amendment, which was read and referred to the Committee on the Judiciary:

SECTION —. That the Governor, by and with the advice and consent of the Senate, shall appoint, for a period of ten years, such number of persons, learned in the law, as the Legislature may direct, to be judges of the court of probate for the city and county of Philadelphia; they shall have all the powers now pertaining to the orphans' court and registers' court, and such other powers as may be conferred upon them by law; said court shall refer all matters pending therein, in the first instance, amongst the judges thereof in such manner as they may determine, and the action of any judge shall be subject to review by the said court sitting *in banc*; but no reference shall be made to any master, auditor or examiner; the Legislature shall provide by general law for appeals from said court to the Supreme Court; the judges of said court of probate shall appoint for three years, and may at pleasure remove, such clerks and other officers as may be allowed, and whose salaries shall be fixed by law, and they shall receive no fees whatever; the judges of the said court shall be paid the same salaries as the judges of the court of common pleas of the city and county of Philadelphia, and the same shall not be diminished during their term of office; the judges

first appointed shall draw lots for their term of service, in such manner that the commission of one shall expire at the end of every second year; the one having the shortest term shall be president judge.

ADJOURNMENT TO WEDNESDAY.

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

Resolved, That when this Convention adjourn it be to Wednesday next at twelve o'clock M.

On the question, shall the Convention proceed to the second reading and consideration of the resolution?

It was determined in the negative.

COPIES OF THE DEBATES.

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

Resolved, That the number of copies of the Debates of the Convention to be furnished each member of the Convention be increased to three.

On the question, shall the Convention proceed to the second reading and consideration of the resolution, it was determined in the negative.

CIVIL CAUSES AT ISSUE.

Mr. MACVEAGH offered the following resolution, which was twice read and considered:

Resolved, That the Chief Clerk be instructed to address a letter to the prothonotary of each city and county in the State, requesting them to furnish to the Convention the number of civil causes at issue on their respective dockets, and a copy of the last trial list in their respective courts, showing the date when said trial list was called, the date of the issuing of the original writ in each case thereon, and the number of cases actually tried.

Mr. MACVEAGH. Mr. President: I desire to say to the Convention that if any other form of this resolution is desired it will be equally acceptable to me. My object in offering the resolution is simply to obtain information on this subject for the use of the Committee on the Judiciary, as well as for the Convention, so that we may ascertain the actual condition of the judicial business in each district throughout the State; how long a suitor has to await the delay of the judiciary, and how sufficient or insufficient the judicial force of each district happens to be. I trust that the Convention will agree to the resolution, in order that we may obtain the desired information.

Mr. HARRY WHITE. Will the gentleman accept the following amendment: "And that the Clerk report such replies to the Convention, arranging the counties in alphabetical order."

Mr. MACVEAGH. Certainly.

The PRESIDENT. The resolution will be so modified if there is no objection.

Mr. WORRELL. Mr. President: I offer the following amendment by way of addition:

"And that the clerks of the courts of quarter sessions shall certify the number of returns made to each term within the last two years, and the disposition made of each return by the grand jury and the court."

Mr. MACVEAGH. I desire to ask the unanimous consent of the Convention so to modify the resolution as to include the three districts of the Supreme Court and the district courts.

The PRESIDENT. If no objection is made, the resolution will be so modified.

Mr. WORRELL. Mr. President: I offered my amendment for the reason that the manner in which the minor judiciary, the grand juries and the aldermen and justices of the peace of this Commonwealth have discharged their respective duties, will be a very important subject to be considered by this Convention. I think it is a very important matter that this Convention should be informed as to the number of returns made by the aldermen of this Commonwealth, so that we can ascertain the disposition that has been made of them by the grand juries and the courts, and judge whether they have been of a frivolous character or not, and in order that the Convention may take such action as it may deem expedient to insure the peace and interest of our citizens.

Mr. DARLINGTON: I understand that this information is desired by the Committee on the Judiciary; and I move that the whole subject be referred to that committee.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. LAMBERTON. I offer the following resolution:

Resolved, That when this Convention adjourn it be to meet on Monday at noon.

On the question of proceeding to the second reading of the resolution, the yeas and nays were required by Mr. Darlington and Mr. Mann, and were as follow, viz:

YEAS.

Messrs. Achenbach, Ainey, Armstrong, Baker, Bannan, Barclay, Bardsley, Bartholomew, Biddle, Boyd, Brodhead, Broomall, Buckalew, Campbell, Clark, Cochran, Corson, Curry, Curtin, Dallas, Davis, Ellis, Fell, Funck, Gibson, Hanna, Harvey, Hemphill, Hopkins, Horton, Hunsicker, Kaine, Lamberton, Landis, Lilly, Long, M'Allister, MacVeagh, Metzger, Palmer, H. W., Parsons, Patton, Pughe, Reynolds, S. H., Rooke, Ross, Runk, Russell, Simpson, Smith, Henry W., Stanton, Van Reed, Wetherill, J. M., Wherry, Woodward and Worrell—56.

NAYS.

Messrs. Addicks, Alricks, Andrews, Baer, Baily, (Perry,) Beebe, Black, Chas. A., Bowman, Brown, Carey, Carter, Church, Collins, Corbett, Craig, Cuyler, Darlington, De France, Dimmick, Dodd, Dunning, Ewing, Gilpin, Guthrie, Hay, Hazzard, Howard, Knight, Lawrence, Littleton, M'Clean, MacConnell, M'Murray, Mann, Mantor, Minor, Mott, Newlin, Niles, Palmer, G. W., Patterson, D. W., Patterson, T. H. B., Purman, Purviance, Samuel A., Read, Jno. R., Reed, Andrew, Reynolds, James L., Smith, W. H., Temple, Turrell, Walker, Wetherill, John Price, White, David N., White, Harry, White, J. W. F., Wright and Meredith, *President*—57.

So the motion was rejected.

ABSENT AND NOT VOTING.—Messrs. Bailey, (Huntingdon,) Black, J. S., Cassidy, Cronmiller, Edwards, Elliott, Finney, Fulton, Gowen, Hall, Heverin, Lear, M'Camant, M'Culloch, Porter, Purviance, John M., Sharpe, Smith, H. G., Stewart and Struthers—20.

FORMS OF VOTING.

Mr. BAER offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into the expediency of so amending the Constitution as, in substance, to provide:

"That all elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*. Each ballot shall have written or printed upon it the name of the office to be filled, and the name or names of the candidate or candidates for such office for whom the elector wishes to vote and

nothing else. But no ballot shall have upon it the name of more than one office, nor the names of candidates for more than one office."

HOOR OF DAILY ADJOURNMENT.

Mr. MANN. Mr. President: I offer the following resolution:

Resolved, That after Monday next, until otherwise ordered, the hour of adjournment shall be half-past two o'clock P. M.

On the question of proceeding to the second reading of the resolution, a division was called for, which resulted forty-one in the affirmative and fifty-two in the negative; so the question was decided in the negative.

PRINTING COMMITTEE REPORTS.

Mr. MACVEAGH offered the following resolution, which was twice read and considered:

Resolved, That one hundred additional copies of the report of the Committee on the Legislature be printed, together with the minority report from said committee.

Mr. MACVEAGH. Mr. President: I desire to say a single word by way of explanation. The Convention ordered one hundred and fifty copies of the report of the Committee on the Legislature, which, in its judgment, seemed sufficient. But I am told that at least two hundred and fifty copies will be required for the members of the press that are here, for the purpose of journalizing the report, in order to give to each member of the Convention one copy, and to guard against the possibility of a loss of a copy by any member. That the minority report should be printed with the report of the majority will be apparent to everybody. I trust therefore that the Convention will agree to the resolution.

The resolution was agreed to.

ADJOURNMENT TO MONDAY.

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

Resolved, That when this Convention adjourn to-day it adjourn to meet on Monday next at eleven o'clock A. M.

On the question of proceeding to the second reading and consideration of the resolution,

The yeas and nays were required by Mr. Lilly and Mr. Mann, and were as follows, viz:

Y E A S.

Messrs. Achenbach, Ainey, Baker, Bannan, Barclay, Bardsley, Bartholomew,

Biddle, Broomall, Buckalew, Campbell, Carey, Clark, Corson, Curry, Curtin, Davis, Elliott, Ellis, Funck, Gibson, Guthrie, Hanna, Harvey, Hazzard, Hopkins, Hunsicker, Lamberton, Landis, Lilly, Long, M'Camant, MacVeagh, Metzger, Newlin, Niles, Palmer, H. W., Parsons, Patton, Purviance, Sam'l A., Ross, Runk, Simpson, Smith, Henry W., Stanton, Temple, Van Reed, Wetherill, J. M., Wherry, White, Harry and Woodward—51.

N A Y S.

Messrs. Addicks, Alricks, Andrews, Armstrong, Baer, Baily, (Perry,) Beebe, Black, Charles A., Bowman, Boyd, Brodhead, Brown, Carter, Church, Cochran, Collins, Corbett, Craig, Cuyler, Dallas, Darlington, De France, Dimmick, Dodd, Dunning, Ewing, Fell, Gilpin, Hay, Hemphill, Horton, Kaine, Knight, Lawrence, M'Allister, M'CLean, MacConnell, M'Murray, Mann, Mantor, Minor, Mott, Patterson, D. W., Patterson, T. H. B., Pughe, Purman, Read, John R., Reed, Andrew, Reynolds, James L., Reynolds, S. H., Rooke, Russell, Smith, W. H., Turrell, Walker, Wetherill, Jno. Price, White, David N., White, J. W. F., Worrell, Wright and Meredith, *President*—61.

So it was determined in the negative.

ABSENT AND NOT VOTING.—Messrs. Bailey, (Huntingdon,) Black, J. S., Cassidy, Cronmiller, Edwards, Finney, Fulton, Gowen, Hall, Heverin, Howard, Lear-Littleton, M'Culloch, Palmer, G. W., Porter, Purviance, Jno. N., Sharpe, Smith, H. G., Stewart and Struthers—21.

JUDICIAL DISTRICTS.

Mr. DUNNING offered the following resolution, which was read and referred to the Committee on the Judiciary:

Resolved, That the Constitution be so amended that any county having a population of not less than one hundred thousand, and a territory of not less than six hundred square miles, may be divided into two judicial districts, each containing not less than forty thousand population, and having a territory of not less than two hundred square miles. The Legislature may, by commissioners or otherwise, establish the location of the court house and other offices required by such division, and provide for the election of register of wills and recorder of deeds and mortgages for each additional district, which offices shall be located where the courts are held.

ADJOURNMENT TO WEDNESDAY.

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

Resolved, That when this Convention adjourns to day, it adjourns to meet next Wednesday at eleven o'clock A. M.

Upon the question of proceeding to the second reading and consideration of the resolution,

The yeas and nays were required by Mr. Ewing and Mr. J. R. Read, and were as follow, viz :

Y E A S.

Messrs. Addicks, Ainey, Alricks, Armstrong, Baer, Baker, Bannan, Barclay, Bardsley, Bartholomew, Black, Charles A., Boyd, Brodhead, Buckalew, Clark, Cochran, Corson, Curry, Curtin, Cuyler, Davis, De France, Dimmick, Ellis, Funek, Gibson, Hanna, Harvey, Hunsicker, Kaine, Lambertson, Lilly, Long, M'Cammant, M'Clean, MacVeagh, Metzger, Mott, Palmer, G. W., Palmer, H. W., Parsons, Reynolds, James L., Reynolds, S. H., Ross, Runk, Simpson, Smith, Henry W., Stanton, Van Reed, Wetherill, J. M., White, David N., White, Harry, Woodward and Worrell—54.

N A Y S.

Messrs. Achenbach, Andrews, Baily, (Perry,) Beebe, Biddle, Bowman, Brown, Campbell, Carey, Carter, Church, Collins, Corbett, Craig, Dallas, Darlington, Dodd, Elliott, Ewing, Fell, Gilpin, Guthrie, Hay, Hazzard, Hopkins, Horton, Howard, Knight, Landis, Lawrence, M'Allister, M'Connell, M'Murray, Mann, Mantor, Minor, Niles, Patterson, D. W., Patterson, T. H. B., Patton, Purman, Purviance, Sam'l A., Read, John R., Reed, Andrew, Rooke, Smith, W. H., Temple, Turrell, Walker, Wetherill, Jno. Price, Wherry, White, J. W. F., Wright and Meredith, *President*—54.

So the question was determined in the negative.

ABSENT AND NOT VOTING.—Messrs. Bailey, (Huntingdon,) Black, J. S., Broomall, Cassidy, Cronmiller, Dunning, Edwards, Finney, Fulton, Gowen, Hall, Hemphill, Heverin, Lear, Littleton, M'Culloch, Newlin, Porter, Pughe, Purviance, John N., Russell, Sharpe, Smith, H. G., Stewart and Struthers—24.

LEAVES OF ABSENCE.

Mr. COCHRAN asked leave of absence for himself for a few days, which was granted.

Mr. M'CONNELL asked leave of absence for Mr. T. H. B. Patterson for a few days, which was granted.

ADJOURNMENT TO MONDAY.

Mr. ELLIS offered the following resolution :

Resolved, That when this Convention adjourn, it adjourn to meet on Monday next, at one o'clock P. M.

On the question of proceeding to the second reading and consideration of the resolution, the yeas and nays were called for.

Mr. ARMSTONG. Mr. President : Before proceeding with the call I ask the unanimous consent of the Convention to make a word of explanation.

Unanimous consent was granted.

Mr. ARMSTRONG. It is very evident that the Convention is impatient on this question, and that we are wasting time in calling of the yeas and nays upon the matter of adjournment. It is apparent that there is a very large number in favor of an adjournment. I have myself voted against an adjournment until Monday for the reason that it did not seem to answer the purpose of any of the members of the Convention. It will not afford those gentlemen, who live at a distance, an opportunity to return to their homes and come back to the Convention at a time when they can probably proceed to any available work.

It is well known that on Tuesday next the new Governor will be inaugurated, and it strikes me that it is a proper occasion for gentlemen of all political opinions to pay their respects to the chief magistrate of our State. There are some gentlemen here who desire to be present at the inauguration, and I think it is fitting that this Convention should pay such a mark of respect to the Governor of the State. I think, therefore, it would be well if the House entertained the motion, so that upon second reading the resolution may be amended. In that case I shall move so to amend it that the Convention adjourn to meet on Wednesday, at twelve M. This will enable the gentlemen who live at a distance to go to their homes, with time enough to enjoy a visit to their families; and if we come here on Monday the chances are, largely, that we shall not have a quorum, at least not such a quorum as will proceed to business, and an adjournment will probably then be moved until Wednesday.

I deem it more appropriate that the Convention do now resolve that when we

adjourn it will be to meet on Wednesday, at twelve o'clock. With that view I ask that the present resolution be passed to a second reading, in order that an amendment to that effect may be offered.

The call for the yeas and nays was then withdrawn, and the resolution was read the second time and considered.

Mr. ARMSTRONG. I move to amend the resolution, by striking out "Monday" and inserting "Wednesday, at noon."

Mr. MACVEAGH. Would it be in order to state that, if the amendment is agreed to, and the resolution as amended is adopted, I shall then move to make the report of the Committee on the Legislature the special order for Wednesday next, by which time the papers will all be ready and upon the desks of members?

The PRESIDENT. The question is on the amendment of the gentleman from Lycoming (Mr. Armstrong.)

Mr. ALBRICKS. I move to further amend, by striking out "twelve" and inserting "four" o'clock.

Mr. HAY. Mr. President: While I can see some appropriateness in the remarks of the distinguished gentleman upon my right (Mr. Armstrong) in the advocacy of an adjournment until Wednesday, I do not think the reasons are strong enough to warrant this Convention in that adjournment. I see no reason why the deliberations of this Convention cannot go on just as well when the Governor is being inaugurated as when any other circumstance is transpiring in some other part of the State, and I do not see that it is any special advantage to have members there gazing on that spectacle rather than here attending to the business of this Convention.

I call attention to the fact that the last Constitutional Convention of this State held session even on the Fourth of July, and did not adjourn over that prominent day. That Convention worked also on Christmas and New Year's days, and if they did that I cannot see any impropriety in our working in Philadelphia all through that period when the spectacle of the inauguration is being displayed at Harrisburg.

Mr. BUCKALEW. In addition to what has been so well said by the gentleman from Lycoming (Mr. Armstrong) I desire to say a word on this point. In 1838 we had no railroads. Hence I can very well understand how it was that the members of the Convention of that time did not ad-

journ very frequently—not having had any facilities for getting to their homes.

It is well known that just at this time we are delayed by reason of our printing, and shall be delayed for some days yet. It is quite evident, also, from the large number on leave of absence, and from the private remarks of members, that it is not probable that the Convention can be reasonably full at any time before Wednesday next.

To the public it is a matter of little importance whether we sit or not for the two or three days involved in the present discussion. If we were paid by the day it would be expected that we should sit continuously, and bring our labors to a close as soon as possible; but being paid a gross sum, it makes, as I say, very little difference, at any rate on the ground of expense.

Besides, it seems to me, apart from all personal considerations, that it is but decent and proper, in deference to our fundamental law and the spirit of our institutions, that we should permit those members of the Convention who may so desire to attend at the inauguration of the Governor. I am therefore in favor of such an adjournment as will effectuate that purpose.

Mr. M'ALLISTER. Mr. President: I beg leave to say a word or two on this subject. We have all had sufficient opportunity, thus far, of convincing ourselves that the moment the Convention adjourns for a longer time than one day the work of the Convention ends as well in the committees as in this hall. If the committees could be retained and kept at work while the Convention stands adjourned, there would be no great objection, but I do protest against these frequent adjournments. They stop the work of the Convention. We have come here to make a Constitution. The gentleman from Columbia county (Mr. Buckalew) says that we are not paid by the day, and he assigns this as a reason why we may have frequent adjournments. But, Mr. President, there are members here who cannot conveniently go home and be back at the required time. There are very many members who have left home calculating to return in April, upon the supposition that the work of this Convention will be completed early in April, and I fear they will be compelled to remain here during the summer to complete the work.

I am firmly convinced that we will do our work in the best manner by continu-

ing here from day to day, sitting at least five days in the week until the work is done, and it is the only way that this work can be done quickly.

It has been said that we had no railroads in 1838 to convey the members of the Convention to their homes. That is true; but let me say that railroads, instead of being a blessing to the country in hastening the work of the Legislature and the Convention, have proved a curse in the facilities they afford in carrying members home to attend to their own private business instead of leaving them remain to transact the duties entrusted to them. I hope that those members who can get home and transact their private business for a day or two, and then return here to perform their Convention work, will take into consideration the situation of members who are not enabled to do this. I hope, Mr. President, for these reasons, that the public good will not be sacrificed in protecting the private interests of our members.

Mr. ALRICKS. I move to amend the amendment, by striking out "twelve M," and insert "four P. M."

Mr. DODD. Mr. President: The question before this Convention, disguise it as we may, is simply whether we shall defer the work before us in order to enable members to visit their homes once every week, or remain here and faithfully attend to the work we have been delegated to perform. Every Friday that the Convention has been in session we have witnessed precisely this same spectacle, and sometimes it has occurred for one reason and sometimes for another; but there is not a member on this floor who does not well understand that the real reason is that the members of the Convention desire to return to their homes over Saturday, and the consequence is that many of them do not return in time on Monday to attend to their important duties here. Last Monday there was scarcely a quorum present at the opening of the session, and if the Convention adjourns until next Wednesday I feel assured that nothing will be done during the entire week. If we adjourn until Monday I doubt very much if there will be a quorum then, and so the question resolves itself into an inquiry whether we shall faithfully attend to our duties during the six days of the week or seek to shirk them altogether.

Now, sir, the members who come from the western part of the State do not want to make these weekly visits to their

homes. They have come here to attend to the business of the Convention, and they are willing to devote the six days of the week to its performance. They are well aware that there is six months' work before them, even if it can be attended to in that time, and they are beginning to fear, if these adjournments are so constant, that there will be no limit to its continuance. I call on the members of the Convention to have some consideration for almost half of their associates who cannot return to their homes during these adjournments, and will be compelled to remain in idleness in order that others may be accommodated. We certainly deserve some consideration at the hands of the Convention, for we are willing to remain here and perform our part of its work. It was said in Harrisburg that if we adjourned to meet in this city the members of the Convention from Philadelphia would have a better opportunity of attending to their own private business instead of the work of the Convention, and I now call upon them to show by their votes that this assertion in relation to them was a wrong one, and that they are here to attend to the duties of the Convention as well as the rest of us.

Mr. ALRICKS. Mr. President: I withdraw my amendment to the amendment.

The question being taken on the amendment of Mr. Armstrong, the yeas and nays were required by Mr. Carter and Mr. Lilly, and were as follow, viz :

Y E A S.

Messrs. Addicks, Ainey, Alricks, Armstrong, Baer, Baker, Bannan, Barclay, Bardsley, Bartholomew, Biddle, Black, Charles A., Boyd, Brodhead, Broomall, Brown, Buckalew, Campbell, Carey, Cassidy, Clark, Corson, Curry, Curtin, Cuyler, Davis, Dimmick, Ellis, Fell, Funck, Gibson, Gilpin, Hanna, Hemphill, Hunsicker, Kaine, Knight, Lamberton, Lilly, Long, M'Camant, M'Clean, M'Murray, MacVeagh, Metzger, Minor, Mott, Parsons, Pughe, Read, John R., Reynolds, James L., Reynolds, S. H., Ross, Russell, Simpson, Smith, Henry W., Stanton, Van Reed, Wetherill, J. M., White, David N., White, Harry, Woodward and Worrell—61.

N A Y S.

Messrs. Achenbach, Andrews, Baily, (Perry,) Beebe, Bowman, Carter, Church, Cochran, Collins, Corbett, Craig, Dallas, Darlington, De France, Dodd, Dunning,

Elliott, Ewing, Guthrie, Hay, Hazzard, Hopkins, Horton, Howard, Landis, Lawrence, Littleton, M'Allister, M'Connell, Mann, Mantor, Newlin, Niles, Patterson, D.W., Patterson, T. H. B., Patton, Purman, Purviance, Samuel A., Reed, Andrew, Rooke, Smith, W. H., Temple, Turrell, Walker, Wetherill, John Price, Wherry, White, J. W. F., Wright and Meredith—*President*—49.

So the amendment was agreed to.

ABSENT AND NOT VOTING. — Messrs. Bailey, (Huntingdon,) Black, J. S., Cronmiller, Edwards, Finney, Fulton, Gowen, Harvey, Heverin, Lear, M'Culloch, Palmer, G. W., Palmer, H. W., Porter, Purviance, Jno. N., Runk, Sharpe, Simpson, Stewart and Struthers—20.

The hour of two having arrived, the President declared the Convention adjourned till to-morrow at twelve o'clock M.

TWENTIETH DAY.

SATURDAY, January 18, 1873.

The PRESIDENT took his seat at twelve o'clock M.

The PRESIDENT. There does not appear to be a quorum present.

Mr. MANN. Mr. President: I move a call of the Convention.

The PRESIDENT. The Chair is informed by the Clerk that the State House clock, by which no doubt many of the members are guided, is slower than the Convention clock, and he is under the impression that more members will soon be here.

Mr. MANN. I move that a call of the Convention be now made.

The PRESIDENT. The motion cannot be received. The meeting of the Convention has not been announced. The Clerk will call the roll of members, in order to ascertain whether there is a quorum present.

The CHIEF CLERK proceeded with the call of the roll, which resulted as follows:

PRESENT—Messrs. Achenbach, Addicks, Alricks, Andrews, Baer, Baily, (Perry,) Baker, Barclay, Bartholomew, Beebe, Black, J. S., Bowman, Boyd, Buckalew, Campbell, Carter, Church, Collins, Corbett, Craig, Curry, Curtin, Davis, De France, Dimmick, Dodd, Dunning, Edwards, Elliott, Ellis, Ewing, Fell, Gibson, Guthrie, Hay, Hazzard, Hopkins, Horton, Knight, Landis, Lawrence, Littleton, M'Allister, M'Clean, MacConnell, M'Murray, Mann, Mantor, Minor, Mott, Newlin, Niles, Patton, Purman, Purviance, Samuel A., Read, John R., Reed, Andrew, Reynolds, James L., Smith, Henry W., Smith, W. H., Stanton, Turrell, Walker, Wetherill, John Price, Wherry, White, Harry, White, J. W. F., Woodward, Worrell, Wright and Meredith, *President*—71.

The PRESIDENT. There is a quorum of the Convention present.

PRAYER.

Prayer was offered by Rev. James W. Curry, as follows:

We acknowledge Thee, O, God, the giver of every good and perfect gift, we

acknowledge that Thou art infinite in wisdom and power. This morning may it please Thee to impart unto us that wisdom which Thou seest we need, to prepare us for the duties of life. We ask Thy blessing to rest upon this Convention. Do Thou be with us through all coming time; and may the words of our mouths, and the meditation of our hearts be acceptable in Thy sight, O, Lord, our strength and our Redeemer.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

COMPULSORY EDUCATION.

A communication was read from the Board of Public Charities of the Commonwealth of Pennsylvania, through its president, George L. Harrison, transmitting a paper on compulsory education in its relation to crime and pauperism, which was referred to the Committee on Education.

ADJOURNMENT.

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

"Resolved, That this Convention will adjourn *sine die* on Thursday the twenty-seventh day of March."

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

LEAVES OF ABSENCE.

Mr. J. W. F. WHITE asked leave of absence for Mr. D. N. White for a few days from to-day, which was granted.

Mr. BOWMAN asked leave of absence for Mr. Brown for a few days, which was granted.

Mr. S. A. PURVIANCE asked leave of absence for Mr. Clark for a few days, which was granted.

Mr. CURRY asked leave of absence for a few days for Mr. Russell, on account of sickness, which was granted.

Mr. CORBETT asked leave of absence for a few days for Mr. S. H. Reynolds, which was granted.

INTOXICATING LIQUORS.

Mr. HORTON asked and obtained unanimous consent to present a petition of the citizens of Wyoming county, Pennsylvania, praying that an amendment be made to the Constitution prohibiting the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

RESTRICTIONS ON LEAVES OF ABSENCE.

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

Resolved, That it is the sense of this Convention that no delegate be hereafter granted leave of absence without reasons given therefor, and that the roll shall be called daily at the opening of each session, and that the names of all absentees without leave be entered upon the Journal.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

So the resolution was again read.

Mr. WOODWARD. I submitted, at Harrisburg, a proposition to amend our rules, by requiring the roll to be called every morning after the reading of the Journal, and have the absentees noted and published in two papers. That motion, which involved an additional rule, was laid upon the table, and has lain upon the table ever since.

The latter part of the resolution now offered contemplates the same purpose that was contemplated in my proposition. It occurs to me that if we are going to consider the subject, it would be more proper to consider it as a proposition for a new rule. Therefore I move to amend the resolution, by striking out so much of it as relates to the calling of the roll, and to substitute the language of my proposed rule.

Mr. BEEBE. I accept the amendment.

The PRESIDENT. The Chair will state that the proposition now spoken of is for a new rule of the Convention. The proposition originally made is for an expression of the sense of the Convention that such a thing shall be done.

Mr. WOODWARD. Would it not be better to have it incorporated in the rules? I believe myself it is of great consequence to have the roll called every morning. I think it would lead to more punctual attendance of gentlemen. At any rate it would inform the constituents of members to this Convention who it is that is absent, by the publication of the names.

Mr. BARCLAY moved to amend, by striking out all after the word "resolved," and inserting the following:

"That hereafter no more than twelve leaves of absence shall be had at any one time, unless obtained by the unanimous consent of the Convention."

Mr. LITTLETON. I rise to ask whether this does not establish a new rule for the Convention, and therefore, under our rules, it ought to lie over at least one day?

The PRESIDENT. The Chair does not perceive how the proposition establishes a new rule of the Convention.

Mr. LITTLETON. It establishes a new rule for leaves of absence.

The PRESIDENT. To which rule does the gentleman refer?

Mr. LITTLETON. The twenty-first—the latter part—which says:

"Every resolution to alter the rules of this Convention shall lie on the table one day."

I understood the Chair to decide the other day, that when a proposition was made to create a new rule it had to lie over for one day.

The PRESIDENT. Certainly. But the Chair desires to know what new rule this resolution proposes to create, or what rule it interferes with?

Mr. LITTLETON. I call for the reading of the resolution and the amendment.

The CLERK read as follows:

Resolved, That it is the sense of this Convention that no delegate shall be hereafter granted leave of absence without reasons given therefor.

The amendment strikes out all after the word "resolved," and inserts the following:

"That hereafter no more than twelve leaves of absence shall be had at any one time, unless obtained by the unanimous consent of the Convention."

The PRESIDENT. The Chair is of the opinion that this difficulty can be avoided by declaring some proposition to be the sense of the Convention without interfering in any way with the rules, and therefore without coming within the rules that shall it lie one day on the table. Therefore, if this amendment is intended to be inserted after the words "the sense of this Convention," it is in order; otherwise it is not.

Mr. BARCLAY. I move, then, to insert the amendment after the words "sense of the Convention."

Mr. BOYD. I move to lay the whole subject on the table.

MR. DARLINGTON. I move to postpone the whole subject indefinitely.

THE PRESIDENT. The motion to postpone indefinitely is not in order. The question is on the motion to lay the subject on the table.

The question being taken, a division was called and the motion not agreed to. Ayes, thirty-four; noes, thirty-four.

MR. DARLINGTON. Is it now in order, Mr. President, to move to indefinitely postpone the subject?

THE PRESIDENT. Certainly.

MR. DARLINGTON. I then make that motion.

MR. BEEBE. I trust the motion will not prevail, and that the Convention is not willing thereby to shirk the responsibility of having it known whether they are attending to their duties or not. As far as my information goes, there are some of the members of the Convention who are making their offices here a mere sinecure, or at least secondary to their private business. I simply offered this resolution this morning for the purpose of testing the sense of the Convention as to the intent and purpose of its members in discharging their duties.

MR. DARLINGTON. It strikes me, Mr. President, that this whole question as to whether we shall absent ourselves or not, provided there be enough members left to transact the business of the Convention, is a question resting solely with our members. If members choose to neglect the duties for which they are placed here, it is a matter concerning their own personal honor and integrity, and no one else's. If enough members remain to transact the business of the Convention, and I choose to absent myself for a few days, it is a matter that concerns myself and my constituents alone. If the contingency should arise of there being less than a quorum of members present at any one of our sessions, we have an ample remedy by a call of the House. I think that no good can be accomplished by interfering with those gentlemen, living in this city or in its immediate vicinity, who choose to attend to their own private business instead of coming here. If measures are disposed of in their absence in which they or their constituents are interested, it will not be the fault of the Convention. I think, therefore, we had better not adopt any such resolution, but dispose of the whole subject at once.

MR. MANN. Mr. President: I hope this matter will not be postponed for the rea-

son given by the gentleman (Mr. Beebe) who offered the original proposition. cannot vote for the pending amendment, and although I do not wish to annoy members, but, as stated by the gentleman who offered the resolution, some action ought to be taken by this Convention in order to facilitate its business. It is very clear to my mind that if a call of the House was enforced every morning there would be more of our members present in their seats than is usually the case, and this is a sufficient reason why it should be made every day. Beyond this I have no desire that anything more should be done in regard to this resolution; but to postpone it indefinitely will thus put it out of the power of the Convention to present the proposition again in any form whatever. I think the proper way would be to put the matter in a more acceptable shape, if it is intended to facilitate the business of the Convention, and this can be accomplished by simply calling the roll and noting the absentees on the Journal.

THE PRESIDENT. That question is now before the Convention.

MR. MANN. I was simply suggesting the reason why this question should not be indefinitely postponed, and why such amendment should be made as to make it an acceptable subject for the consideration of the Convention. I do not intend to discuss it beyond that. I was simply saying that to postpone it indefinitely is to put it out of our power to present the resolution in a better form.

THE PRESIDENT. The Chair would state to the gentleman that the only subject before the Convention is upon the question as to its sense relative to the number of leaves of absence hereafter to be granted.

MR. WOODWARD. I will inform the gentleman (Mr. Mann) that if the present subject is indefinitely postponed I will then move to take up the resolution I submitted at Harrisburg, providing for a new rule for the Convention.

On the question to indefinitely postpone the consideration of the resolution,

The yeas and nays were required by Mr. Bartholomew and Mr. Carter, and were as follow, viz:

YEAS.

Messrs. Addicks, Alricks, Bartholomew, Black, J. S., Boyd, Buckalew, Craig, Curry, Curtin, Cuyler, Dallas, Darlington, Davis, Dimmick, Dunning, Elliott, Ellis, Fell, Gibson, Hopkins, Littleton, Newlin, Niles, Patton, Purman, Reynolds,

James L., Smith, Henry W., Smith, W. H., Temple, Turrell, White, Harry, White, J. W. F., Woodward and Worrell
—34.

N A Y S.

Messrs. Achenbach, Andrews, Baer, Baily, (Perry,) Baker, Barclay, Beebe, Bowman, Campbell, Carter, Church, Collins, Corbett, De France, Dodd, Edwards, Ewing, Guthrie, Hay, Hazzard, Horton, Howard, Knight, Landis, Lawrence, M'Allister, M'Clean, MacConnell, M'Murray, Mann, Mantor, Minor, Purviance, Samuel A., Read, John R., Reed, Andrew, Stanton, Walker, Wetherill, John Price, Wherry, Wright and Meredith,
President—41.

So the motion was not agreed to.

ABSENT AND NOT VOTING.—Messrs. Ainey, Armstrong, Bailey, (Huntingdon,) Bannan, Bardsley, Biddle, Black, Charles A., Brodhead, Broomall, Brown, Carey, Cassidy, Clark, Cochran, Corson, Cronmiller, Finney, Fulton, Funck, Gilpin, Gowen, Hall, Hanna, Harvey, Hemphill, Heverin, Hunsicker, Kaine, Lamberton, Lear, Lilly, Long, M'Camant, M'Culloch, MacVeagh, Metzger, Mott, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Patterson, T. H. B., Porter, Pughe, Purviance, John N., Reynolds, S. H., Rooke, Ross, Runk, Russell, Sharpe, Simpson, Smith, H. G., Stewart, Struthers, Van Reed, Wetherill J. M. and White David N.—58.

Mr. MANN. Mr. President: I merely desire to make a suggestion to the mover of this resolution, that if he will withdraw it without Judge Woodward making a motion, it will relieve the Convention of all difficulty in shaping this matter. I merely make this suggestion.

The PRESIDENT. The resolution cannot be withdrawn except by unanimous consent.

Mr. BEEBE. Mr. President: I will withdraw the resolution inasmuch as it has become complicated.

Unanimous consent was given, and the resolution was withdrawn.

Mr. WOODWARD. Mr. President: I now move that the Convention proceed to the consideration of the additional rule which I submitted at Harrisburg.

The PRESIDENT. That is not in order now. The House has not yet come to the second reading of resolutions.

Mr. J. W. F. WHITE. Mr. President: Mr. Onslow, the Sergeant-at-Arms of this Convention, was called home suddenly last

evening after the Convention adjourned. He requested me to ask leave of absence for him until next Wednesday morning.

Leave was granted.

SPRING ELECTION OF JUDGES.

Mr. GIBSON offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That in case the Committee on the Judiciary report in favor of the election of judges by the people, and the same is approved by this Convention, the said election of judges shall be held at the time of holding the spring election, and not on the day of the general election.

THE STATE PRINTER'S CONTRACT.

Mr. CHURCH. Mr. President: I offer the following resolution:

Resolved, That the Committee on Printing be instructed to report to this Convention the contract made with Mr. Singerly, and whether any and if so what means can be taken to compel a compliance with such contract on the part of the contractor, and in the event of a non-compliance with such contract the same be declared rescinded.

Mr. NEWLIN. Mr. President: I desire to state, for the information of the Convention, that the committee made a contract with Mr. Singerly in pursuance of the order of the Convention, or rather as the Convention understood that order. After that was done the Convention passed another order, by which they altered, materially, the mode of executing the printing. They ordered it to be done in leaded minion instead of in solid brevier as first directed. At the time that order was made I called the attention of the Convention to the fact that it might give rise to some trouble in regard to this contract that had previously been made, and that it would also be considerably more expensive to have the printing done in that manner.

But I do not propose to say anything in regard to that at this time. I simply wish to inform the Convention that after the second order was made by the Convention, fixing leaded minion as the kind of type to be used, and fixing also the number of copies to be printed, the committee made a new contract, or rather agreed upon a form of a contract to be made with the State Printer or with Mr. Singerly. Mr. Singerly was then absent from Philadelphia. That contract was sent to him at Harrisburg, but it was not sent until yes-

terday, because the committee did not know until then that Mr. Singerly would be away. It was sent to him yesterday morning and I have since telegraphed him to return it immediately. I will further state that that contract contains this provision: That if the Convention should become dissatisfied with the mode in which its printing was executed, that it reserves to itself the power to either order the printing at the expense of Mr. Singerly or to annul the contract.

Mr. CHURCH. Mr. President: The explanation of the chairman of the Committee on Printing is certainly satisfactory. I offered that resolution for the purpose of obtaining some information. It is very evident to my mind and I think evident to the mind of everybody, that there has been no compliance on the part of Mr. Singerly with any of the resolutions which were adopted by this Convention. In a paper book which he is printing, purporting to be a Journal of the proceedings of this body, he has undertaken to publish, as a part of that Journal, the whole Constitution of the State and the publication of the Governor, and a number of other matters which are no part of the Journal. At this rate of speed, we shall not get any part of the proceedings in Philadelphia printed until after we adjourn next summer.

It cannot but be evident to the mind of any one that there has been no compliance, on the part of the State Printer, with the resolutions of this Convention, and I may add further, that I fear there has been no serious effort to comply with them. It is physically impossible for the printer to print the debates of the Convention at Harrisburg and lay them in printed form on the desks of the members the next morning after they take place.

If the contract, which the chairman of the Committee on Printing states has been sent to the State Printer, be signed and laid before the Convention next Monday, I do not know but that it will be satisfactory to the Convention, and I do not know but I will have obtained everything which I expected to obtain by offering the resolution.

The PRESIDENT. The Chair will state that the Constitution was printed as part of the Journal, by order of the Convention.

Mr. NEWLIN. Mr. President: I desire to state that the Committee on Printing expects to be able to report the new contract with Mr. Singerly by Monday, and

I will take occasion further to suggest to gentlemen of the Convention a simple matter of detail in regard to their files. My attention has been called by the officers of the Convention to the fact that a number of the members of the Convention either lock up their files or take them away. It is impossible that a fresh file shall be put on the desks every morning, unless members leave their files where the officers of the Convention can have access to them.

Mr. HARRY WHITE. Mr. President: I desire to merely state, in confirmation of what the chairman of the Committee on Printing has said, that I had a conversation with the State Printer on this subject, and I know, from statements made to me by that officer, that he is making an industrious effort to oblige the Convention by a speedy execution of his contract. Furthermore, I will state, for the information of the Convention, that the State Printer has adopted a system of printing the propositions submitted in the Convention in regular order, commencing with number one, and so carrying them up. He has thus adopted but one file, changing the original idea of making separate files of the different propositions submitted to the respective committees, and this change has occasioned some little delay.

In view of the statement which has been made by the chairman of the Committee on Printing, and the propriety of some notice to the State Printer on this subject, I move that this resolution be postponed for the present.

The motion was agreed to.

CAPITAL OF INSURANCE COMPANIES.

Mr. M'MURRAY offered the following resolution, which was referred to the Committee on Private Corporations, &c.

Resolved, That the Committee on Private Corporations, &c., be instructed to inquire into the propriety of so amending the Constitution that no fire insurance company shall be incorporated in this State with less than three hundred thousand dollars, *bona fide* paid up capital, (mutual companies excepted,) nor shall any foreign fire insurance company be admitted to do business in this State, unless it shall have at least five hundred thousand dollars *bona fide* cash assets.

FURNISHING THE DEBATES TO COURTS.

Mr. NEWLIN. Mr. President: I offer the following resolution:

Resolved, That the Clerk be instructed to furnish one copy of the Debates of the Convention, in sheets, to each judge of the Supreme Court, to each law judge of the respective courts of common pleas, and to each judge of the respective district courts of the Commonwealth.

MR. NEWLIN. Mr. President: I will state with regard to this resolution that, according to the orders of the Convention as they now stand, each member receives each day only one copy of the Debates, which, of course, he will require for his own use. Several judges have, through various members, requested to be furnished with a copy of the Debates, and it seems to me, inasmuch as we have directed the Clerk to furnish a copy to the Governor and to the heads of departments, and also to members of the Legislature, that it is eminently proper that this courtesy should be shown to the judges of the respective courts.

I would also say that the whole number of copies required by this resolution will not exceed sixty, and I trust the Convention will adopt this resolution.

MR. DALLAS. Mr. President: I can see no objection whatever to the resolution offered by the gentleman from Philadelphia, (Mr. Newlin,) except that this Convention, which should have important business before it, it seems to me, is spending entirely too much time in the consideration of questions of this character, which are continually coming before the Convention. Every day some new class of people, equally entitled to the consideration of this Convention, will, through some delegate on this floor, make a similar application. For this reason I now move to amend, by requesting the Printing Committee to consider and report what persons, if any, other than delegates, should receive the Debates of the Convention.

MR. NEWLIN. I will accept the amendment as a modification of my resolution.

MR. HAY. Mr. President: It seemed to me, when the Committee on Printing made their report, giving but one copy of the Debates, daily, to each member of this Convention, that they had not reported enough to answer the necessary purposes. They seemed to contemplate that when they had reported in favor of furnishing each newspaper in the State with a copy of the daily Debates, that there was no further necessity for the members having more than one copy. It must be apparent to all that it is exceed-

ingly desirable that each member of the Convention should have more than one copy, in order that he may be able to distribute them to such of his constituents as desire to be kept informed upon the subjects before the Convention. The full reports, it seems to me, should be distributed throughout the different counties of the State, and I hope the Committee on Printing, if they re-consider this subject, will report in favor of the distribution to each member of an additional number of copies.

The question being upon the resolution of Mr. Newlin, as modified by Mr. Dallas, it was agreed to.

LEAVE OF ABSENCE.

MR. BEEBE offered the following resolution:

Resolved, That it is the sense of this Convention that no application for leave of absence shall be made without reason given therefor.

MR. STANTON. I move to lay the resolution on the table.

The motion was agreed to.

ROLL CALL.

MR. MANN offered the following resolution, which was twice read:

Resolved, That it is the sense of this Convention that the roll shall be called each morning before the Journal is read.

MR. WOODWARD. Mr. President: I hope that resolution will not be adopted. I call the attention of the Convention to the fact that I offered, at Harrisburg, a rule upon this subject, which contemplated the same object which the resolution has in view, with a very important addition, namely: The publication of the names of absentees in two daily papers.

Now, sir, I wish to get that rule before the Convention. I understand the Chair has ruled it out of order for the present, but I suppose it will be in order for me to move that the Convention take up and consider that rule after we have got through with the resolutions, if we ever do get through with them. I hope the subject will not be embarrassed by such a resolution as the one which is now offered.

I move to lay the resolution upon the table.

The motion was agreed to.

MR. BUCKALEW. Mr. President: If it is in order, I move that we proceed to the further consideration of the resolution which was pending at the time the Convention adjourned yesterday.

The PRESIDENT. It is not at present in order. The order of the second reading of resolutions has not yet been reached.

Mr. WOODWARD. In the "order of business" there is no time fixed for considering new rules. When will it be in order for me to move to take up that additional rule?

The PRESIDENT. It will be in order in a very few minutes, if there are no more original resolutions.

LEAVE OF ABSENCE.

Mr. DUNNING. I desire to ask leave of absence, at this time, for Mr. Mott for a few days.

Leave was granted.

REPORTS OF STANDING COMMITTEES.

The PRESIDENT. Reports of standing committees are now in order.

PAY OF OFFICERS AND EMPLOYEES.

Mr. HAY. Mr. President: I am instructed by the Committee on Accounts and Expenditures of the Convention to make the following report:

The CLERK read as follows:

The Committee on Accounts and Expenditures of the Convention respectfully report:

That it has had under consideration the resolution, adopted by the Convention on the sixteenth of January, directing to be reported a resolution for the payment of such proportion of the pay of clerks and officers of the Convention as the committee might deem proper; and that, in its opinion, it would be proper at this time to pay the clerks and other officers twenty per cent. of the compensation fixed by the Convention.

The committee further reports that, for the proper keeping and protection of the hall and property used by the Convention, it is necessary that a number of persons shall be employed, whose services shall be paid for at least weekly, and that for their payment, and for the payment of other necessary contingent expenses of taking care of the hall and property, and for the payment of subordinate employees of the Convention, it seems necessary that there should be placed in the hands of some proper person a moderate sum of money, to be disbursed as occasion may require; and that, in the opinion of the committee, no other channel of disbursement for these purposes is so appropriate as the House Committee of the Convention, which has the supervision of the

matters referred to. Unless some such action as this is taken numerous petty warrants will have to be drawn, by which the labors of the committee and of the President and Clerk of the Convention will be unnecessarily increased.

Your committee therefore report the following resolutions:

Resolved, That warrants be drawn for the payment of the Clerks and other officers of the Convention, as intimated in the above report as proper to be paid to them respectively.

Resolved, That a warrant be drawn for the payment to John E. Addicks, chairman of the House Committee, of the sum of \$1,000, to be expended in the payment of persons employed in taking care of the hall and property used by the Convention—the janitors, firemen and pages appointed by the Chief Clerk, under the authority of the Convention, and the necessary contingent expenses of the proper care of the hall and property—to be accounted for, as may be required, to the Committee on Accounts.

The first resolution was read twice and agreed to.

The PRESIDENT. The question is upon the adoption of the second resolution.

Mr. JOSEPH BAILY. Mr. President: I think that every person entrusted with the expenditure of public money should be under bonds. None of us know how many persons are employed here to take care of the hall. We propose now to place in the hands of one of our colleagues the sum of \$1,000, and give him a *carte blanche* to expend that money as he wishes. I think that it is very wrong to open the door for the expenditure of this money. I have drawn up a proposition of my own, which I will read for the information of the Convention:

Resolved, That the Clerk of this Convention be required to execute a bond in favor of the Commonwealth, in the penal sum of six thousand dollars, with good securities, conditioned upon the faithful performance of his duties as Clerk, and for the faithful expenditure of any public money with which he may be entrusted, by order of the Convention; and that it shall be his duty to pay the employees of this Convention such compensation as may be ordered by the Convention, his accounts to be settled monthly by the Committee on Accounts and Expenditures.

The PRESIDENT. Does the gentleman offer that as an amendment?

Mr. JOS. BAILY. I offer that as an amendment to the resolution presented by the Committee on Accounts and Expenditures. In doing this I wish to say I have no feeling whatever in the matter, except one of propriety for the Commonwealth. The gentleman named in the resolution of the Committee on Accounts is a most honorable and competent gentleman; but as a matter of business propriety we ought to adhere to the rule of doing exactly what is correct in a matter of this kind.

Mr. HAY. It certainly cannot be expected, as is contemplated by the terms of the amendment to this resolution, that this Convention should go into the business of fixing the compensation of the persons who are employed to clean this hall, and the persons employed to attend to the various subordinate duties incidental to the proper care of the building. Nor do I think it advisable that the time of this Convention should be taken up in the discussion of such petty matters. To the Committee on Accounts it has seemed proper that some person should be entrusted with a discretionary power to employ such persons as may be necessary to take care of this property, and to make the necessary petty purchases that may be necessary for the same purpose. It has seemed to the same committee that no one was more responsible and proper to be entrusted with matters of that kind than the chairman of the House Committee. That committee was appointed to supervise and control the employees whose compensation it is proposed to cover by this warrant. If some such resolution as this is not adopted, warrants will have to be drawn by the hundred weekly for the payment of the individuals mentioned, as they must be paid weekly; and, besides that, all the purchases which it is necessary to make in the city must remain unpaid for a considerable time, unless some such plan as this is adopted.

Mr. TEMPLE. I, for one, am in favor of adopting the report of the chairman of the Committee on Accounts. The only objection I have to it is this: I am not sure that the Convention is advised as to how many officers or other employees there are employed outside of those elected by the Convention. I think there ought to be some information furnished to the Convention as to the number of such employees, or of those who are to be paid by the chairman of the House Committee—my friend Mr. Addicks—if he should have

that responsibility placed in his hands. I do not think Mr. Addicks would feel like assuming the responsibility of paying all persons who might come to him for compensation for services. I have been here every day but one of the session, and I have not yet become acquainted with the facts as to the number of employees actually engaged in the service of this Convention.

I believe that the Chief Clerk was to have employed some persons. I think that before this matter of the warrant is put into shape there ought to be some information from the Chief Clerk as to how many persons have been so employed, and information ought to be had from the proper committee as to the number of persons employed, either by the Convention or anybody for it. In the present condition of the matter we cannot tell but what the whole thousand dollars called for may be consumed in perhaps a week or two.

In this connection I will state that so far as leaving the disposition of the money to the Chief Clerk or to the chairman of the Committee on House, I have no doubt that it will be well taken care of in either case, and I would just as soon leave it in the hands of the Chief Clerk without a bond as in those of Mr. Addicks without a bond. With or without a bond in either case the money will be all right, but we ought to have some definite information as to the number of people who are employed.

I therefore move that the matter be postponed until the information of which I speak is submitted to the Convention.

The question being upon the postponement of the resolution, it was not agreed to.

Mr. HAY. I think it is entirely proper that the matter should be entrusted to the chairman of the House Committee. I desire to say here that before the Committee on Accounts came to the conclusion to recommend the placing of this matter in the hands of the chairman of the House Committee, they had an interview with that gentleman, in which he expressed the greatest reluctance to assume so grave a responsibility, but the Committee on Accounts thought, that under all the circumstances it was the proper course for them to recommend. The chairman of the House Committee (Mr. Addicks) was a gentleman who, on behalf of the city of Philadelphia, had had the main responsibility of preparing this hall for

the reception and accommodation of this Convention, and the exceedingly efficient manner in which his duties in that capacity have been discharged is well known to every member of this body. As chairman of the House Committee of this Convention he has had the principle charge of the employees and subordinates whom the report and resolution, submitted by the Committee on Accounts, are intended to cover.

With regard to the number of employees in the service of the Convention, that number, so far as the Convention, directly, is concerned, was fixed by itself. Of course the Convention has not gone into a detailed analysis of the question of how many persons are needed to sweep out this hall and attend to the cleanliness of the committee rooms; nor do I suppose the members desire to do so.

MR. ADDICKS. Mr. President: I desire to make a few remarks on this subject, in addition to what the chairman of the Committee on Accounts has stated. When the idea was first suggested that I should take charge of this matter I explained that I felt exceedingly reluctant about it; and it was only after seeing that the Committee on Accounts were very desirous that I should take charge of it that I consented, subject to the wishes of the Convention to do so.

As to the number of employees who are employed here outside of those duly elected by the Convention, it has been the intention of the House Committee to make out and submit to the Convention a list of those actually engaged in the service of this body; but, unfortunately, we cannot get at any data as to how many persons the Convention authorized to be employed, for the reason that all the resolutions, reports and Journals are in the hands of the printer; so that the information on that subject must await the arrival of the printer's work. When the House Committee is placed in possession of the result of the printer's labors, a report will be submitted to the Convention embodying all information on this subject.

MR. TEMPLE. I desire to ask the chairman of the Committee on Accounts whether he is now ready to state the number of persons employed, either under the direct order of the Convention or under the supervision of the Chief Clerk. If not able to make this report just now, I would like to know when the Convention may expect it. I do not think we can intelligently vote to place this matter

in the hands of any individual until we know how many persons are employed in and about this building, and what compensation they are to receive. We do not know how many firemen have been appointed, nor how many of any other persons there are. I do not think my friend Mr. Addicks would want to take that responsibility without some definite information as to the particulars of which I speak, and he has told the Convention that he cannot ascertain the particulars until the printing is brought in. I do not, of course, in these remarks desire, in any manner, to impute anything improper to anybody. I believe everything is working along nicely, and as it ought to do; but we certainly ought to know how many persons there are employed by this body. When that information is had we can vote to place the matter under consideration in the hands either of Mr. Addicks or the Chief Clerk, as may be desired.

MR. NEWLIN. Mr. President: In view of the great length of time which the Convention takes to discuss very trivial matters pertaining to the duties of the Printing Committee and the Committee on Accounts, I would suggest that perhaps it would be well to dispense with these committees, and when anything comes up relating to the matters which these committees now attend to let the Convention resolve itself into committee of the whole and consider it.

MR. J. PRICE WETHERILL. I know no better reason going to show the impropriety of the movement contemplated by the report of the Committee on Accounts than that given by the chairman of the House Committee himself (Mr. Addicks.) He is fully alive to the disagreeable nature of the duty which the Committee on Accounts would put upon him. It seems to me to be very unfair, perhaps unkind, for this Convention to impose any such duty upon a member of this body. Just think of our drawing a warrant for \$1,000, placing it in the hands of one of our own members, who is expected to pay it out in small, very small, sums, and to take receipts and vouchers for these petty amounts, and present himself regularly before the Committee on Accounts for its approval of these vouchers and of his conduct. It is asking entirely too much of a fellow-member that he will do all these things.

It seems to me, sir, that the Clerk is the proper person to attend to such duties,

and that he should attend to it, and *not* a member of this body. We can demand of him a bond, and demand of him the proper vouchers, and hold him in every way responsible for the performance of the work. I doubt very much whether it is at all proper for anybody but the Clerk of the Convention to attend to such details of duty as this resolution and report treat of. That being the case, I deem it unfair, to say the least, that we should saddle any member of our own body with the duties of a Clerk of this Convention.

Mr. HAY. It is entirely immaterial to the Committee on Accounts in whose hands the work is placed, provided it be placed in some responsible hands. Their only anxiety is to have some person in charge of it who will well attend to it.

Mr. HARRY WHITE. Mr. President: I wish to make merely a remark or two on this matter. I do not conceive it to be all that is comprehended in this matter that the money should be merely disbursed, but that it be disbursed carefully and properly. With regard to the inquiry coming from one gentleman as to how many persons have been employed by the Chief Clerk, I would say for him that the Clerk has appointed nobody except those whom he had authority to appoint. He appointed a fireman, as he was authorized to do; and a janitor, which he was authorized to do; and some pages, which he was authorized to employ by resolution of the Convention; nothing further.

While I am up I will say that I entirely agree with the remarks of the gentleman from Philadelphia, (Mr. Wetherill,) and that I have the fullest confidence in the integrity and competency of the Chief Clerk, as of course, I have also in the chairman of the House Committee.

It is the custom of all deliberative bodies of this kind to appoint a disbursing officer, to whom they can look for the performance of this duty, and hold responsible if he should prove derelict in the discharge of the same. The resolution of the gentleman from Perry (Mr. Joseph Baily) embraces the idea of requiring the Clerk of the Convention to execute a bond, which is to be approved by the Committee on Accounts, and the funds that come into his hands are to be disposed of in accordance with the terms of the bond, and under his oath, and an account rendered to this committee, who are to report promptly to this body. This is certainly

the regular business way in which to transact this matter.

Mr. JOSEPH BAILY. I named \$6,000 in the resolution as the amount of the penalty, having been under the impression that the Clerk would not be entrusted with more than two or three thousand dollars, for disbursement, at any one time, but this amount can be increased if the Convention deems it necessary.

The question being taken on the amendment, it was agreed to.

The question recurring on the adoption of the resolution, as amended, it was agreed to.

MINORITY REPORT OF THE COMMITTEE ON THE LEGISLATURE.

Mr. NILES. I am directed by the minority of the Committee on the Legislature to submit their minority report, and to request that its reading be dispensed with, at this time, and that it be printed, with the majority report from the same committee, for the use of the Convention.

The question being taken on the suspension of the reading of the report, it was agreed to.

The report is as follows:

To the President and Members of the Constitutional Convention:

GENTLEMEN:—We, the undersigned, members of the Committee on the Legislature, respectfully dissent from the majority report of said committee, so far as relates to biennial sessions of the Legislature.

Their report radically changes the time of meeting of the law-making power of the State as it has existed since the formation of the State government. It is contrary to the policy pursued by a large majority of our sister States, the Legislatures of twenty-three of them holding their sessions annually. In our opinion there are many reasons why our Legislature should meet annually that do not apply to other States. No State in the Union has so great and diversified interests as has Pennsylvania. Ohio, Indiana and Illinois have been cited as instances whose Legislatures meet only once in two years. Those States in the main are purely agricultural. General laws can easily be framed to suit the laws of their people. They have none of our coal, iron, oil and a great variety of other interests that are peculiar to Pennsylvania. Ours, as an agricultural State, is second to none of them, besides producing more coal, iron and oil than the whole balance of the

Union, to say nothing of her ten thousand miles of railroads and the manufacturing and commercial interests of Philadelphia, Pittsburg and other great and rapidly growing cities of the Commonwealth. If it were necessary formerly to hold annual sessions, when we had a population of three hundred thousand, is it not quite as necessary when we have a population of nearly four millions?

It may be answered that when local and special legislation is prevented by constitutional enactment the work of the Legislature will be greatly reduced, and there will then be no necessity of meeting oftener than once in every two years. Suppose local legislation is prohibited, the wants of the people will remain the same. What they now obtain by special they will then require by general law. We take it for granted that local and special legislation will be prohibited by this Convention. When our work shall have been ratified by the people, what will then be our condition?

There are but few general laws in the State under and in pursuance of which a dollar can safely be invested in any of our great material interests. True, we have an act that is called a "general railroad law," but under it not a dollar has ever been invested, not a foot of road has ever been built, nor do we believe there ever will be. Its provisions are so clogged with limitations and conditions that it beautifully illustrates the doctrine of "how not to do it." Then we have a general mining and manufacturing law, but it seems to have been drawn with a view of preventing persons of small capital from accepting its provisions; so far as your committee know, it has remained practically a dead letter upon the statutes of the State. Heretofore men of small means, when they have associated themselves together for the purpose of pursuing any kind of business, have generally gone to the Legislature for a grant for doing the same. In the future everything will be done by general law. No special privileges are to be granted. Can any member of this committee tell how long it will take to devise general laws that will subserve the interests of our four millions of people, and effectually develop our agricultural, lumber, coal, iron, oil, railroad, commercial and manufacturing, and the great variety of other interests that are peculiar to our people and State, and which need the aid of the law-making power for their development and protec-

tion? No man to-day can tell what will be our needs in the future; and if the Legislature is prohibited from the enactment of local and special laws, there will be a greater need of annual sessions than heretofore. If the report of the committee in regard to *biennial* sessions is adopted, we will find ourselves in the condition of having prohibited the Legislature from giving us any special relief, and then, by constitutional enactment, of having prevented that body from aiding us by general law oftener than once in two years.

All of which is respectfully submitted.

JEROME B. NILES,
D. N. WHITE,
GEO. F. HORTON.

January 15, 1873.

ADDITIONAL RULE.

MR. WOODWARD. I now move that the Convention proceed to the consideration of the resolution which I submitted at Harrisburg, for the addition of another rule to the rules of the Convention.

The motion was agreed to.

MR. BUCKALEW. Mr. President: I rise to a point of order. It is, that the resolution relative to adjournment, offered yesterday, takes precedence. A short time since I made a motion to proceed to its consideration, but the Chair informed me that it was not then in order. A resolution upon which the Convention has not made any progress is certainly not in order.

MR. WOODWARD. I submit to the Chair, that the resolution I refer to is not new matter, and that it takes precedence over the resolution to which the gentleman alludes. It was referred to during the proceedings this morning, and prior to any mention of this resolution of adjournment.

THE PRESIDENT. The Chair was obliged to give the floor to Mr. Woodward, as he was the first gentlemen to rise. He made a motion, which was perfectly in order, and the Chair could not refuse to receive it; but at the same time I will venture to observe that what he predicted at Harrisburg, when the Convention over-ruled him, and made it his absolute duty to adjourn the Convention at a particular hour, is here happening almost daily. He would suggest, for the present, that by unanimous consent a motion may be made to extend the time of the session of the Convention to-day.

Mr. HARRY WHITE. I ask the unanimous consent of the Convention to make the motion suggested by the Chair.

The Convention refused to give its consent.

The PRESIDENT. The Chair is compelled to observe, further, that the resolution referred to by the gentleman, (Mr. Woodward,) and now before the Convention, is one that can be acted upon just as well on Monday as to-day. It is not a matter of immediate importance. The resolution relative to adjournment, unless acted upon to-day, cannot be substantially acted upon at all.

Mr. WOODWARD. I then move, with the consent of the Convention, that the consideration of the resolution I offered at Harrisburg be postponed until Monday.

The motion was agreed to.

QUESTION OF ADJOURNMENT.

Mr. BUCKALEW. I now move that the Convention proceed to the consideration of the resolution relative to adjournment, offered yesterday.

The motion was agreed to.

The Clerk read the resolution, as amended, as follows :

Resolved, That when this Convention adjourns to-day, it will adjourn to meet on Wednesday, at one o'clock P. M.

Mr. LAWRENCE. I move to amend the resolution, by striking out "Wednesday," and inserting "Monday, at twelve o'clock M."

The PRESIDENT. The motion is not in order.

Mr. LAWRENCE. I then move to lay the resolution on the table.

The yeas and nays were required by Mr. Corbett and Mr. Baer, and were as follow, viz :

YEAS.

Messrs. Andrews, Baer, Baily, (Perry,) Beebe, Bowman, Campbell, Carter, Church, Collins, Corbett, Craig, Curry, Dallas, Darlington, De France, Dimmick, Dodd, Edwards, Elliott, Ewing, Fell, Guthrie, Hay, Hazzard, Hopkins, Howard, Knight, Landis, Lawrence, Littleton, M'Allister, M'Clean, M'Connell, M'Murray, Mann, Mantor, Newlin, Niles, Patton, Purviance, Samuel A., Read, Andrew, Smith, W. H., Temple, Turrell, Walker, Wetherill, Jno. Price, Wherry, White, J. W. F., and Meredith—*President*—49.

NAYS.

Messrs. Achenbach, Addicks. Alricks, Baker, Barclay, Bartholomew, Black, J.

S., Boyd, Buckalew, Curtin, Cuyler, Davis, Dunning, Ellis, Gibson, Heverin, Horton, Mott, Purman, Reynolds, James L., Simpson, Smith, Henry W., Stanton, White, Harry, Woodward and Worrell—26.

So the motion was agreed to.

ABSENT OR NOT VOTING.—Messrs. Armstrong, Ainey, Bailey, (Huntingdon,) Bannan, Bardsley, Biddle, Black, Charles A., Brodhead, Broomall, Brown, Carey, Cassidy, Clark, Cochran, Corson, Cronmiller, Finney, Fulton, Funck, Gilpin, Gowen, Hall, Hanna, Harvey, Hemphill, Hunsicker, Kaine, Lamberton, Lear, Lilly, Long, M'Camant, M'Culloch, MacVeagh, Metzger, Minor, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Patterson, T. H. B., Porter, Pughe, Purviance, John N., Read, John R., Reynolds, S. H., Rooke, Ross, Runk, Russell, Sharpe, Smith, H. G., Stewart, Struthers, Van Reed, Wetherill, J. M., White, David N. and Wright—58.

PUBLISHING ABSENTEES AT ROLL-CALL.

Mr. WOODWARD. Mr. President: I now move to proceed to the consideration of the resolution providing for a new rule, offered by me at Harrisburg, and which was ordered to lie on the table.

The PRESIDENT. The resolution will be read.

The CLERK read, as follows

Resolved, That the rules be amended, by adding the following, to be rule — :

"That after the reading of the Journal each day the Secretary shall call the roll of members, noting the absentees and publishing their names in two daily newspapers of opposite politics."

Mr. ALRICKS. Mr. President: I desire only to state that I can see very well how it might become necessary for this House to pass a resolution of this kind, if we had not a quorum of members present to transact business; but when there is a majority or a quorum of members present I do not see any necessity for the rule; unless it is for the purpose of putting a penalty upon those who are absent, and as to that I apprehend that no gentleman would be deterred from being present by a resolution of this kind. It might be necessary to call the roll of the House if we have not a quorum here, and in such case the roll should be called; but a resolution such as this will only help the printer, and I do not see why we should adopt it in a deliberative body. It appears to me very much as if we were becoming a house of cor-

rection, desiring to give a bad mark to those who do not attend to their duties. But the passage of the resolution will accomplish nothing, and its defeat cannot do the public harm, inasmuch as a quorum of members will most probably be present on all occasions, and therefore the business of this House will not be interrupted. If we pass this resolution we will only appear discourteous. If any gentleman neglects his duty, when his constituents read over the yeas and nays they will discover that he is absent. I doubt very much whether he will change his course because the roll is called and he is marked as an absentee.

I am very sorry that my friend, the gentleman from Philadelphia, (Mr. Woodward,) who has offered this resolution, has taken this view of the subject. For my part I know that inasmuch as the business of this body will not be interrupted as long as we have a quorum present, there is no necessity for the adoption of this resolution.

MR. CUYLER. Mr. President: I desire to move to amend, by striking out the latter part of the resolution, that is so much as provides for the publication of the names of those who are absent at roll call. It seems to me that a provision of this sort is below the dignity of the House. It is dealing with its members as though they were a set of unruly school-boys, and its operation could only work injustice. Gentlemen are detained by overwhelming and imperative engagements. They are detained by sickness of themselves or of members of their families. If this rule be adopted, and the list of absentees published, the reason of the absence would not reach the public but the penalty would.

I hope, therefore, that the publication will not be approved, and move to amend, by striking out all after the word "absentees."

MR. WOODWARD. Mr. President: I should be very sorry to propose anything that would be unworthy of this body, or that would not command the just views of any gentleman as to what is due to the dignity of this body. And so, as this resolution was intended in good faith, I beg gentlemen to remember that they were sent here in a representative capacity and to perform a high public duty. If they are detained by sickness or other proper cause they can obtain the consent of the Convention to be excused from its sittings by a motion for leave of absence.

If they are not here in the places where their constituents expect them to be, I do not think it is unworthy of the dignity of this Convention to inform their constituents of that fact. The resolution cannot do injustice to any gentleman who is faithful to his public duty, and I conceive that the public should know what representatives do not fulfil theirs. I hope that this part of the resolution will not be stricken out.

I have been informed that there is an impression on the minds of some gentlemen that this additional article or rule will require a vote of two-thirds for its adoption, but I think that is a mistake.

THE PRESIDENT. Yes, sir. It requires only a majority.

MR. WOODWARD. Yes, sir. It is not an alteration or the dispensing with any existing rule; only the addition of a new one.

MR. BOYD. Mr. President: I regret that I am compelled to differ with the mover of this resolution, coming as it does from a source which would necessarily imply that the subject is a question of considerable importance to this body, at least I think that as this resolution will apply to all the members of this Convention, that we should take no action until we have a fuller House. I am aware that considerable complaint has been made here in consequence of the small attendance to-day. But it must be remembered that this is Saturday, and it is the first time that this Convention has ever been in session on that day, and before any action is taken on a matter of so much importance as this, and as we are to pass upon those who are absent, it is no more than courteous on our part that whatever we do decide with regard to this matter, whether it is in the form of a penalty or otherwise, those who are absent should be notified, so that they may be present and be heard, and then, if it is decided against them, they must submit.

Now I do not share, sir, in the opinion expressed so fully in this body, which is by no means creditable to it either, and for one, I am not willing that it shall go out among the people that we are here wasting our time. It seems to have become chronic with some gentlemen to cry out "Let us go to work!" Well, all I have to say, is, let some gentleman, or any number of gentlemen here, go to work, and put in shape the material that has been laid upon the table, fully adequate to make a Constitution for each

State in the Union. It seems to me that every State Constitution in the United States has been examined and copied almost entirely, and sent up as resolutions for adoption by this body. I have not yet, however, heard of a condensed concise statement, or an entire Constitution gathered from these materials. If gentlemen who are not upon committees are impatient for work, let them go to work, get it up and put it before the proper committee.

Now, sir, the committee that I have the honor to be upon is a working committee. We meet generally every day at ten o'clock and sit until twelve. That committee numbers fifteen, and when you have got fifteen giant minds grasping and grappling with each other, it is no small matter to harmonize views. [Laughter.] We do not mean to come in here until we have a report that will hold water, a report that will not be the subject of amendment, for it is intended to be perfection in itself, or nearly so. [Laughter.] Therefore, sir, it is a vain, it is a damaging and a useless clamor to be raising here almost constantly about this Convention not discharging their duty. The attendance upon this Convention, as a general thing, is full. The only dereliction in that respect, that I have noticed, has been on the part of a few gentlemen residing here in the city of Philadelphia, and, perhaps, upon the part of a few who reside in the interior, and get belated at night and cannot possibly get here in time. [Laughter.] But, as a rule, the attendance has been full. This morning was the only occasion when it was found necessary to have a call of

the roll, and the result of that call was that a quorum answered to their names.

I do not think that there is any necessity for a measure of this kind. I believe that when we get reports from the different committees every member of this Convention will feel sufficient interest in the reports of these committees to be in his seat to hear, and to speak, and to vote upon the questions which will then be presented, and until we have something of that kind before us, we have really nothing to do. Why, sir, the Committee on Suffrage made a report this week. The first section has been passed upon without the report having been printed and laid on our desks, and I do not suppose one half of us knew what it was about; and until we have the reports of committees printed and upon our desks when these matters are called up, so as to have the printed report before us and the amendments which are offered alongside of the original propositions, it is utterly impossible for this Convention to be in a working condition.

I say, therefore, that there is no necessity for this unseemly haste that is manifested here. I trust that no action, at least, will be taken on this matter until there is a fuller attendance on the part of the absent delegates.

Mr. President, I move to lay the motion on the table.

Mr. TEMPLE moved to adjourn, on which motion a division was called, resulting forty-five in the affirmative and thirty in the negative, and the Convention adjourned at two o'clock P. M.

TWENTY-FIRST DAY.

MONDAY, January 20, 1873.

The Convention met at twelve M.

The Journal of yesterday was read and approved.

COMMUNICATION FROM THE AUDITOR GENERAL.

The PRESIDENT presented to the Convention a communication from the Auditor General of the Commonwealth of Pennsylvania, giving, so far as practicable, the information called for by the resolution of this Convention, of date January 14th, instant, relating to the railroads and railroad corporations of Pennsylvania.

INTOXICATING LIQUORS.

Mr. PATTON presented to the Convention a petition from citizens of Bradford county, Pa., requesting such action as will prohibit or limit the manufacture and sale of alcoholic liquors as beverages, which was referred to the Committee on Legislation.

THE JUDICIAL SYSTEM.

Mr. BRODHEAD presented to the Convention a memorial from the members of the bar of Northampton county, Pa., relating to the judicial system of the Commonwealth, and suggesting amendments thereto, which was referred to the Committee on Judiciary.

EMPLOYEES OF THE CONVENTION.

Mr. JOSEPH BAILY offered the following resolution, which was read :

Resolved, That the Clerk be directed to report to the President, to be laid before this Convention, the number, name, duty and compensation of all persons employed or engaged in any service connected with the Convention, and by whom appointed, other than those elected by the Convention.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

The resolution was then agreed to.

SINE DIE ADJOURNMENT.

Mr. HORTON. I offer the following resolution, and ask that it may be read and laid on the table for one week :

Resolved, That this Convention meet on the twenty-second of February next, and listen to the reading, by the Clerk, of the farewell address of Washington and the emancipation proclamation of President Lincoln, and on that day agree upon the time when the Convention will adjourn *sine die*.

The resolution was ordered to be laid on the table.

REPORT OF THE COMMITTEE ON THE LEGISLATURE.

Mr. DODD offered the following resolution, which was twice read, considered and agreed to :

Resolved, That the Sergeant-at-Arms be directed to place on the tables of members the printed reports of the Committee on the Legislature now in his possession.

MINISTERS OF THE GOSPEL.

Mr. BAER offered the following resolution, which was read and referred to the Committee on the Militia :

WHEREAS, The Christian church is a divine institution, and the priests and ministers ordained and set apart for the care of souls :

And whereas, The duties of political and military offices are inconsistent with the high and holy duties of the ministry ; therefore,

Resolved, That all priests and ministers of the Gospel of our Lord and Savior Jesus Christ are exempt from military duty, both in times of war and times of peace ; and they are ineligible to hold a seat in the General Assembly of this Commonwealth or a military commission in this State.

READING RAILROAD MONOPOLY.

Mr. CAMPBELL offered the following resolution, which was read and referred to the Committee on Railroads and Canals :

Resolved, That the Committee on Railroads and Canals consider whether the best means of preventing the immense mining and coal monopoly now threatened by the Reading railroad company and other corporations, would not be to totally prohibit any railroad or canal cor-

poration from ever leasing, purchasing or holding, either directly or indirectly, any coal or mining lands in this Commonwealth, or from ever being engaged or interested in or carrying on any other business than that of common carriers, &c.

MECHANICS' LIENS.

Mr. HOWARD offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Committee on Legislation be requested to examine and report upon the propriety of prohibiting liens of mechanics and material men in all cases except for work, labor and material used and employed in the construction of new buildings.

LEAVE OF ABSENCE.

Mr. J. S. BLACK asked and obtained leave of absence for Judge Woodward for a few days.

Mr. NEWLIN asked and obtained leave of absence for Mr. Addicks until Wednesday next.

Mr. TURRELL asked and obtained leave of absence for Mr. Davis, of Monroe, for the residue of this week, on account of the death of his brother.

FURNISHING THE DEBATES TO COURTS.

Mr. NEWLIN. Mr. President: By direction of the Committee on Printing I respectfully submit the following report:
To the Constitutional Convention:

The Committee on Printing and Binding, to whom was referred the following:

"Resolved, That the Committee on Printing be requested to consider and report what persons and institutions other than members of this Convention should receive its Debates,"

Having considered the same, respectfully report the annexed resolution, and recommend its passage.

JAMES W. M. NEWLIN,
Chairman.

Resolved, That B. Singerly, who is printing the Debates of the Convention, send copies thereof, in sheets, to each judge of the Supreme Court, and each law judge of the respective courts of common pleas, and each judge of the respective district courts in this Commonwealth, and to such public libraries as shall make application therefor: *Provided*, That not more than one hundred copies in sheets be distributed under the express order of the Convention.

The question being taken on the second reading and consideration of the resolution,

a division was called, and it was agreed to. Ayes forty-two; noes seventeen.

Mr. NEWLIN. The Convention will understand that this resolution is offered in obedience to instructions given to the Committee on Printing to make a report in regard to the subject. This resolution is our report, and I hope the Convention will act upon it at once, so that the committee can report and the Convention act upon the contract made with the State Printer. I am free to say, however, that I am totally indifferent whether the reported resolution is adopted or not.

The question being taken on the resolution, less than a majority of a quorum voting in the affirmative, it was not agreed to.

REPORT OF THE COMMITTEE ON PRINTING.

Mr. NEWLIN. Mr. President: I also offer the following report of the Committee on Printing:

To the Constitutional Convention:

The Committee on Printing and Binding, to whom was referred the following:

"Resolved, That the Committee on Printing be instructed to make arrangements with the State Printer to do all the printing and binding of the Convention: *Provided*, He will agree to do it in such time and manner as the Convention may direct, and on the terms of his present contract with the State, and that the publication of the Journal and of the Debates shall be in volumes of octavo size," respectfully report:

That they have made the annexed contract with the State Printer, Benjamin Singerly, and recommend its adoption by the Convention.

JAMES W. M. NEWLIN,
Chairman.

THE CONTRACT OF THE PRINTER.

These presents witness: That whereas, the Convention to amend the Constitution of the State of Pennsylvania did, on the eighth day of January, A. D., 1873, pass the following resolution, viz:

"Resolved, That the Committee on Printing be instructed to make arrangements with the State Printer to do all the printing and binding of the Convention: *Provided*, He will agree to do it in such time and manner as the Convention may direct, and on the terms of his present contract with the State, and that the publication of the Journal and of the Debates shall be in volumes of octavo size."

Now I, Benjamin SINGERLY, the State Printer aforesaid, do by these presents covenant and agree to and with the Commonwealth of Pennsylvania, to do all the printing and binding of the said Convention; and I further do bind myself by these presents to the Commonwealth aforesaid that I will execute the said printing for the Debates and Journal, and such other printing as may be ordered, in such form and in such type, and to furnish and bind such number of copies as may be ordered, and that I will execute such orders in the premises as may be given me by the Convention or the Committee on Printing and Binding thereof; and that all the said printing and binding shall be done and executed on the same terms and in the same manner as now provided by my existing contract with the State of Pennsylvania. And I further covenant and agree with the said Commonwealth that if I fail to perform this contract to the satisfaction of the Convention they may, by an order of the Convention, direct printing to be done at my expense, or may annul the contract. Witness my hand and seal this twentieth day of January, A. D. 1873.

B. SINGERLY.

Sealed and delivered in the presence of

JAMES W. M. NEWLIN.

I, James R. Walker, do hereby bind myself, my heirs, executors and administrators, to be responsible to the Commonwealth of Pennsylvania for the faithful performance of the above contract by the above named Benjamin SINGERLY. Witness my hand and seal this twentieth day of January, 1873.

JAMES R. WALKER.

Sealed and delivered in the presence of

E. P. IRELAND.

Mr. NEWLIN. I move that the report of the Committee be adopted and the contract approved.

The motion was agreed to.

THE SPRING ELECTIONS.

The PRESIDENT. The second section of the report of the Committee on Suffrage was under consideration and amendment when the House last adjourned. The section will be read for information.

The CLERK. "All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February."

The PRESIDENT. To this Mr. Broomall, of Delaware, moved an amendment, which will also be read.

The CLERK. "Provided, That the Legislature may, by law, fix another day for any county or city, the same being uniform throughout such county or city."

The PRESIDENT. The question is on the amendment.

Mr. SIMPSON. Mr. President: I trust that this amendment will receive the approval of the House. It is confessed that the question is not one of principle. It is merely a question of expediency, and with a desire to have a uniform day upon which to hold the elections in this Commonwealth. The committee have reported in favor of having a spring election upon a particular day. This day, confessedly, is not satisfactory to large numbers of the people of this Commonwealth. In certain localities it will not at all, so far as suiting the convenience of the people is concerned. In other sections the day may be suitable to their convenience. There being then no question of principle involved, and a question of expediency alone being the question to rule and govern, why should the irrevocable law of this Commonwealth, the Constitution of the State, fix a day so determined that it could never be changed by any power except by the power of the whole State, either in Convention or by an amendment to the Constitution?

We have already determined, in the first section, that the Legislature shall, by a particular vote, have the power to change the day of the general election. We have passed upon that, and why shall we fix an irrevocable day for an election, less in importance than that of the general election? It has been said here, that one argument in favor of fixing the day of the general election, as provided in the first section, was to prevent the importation of voters from other States to vote at our elections. If you fix a spring election for the election of municipal officers of our large cities of the Commonwealth, in Philadelphia, in Allegheny, in Pittsburg and, prospectively, in other large cities that are growing up in this Commonwealth there will be the same opportunity for the importation of voters to rule the municipalities that there has heretofore been our general elections. Therefore, I hold that the power ought to be vested in the Legislature to confer upon the people of a county or of a city, as the case may be, the right to determine any other day, if the convenience warrants it so being done.

And what harm can accrue? If the people of Philadelphia, or of Pittsburg, or of Montgomery or Allegheny, or any county or city in this Commonwealth, determine a day of holding their spring election, most acceptable and convenient for themselves, are you afraid to trust them with that power? Is this Convention afraid to say to the people of any county of this Commonwealth: "You are under our guardianship, and you shall not determine the day that may be most convenient and most acceptable to you for holding the election of your minor petty officers?" If you adopt the section as it is generally proposed, without the amendment offered by the gentleman from Delaware, (Mr. Broomall,) you come to that conclusion. You fix, in the irrevocable law of the State, that law which can only be changed by amendment of the Constitution, or by another Constitutional Convention, called by the vote of the people, the determination of the spring election, while you give to the Legislature the power to change that which is far more important, the day of the general election throughout the Commonwealth.

Why this distinction, this invidious distinction? Why give such importance to the smaller election, that you deny to the larger and more important one. It seems to me that the amendment of the gentleman from Delaware (Mr. Broomall) ought to commend itself to the judgment of every member of this House, and that we should, while we fix in the Constitution a day for holding this election, give to the people of the respective localities of the Commonwealth the right to change to another day, if in their wisdom, and in their wish, they shall desire to put it on a day more acceptable to them, their wants and their business.

There is no wrong or harm done in this; who will be injured by it? Suppose the people of Pittsburg find that May will suit them better than February, and by a unanimous vote they determine to change to that day; if you give them the power to do so, what harm is done by that to any other county of the Commonwealth? Suppose the people of Montgomery desire to have their municipal election in March instead of February, and by a large and overwhelming vote they shall fix that time, what harm will there be in that to any other county in this Commonwealth? Suppose the people of Philadelphia desire to have it on some other day, what harm results to the Commonwealth? They have

to pay the expenses of these elections. Are you afraid to trust the people of this community to regulate their affairs for themselves? Vote down this amendment, and you say to the several counties of this State: "You cannot be trusted; you must be under guardianship, and the State must determine for you that which is best for your own interests."

I trust this House will adopt the amendment of the gentleman from Delaware (Mr. Broomall.)

Mr. ANDREW REED. Mr. President: I offer the following amendment:

Mr. SIMPSON. Mr. President: I rise to a point of order. There are already two amendments before the Convention. The amendment of the gentleman from Delaware (Mr. Broomall) is an amendment to my own, which is pending.

The PRESIDENT. The Chair is of opinion that the amendment of the gentleman from Philadelphia (Mr. Simpson) to the amendment of the gentleman from Delaware (Mr. Broomall) was negatived.

Mr. SIMPSON. Mr. President: My motion was not voted on, and if the amendment of the gentleman from Delaware (Mr. Broomall) is voted down, I shall insist on my amendment.

The PRESIDENT. The Clerk will refer to the Journal in order to settle the difficulty.

The CLERK. A motion was made by Mr. Simpson, to further amend the same, by adding the following proviso, viz:

Resolved, That cities may, when authorized by law, change the time for holding the election for municipal officers by a vote of the people at the next general election.

Which was not agreed to.

Mr. SIMPSON. Mr. President: The Journal is certainly in error, for I intended to call the ayes and nays on the question. The gentleman from Delaware (Mr. Broomall) was willing to withdraw his amendment for the purpose of introducing mine, but I objected because I wished to vote upon his amendment if my own failed. No vote was taken upon my amendment, sir, and the Journal is undoubtedly in error.

The PRESIDENT. The amendment will be read.

The CLERK. "Provided, That the Legislature may by law fix any other day for any county or city, the same being uniform throughout such county or city."

The PRESIDENT. The question is upon the amendment.

Mr. CAMPBELL. Mr. President: Having advocated the passage of this section in the Committee on Suffrage, and having inserted the word "city" in the section, I feel anxious that this Convention, if they propose to vote on the matter, should vote this amendment down, as it eminently affects the city of Philadelphia, which, under the present system, has no spring election. It is important to state, for the information of this Convention, that it seems to be the pretty general wish of the people of this city to have a different day for their local elections from that on which they vote for State or national officers.

Now on Friday last it was said in debate by the gentleman from Philadelphia, (Mr. J. Price Wetherill,) especially, that the people of Philadelphia did not want another day on which to hold their municipal elections. Now I wish merely to call the attention of the House to a few short extracts from the newspapers of Philadelphia, published since we had the debate in this House on Thursday last. On Thursday evening, the *Bulletin*, a party organ, came out in a long leader favoring the holding of the election for municipal officers in the spring. On the Saturday following (last Saturday) the *Philadelphia Ledger* contained an article to the same effect. That article, which is very short, and will not occupy much time, I will read.

"While the subject of elections is before the Constitutional Convention, it is pertinent to say that there are two points concerning which the Convention can do a great service to the city of Philadelphia, while doing exact justice to the rest of the Commonwealth. The first can be accomplished by placing the city under the same election laws as apply to all the rest of the State. This will release the city from the curse of the special election laws, from which we now suffer, and rid us of the board of aldermen, and the scandalous election officers they select, who alter and fabricate returns so as to award election certificates to whoever they please, regardless of the votes cast. The other is to separate the municipal elections from the general elections. So far as this city is concerned, the only material objection to this is the alleged extra expense of two elections instead of one. If we get rid of the aldermen and their canvassers, the two elections can be held for what it costs to hold one at present. But even if it should cost double the increased expense

would be insignificant compared with the saving, by getting rid of the kind of men who manage to get into office now as bob-tails to the party kites at general elections."

So in yesterday's *Sunday Dispatch*, which represents the feelings of a large number of the citizens of Philadelphia, there is a similar article, from which I will also read a short extract. It is as follows:

"The effect of limiting us to a single election must be to mix up municipal with State and sometimes with federal politics, and render our domestic interests entirely subject to the prevailing passions and interests of the great parties. If we have a separate municipal election we shall emancipate the voters in their choice of local officers from considering whether this good man is in favor of a certain other man for Governor or another man for President, and measuring his fitness and honesty to do our work by his opinions upon a matter of no consequence whatever in the management of our own affairs. Whether we have salaried officers or not in the State House row; whether "rings" make the nominations or not for the dominant parties, every citizen will at least have a chance to act with some independence at a local election. Mr. Wetherill, as we think, does not represent the sentiment of Philadelphia in his views upon this subject."

And again:

"Under this law our elections"—that is, the election law granting spring elections in 1854—"under this law our elections were conducted to the perfect satisfaction of our citizens until 1861, when, on the twenty-first of March, the time of the municipal elections was changed from May until October. Mr. Simpson assumes that this alteration was made in accordance with public sentiment manifested to the Legislature. Such is not the fact. The law was altered in order to keep in office from six to eight months beyond their terms certain city officers, whose times were extended by the act itself, who were fearful that they could not obtain re-nomination, and who were perfectly willing to put several thousand dollars more in their pockets than they would have had if the May election had been held. The cost of the spring election is a mere bagatelle in comparison to the cost of a fall election of municipal officers, which is conducted solely in the interests of federal and State politics. A majority of good, honest men, who might be elected to councils at a lo-

cal election solely, would save more to the city in the course of their official administration than would pay for the cost of twenty elections. If the Convention desires to do justice to Philadelphia it will emancipate us from a thralldom which can only be maintained by giving to cliques the advantages which they now have under the single election system."

I also hold in my hand a letter from Mr. William Henry Rawle, a prominent officer of the Municipal Reform association of this city, which is as follows:

710 WALNUT STREET,
PHILADELPHIA, Jan. 18, 1873. }

MY DEAR SIR:—In answer to your inquiry as to the views of the Municipal Reform association on the subject of spring elections, I reply that it was one of the earliest subjects which attracted the attention of the association, and the best evidence of their views will be found in the bill which I now send you, which was presented to the Legislature last winter for this purpose.

Respectfully yours,
WM. HENRY RAWLE.

JOHN H. CAMPBELL.

That act was presented by the Municipal Reform association, representing a large body of voters in this city, asking from the Legislature the privilege of holding our municipal elections at a different time from the elections for State and national officers; and it is a very great argument indeed against the adoption of this amendment of the gentleman from Philadelphia (Mr. Simpson) that the Legislature in that instance refused the people of Philadelphia the right of holding their municipal elections upon a different day.

If the amendment now pending passes what will be the effect? Any city or any county that wishes to have its elections upon a different day must go to the Legislature and have an act passed providing for the holding of their municipal elections upon a certain day. Here is an instance of how the Legislature treats such applications. The very time that the municipalities would want to have their elections held would not be granted by the Legislature, and I, for one, think it is the best thing for this Convention to fix a certain day, whether it be on the third Friday in February, or in March, or in May, or June or any other time, provided it be not too near the general election. It is a matter of indifference to me provided we have a day separate from the day upon

which the national and State elections are held.

I hope this Convention will vote down this amendment, so as to give the people of this State, who are specially interested in this matter, an opportunity of electing their municipal officers free from the control of State and national politics.

MR. ANDREW REED. Mr. President: I offer the following amendment:

"Provided further, That the time so fixed shall not be within two months of the time fixed for the general election."

The adoption of this amendment will have the effect of permitting each county to fix the time that will be best acceptable to it for its elections. There is great force in the argument of the gentleman from Philadelphia (Mr. Simpson.) The officers of each county and of each township concern the people of those counties and those townships only, and not the people of the State. To the people in a lumbering district it may not be suitable to hold an election at a certain time. The people of Chester county may want one month; the people of my county may want another. By this amendment they can have the time that suits them. And then, again, Mr. President, we will also have two elections. We are not without a little experience upon this question. There should be two elections. The election of township and county officers should be separate from the fall and general elections. Party feelings run so high, that if these township elections for petty officers are held on the same day, the persons who are nominated by the dominant party will elect their officers; whereas, if the elections are held at a different time the people will get together, as is the custom now, and elect those who are best qualified to perform their duties.

A few years ago the Legislature of our State abolished spring elections, and required that all the elections should take place on the same day. What was the result? The very result that has been depicted here. Party nominations were equivalent to the election of officers, and the result was that such a load of remonstrances went up to the Legislature of the State that the law was changed. We should profit by this experience. Under the amendment which I propose each county will have the fixing of its own time, and yet we will have the day sufficiently remote from the general election that party feeling will be kept out, and those best qualified will be elected.

Mr. CARTER. Mr. President: I am very loathe, indeed, to occupy the time of this Convention in further discussion of this question, and most assuredly would not do so unless I thought that it was absolutely necessary to give expression to some views in which I differ so radically, so entirely and so fully from the gentleman from Philadelphia (Mr. Simpson.) He seems to think that this is a mere question of expediency. I regard it eminently as one of great importance, and one of principle. In my estimation the principle that the municipal should be dissevered from the State and general elections is, perhaps, second to but few things that will come before this Convention. As the gentleman from Juniata (Mr. Andrew Reed) stated, when the law was repealed, fixing the time for the spring election, a trial of one or two years so fully convinced the people of the country of its bad effects that it was again changed, with universal approbation, so far as I know, of all good citizens.

I think it is not right, sir, to discuss this question as one of mere expediency, or, as some gentleman said, of a fancied symmetry, to have it all on the same day. The committee that reported this section viewed the whole matter from a high stand-point. It has also been said that if fixed in the spring, this city and other cities would be annoyed by the importation of voters. Gentlemen should consider that matter will be changed, and that difficulty will be removed, because the Committee on Suffrage will report in favor of sixty days' residence, and no doubt this Convention will adopt such a report. Should that be the case the danger from importation will, I am sure, be, to a great extent, removed.

But there is another principle involved in this matter. This Convention, sir, will be as certain, I think, of acting in the direction of substituting general laws and general legislation, in place of special laws and special legislation, as of intuiting any other reform that may be proposed.

The amendment offered by the gentleman from Delaware, (Mr. Broomall,) if it should prevail, re-opens this whole thing. The gentleman from Philadelphia (Mr. Simpson) seems to think that there is nothing undesirable in this continual submission of this question to the Legislature. I see harm in it, because it violates the principle which we are endeavoring to establish—general legislation instead of special.

They say, in reply to this, that no danger of corruption will arise, because there will be no motive, no money in it.

I hold that it is not difficult to perceive that there is and will be money in it. When some corrupt men, desirous of holding some of these offices, know they have no chance before the people on their own merits, they will be disposed to ride into power upon the summit of the party name. They will contribute money; they will use all kinds of influence. They will, under all plausible pretexts, endeavor to influence legislation, and may succeed in their efforts. The time may be changed from the spring to the fall. In this manner men who cannot command the confidence or win the respect of their fellow citizens, will be forced upon the people through the influence of party power, and receive party nominations. We all know how easy it is for men to be elected when they have secured the nomination. "Stick to your tickets, boys; don't scratch them; you will peril the State and national ticket!" Money will be needed, and when the people become disgusted with this they will arise in their might and ask the Legislature to change it to some other day. Not merely from this city will the cry go up, but from every part of the Commonwealth. Although the municipal officers will not be so important to the public, yet they will be important in the opinion of parties who wish offices, for they may look at them as the stepping-stone to something higher, and they will move heaven and earth to have the election upon the same day as the general election, as they will probably stand some chance of succeeding.

In view of such a state of facts, then, I claim there is a principle, and a very important one, involved in the proposed amendment. It is important because it strikes a blow at the evil we are endeavoring to remove—the doing away with special legislation. All these considerations have much weight with me, and I hope the section will pass.

With reference to the amendment of the gentleman from Juniata (Mr. A. Reed) I have only to say that the time he proposes which shall elapse between the municipal and the general election is too short. Political excitement we all know commences to run high long before the general elections; all these minor issues would be raised to the surface, and there would be a political boiling like the witches' cauldron in "Macbeth." The

two elections should be separated by a wide gap of at least six months.

One word, in answer to the gentleman from Philadelphia, (Mr. Simpson.) He says this date does not suit the country districts. I deny that, so far as I have any knowledge. In committee this whole matter was talked over thoroughly and fully. Just here I would beg leave to say this much: That when a committee of fifteen, or any large committee, being composed of men representing all the respective interests of the country, after fully discussing a subject and passing upon it, it is safe to presume that they have some reason for their decision. It is said that one man may be wiser than any other man, but is not wiser than all men; nor do I believe that any one man is wiser than fifteen men in this body, and I hold that the report of a committee is entitled to some consideration. When it came before the committee of the whole it was the third Friday in March, but, at the suggestion of the gentleman from Philadelphia, (Mr. Stanton,) it was fixed for the third Tuesday. That was a matter of detail which we did not trouble ourselves about. It was a matter of expediency. It makes no particular difference whether it is Tuesday or Friday, and hence none of the committee replied or said anything about it. The suggestion was accepted in silence.

MR. ANDREW REED. I would wish to change my amendment, so as to make it read three months instead of two.

MR. CARTER. Well, sir, I still believe that the gap of separation between the municipal election and the general election should be kept as wide and distinct as possible, that they should be as far asunder as circumstances will permit. But, to conclude the idea with which I started. The gentleman says that counties disagree in regard to this, some preferring it at one time and some at another. That is not my opinion. We have, on the Committee on Elections, Suffrage and Representation, four or five gentlemen who represent the lumbering interests, and they have in committee dissented, as well as by their votes in committee of the whole dissented from the views expressed by the gentleman (Mr. Simpson.) We must agree upon some one day; hence, I hope this amendment will be voted down.

MR. BIDDLE. Mr. President: I desire to say a few words upon this subject. I feel, and I presume it is the sense of the whole Convention, that it is very important to change the time of holding mu-

nicipal elections, so as to separate the time of holding that election from the time of holding the State and federal elections. But it seems to me that unless an amendment is adopted, something in principle like that of Mr. Broomall's, we will, in a measure, defeat our own purpose. I do not understand that it is a true part of the function of a Constitution to designate specific times and places for doing acts which are clearly within the purview of the Legislature to appoint. It may seem to us to-day, with the lights that we have before us, that a certain day in February is a very proper day for holding these municipal elections, but it does not follow that after two or three years' experience that time may not be found to be a very improper time. Therefore I desire to leave with the Legislature the option of designating the *period*, while we preserve the *principle* of separating the municipal elections from the general elections.

If an amendment, something like that of the gentleman over the way (Mr. Andrew Reed) is adopted, although I think his time is too short, it certainly ought not to be less than four months, we preserve the principle of separating the municipal from the general elections; and we allow the Legislature to take cognizance of the local sense and wishes of the different sections of the State to appoint just such days as are desired in the different counties and townships.

I, myself, prefer, for reasons that will readily suggest themselves to most gentlemen, to have one uniform day, but I would not arbitrarily, where I could get the body of the principle preserved, insist upon securing the same day. It certainly has advantages. It does, undoubtedly, prevent voters from going from one township or county to another. But a specific day in February, if adopted, may be a very inconvenient day for many portions of the State.

I would prefer, therefore, while embodying in the amendment the principle—as in that of the gentleman from Delaware, (Mr. Broomall,) to leave to the Legislature the duty of appointing a day, it first having ascertained the wishes of the different sections of the State. The amendment ought to set four months as the time between the elections—local and general—which would be time enough, and not too much. It would so far separate the elections that all causes of excitement and irritation attaching to either one would be kept away from the other, and

that would enable us to elect municipal officers on the principles on which, alone, they ought to be elected—personal excellence and the wishes of the voters with regard to the candidates themselves, without any political issue being involved.

I feel a doubt also in regard to another subject. Does the amendment, as it is framed, go far enough? Does it necessarily include all county officers? Does it include prothonotaries of courts—if it be the desire of the Convention that they should be elected? That consideration opens up, at once, a new subject. It may be that this Convention, in its wisdom, may hereafter so frame the organic law that the prothonotaries and clerks of the courts may be appointed by the courts whose business they attend to. If that course be pursued, of course that consideration takes care of itself. But if the prothonotaries are to be elected by the people, there is no reason in the world why they should not be elected at what is called the municipal election. On the contrary there is every reason why they should be. Why should the election of prothonotaries, registers of wills, or recorders of deeds—and they all stand in the same category—be involved in any question of State or federal politics? Surely these offices are of as vital importance as any of the municipal offices; then why not include all this class of offices, the sheriffs, the county commissioners, &c.? Why not, while we are about it, express our determination to separate, *absolutely*, the discussion of the qualifications of local officers, who have merely local duties to perform, from all political influence, making them absolutely independent of political opinion, and reducing the issue in such cases to the simple and straightforward questions, “is he honest?” “is he capable?” and “is he a friend to the Constitution?” It seems to me that every reason that could be advanced in favor of electing what are called elective municipal officers at different times and different places from the general State and federal election, clearly point to the propriety of including the officers I have named, and I hope the amendment will be so modified.

I would suggest to the gentleman over the way (Mr. Andrew Reed) that he make the time at least four months instead of two months. Two months is too short a time to divide these elections; three months is not long enough; four months, however, will be sufficient. Then allow the Legislature to fix the day for

each county, and we will, in this manner, reach a result that will in every way meet the wishes and the necessities of the people of the different sections of the State.

MR. ANDREW REED. I would like to gratify the gentleman, (Mr. Biddle,) but I had it originally at three months, and at the solicitation of several gentlemen who preferred a shorter time, I changed it to *two*. The time now fixed by the general law is February, which is three months from the general election day appointed for the whole State. For myself I have no special wish in the matter. The Convention can act as it sees fit in regard to it. My only anxiety is to see something done that will be acceptable. I have no particular desire to force any special day upon the Convention for adoption. The present time, by the general law, is three months and I do not care to curtail it.

MR. CUYLER. I confess my surprise that there should be a lingering doubt existing in the minds of members of this Convention, as to the propriety of two elections, as to the desirability separating the election for municipal officers from the election for federal and State officers. That much bad government and misrule has been perpetuated in the city, which I have the honor to represent, on this floor, I think every impartial person, and every disinterested citizen of Philadelphia will bear me witness.

The specious argument that a federal or State election is at hand, that we cannot afford at such a time, to depart from the rigid ties of party, that however much we may condemn individual nominees in any particular instance, we can not afford to vote against them, because by so doing we shall imperil a great principle involved in the election of the federal or State ticket, has been used so often, so triumphantly, and so ruinously, in the city of Philadelphia, that no disinterested observer can, for a moment, doubt what the course of this Convention ought to be.

I have seen—we have all of us seen—convicted thieves and felons elected to office, in this city, by the votes of high minded and honorable citizens of Philadelphia, because the power of party was so strong that gentlemen could not rise above it, to cast their votes in accordance with their consciences, instead of in accordance with the requirements of party politics.

Contemplate for a moment what is wrapped up in a municipal election in the city of Philadelphia. That city has

nearly one-fourth the population of the State; it has nearly one-fifth the assessed wealth of the State. Its municipal legislature legislates upon questions that more vitally affect the happiness, the personal comfort and the enjoyment of life of the citizen than any question which ever comes before the Legislature of the State or the Congress of the United States. All that has to do with the comfort of our homes, with the laws of our city and the protection which they afford to life and property, with the lighting and cleaning of our city, with all the innumerable matters that conduce to comfortable living and enjoyment of life, rest in the hands of our municipal legislature. That municipal legislature levies more than eleven millions of dollars of taxes, far exceeding in amount the tax levied on the Commonwealth at large. It touches us, therefore, in the largest possible degree, in our property itself as well as in the enjoyment of that property.

Why, then, should the citizens of Philadelphia not have the opportunity to remove from their local elections all influences of State or federal politics, of sitting calmly down and asking themselves whether those whom they propose to elect to offices of honor and trust are fitted to perform the duties of these offices faithfully, honestly and efficiently? Is it not of all possible importance to the tax-payers of a great city like this, that these questions of great—even of *vital* interest—touching so closely their happiness and their property, should be separated from all other questions whatever? There ought to be a time when we can sit down and review our position as a city calmly and dispassionately, without feeling the force of any influences that may affect the soundness of our judgment with reference to our votes and with reference to the effects which these votes may produce, so that we may not in our anxiety for the success of a political party or a political issue, do that which our calmer judgment and more mature reflection upon our material interests would teach us not to do. We have tried the experiment. This city has had separate elections before now. In 1854, and in 1857 and 1858, we had a spring election in the month of May, and I think those who recur to the experience of that election will bear me witness that it was found to work wisely—that it created a certain independence of party politics in the administration of local government. That, however, did not suit the interests

of politicians. There was too much at stake here for them to lust for to permit that state of things to continue. They must interfere with them. They must take away these spring elections and, appealing to the Legislature to abolish it, must place us where we would be brought into contact with all those influences that surround the fall elections.

I therefore am wholly and heartily in favor of having as absolute a separation as it is possible for us to procure, between the election of those officers who have to deal with the administration of municipal affairs and those who have to deal with our State and federal politics. So far as the particular amendment to the amendment is concerned, I was one of those who suggested to the gentleman who offered it (Mr. Andrew Reed) a modification of the time from two to three months, but, upon reflection, I agree with Mr. Biddle, that a longer time is demanded, and I think that four months becomes important. I trust the gentleman will consent to have the amendment so modified.

The objection to the original amendment of Mr. Broomall was that while it speciously held out attractive promises to us, it left us wholly at the mercy of the Legislature, and this we can remedy by the amendment now pending.

MR. BROOMALL. I desire to ask whether it would be in order to modify my amendment, by accepting the amendment of the gentleman from Mifflin (Mr. Andrew Reed.)

THE PRESIDENT. It will be in order.

MR. BROOMALL. I will then accept the idea of the gentleman from Mifflin (Mr. Andrew Reed) in regard to modifying my amendment, and inserting four months instead of three months.

This, it seems to me, will meet the views of the gentlemen who have addressed the Convention upon the subject, most of whom desire a longer time than three months. I agree with everything that has been said about keeping the two elections entirely separate, and having them so far apart that one will not influence the other. I have very little choice as to whether the amendment, as modified, is carried or not. I know that in many counties of the State, and especially in my own county, there would be a disposition to retain the power to make the change, but the day suggested suits the people of my district, as far as I know, well enough. I trust that the vote upon this question will be a test vote upon the question whether the Legisla-

ture is to have the power of changing the time of election or whether it is to be fixed upon the same day throughout all the cities and counties of the State.

The PRESIDENT. Is the amendment to the amendment withdrawn?

Mr. ANDREW REED. I do not withdraw the time designated in my amendment, viz: Three months.

The PRESIDENT. The gentleman can modify the amendment, by striking out four months and inserting three.

Mr. ANDREW REED. I then make that motion.

Mr. CARTER. Mr. President: I am entirely opposed to the amendment, because it is not calculated in its nature to remedy that evil which we are seeking to correct. We are already entering the time of political agitations, and it strikes me if we really and sincerely desire to effect reform in our elections that we should keep our elections six or seven months apart from the federal election. I hope this Convention will not open the doors to special legislation unless it becomes absolutely necessary.

Mr. ANDREW REED. The gentleman who last addressed the Convention has said that these elections should be six or seven months apart. I would like to know how they could be seven months apart, for, according to my idea of the year, it is composed of but twelve months, and it would be utterly impossible to make the elections seven months apart. Six months is the furthest number we can adopt, and if such an amendment was adopted the election would fall on one particular day. Three months will take the election to February, and if we make it four months, why that will bring it to March, which month, we heard on this floor the other day, when the main resolution was being discussed, would not be acceptable to the lumber and certain other counties of the State. I think, Mr. President, without enlarging further upon the remarks I have already submitted to the Convention, that three months after the general election will be a time acceptable to all the interests of the State.

Mr. EWING. Mr. President: It strikes me that when the committee reported this section they acted very wisely. The reasons for having a general day of election for municipal offices throughout the State are numerous. We want, in the first place, to avoid all local legislation as far as possible, and now, if the Convention leaves this matter open to the Legislature

to fix a certain day for elections for one county, and another day for another county, there will be fifty, or even a hundred, different laws in regard to the time of holding municipal elections. I think it is highly important to have a uniform time throughout the State in which officers shall take their seats, and a general law by which to accomplish this purpose. If different days are selected for all the various counties in the State there will, of necessity, have to be as many laws regulating the holding of the elections, or the time at which the officers of any particular city, township or district shall assume their official position. It seems to me that our Philadelphia friends in the Convention have been endeavoring to give us some instructions in regard to elections. In other parts of the State it would seem that we are altogether innocent, for we certainly are unacquainted with all the election frauds, such as repeating and ballot-box stuffing, complained of so much here in Philadelphia. It seems to be confined entirely to this city, and we are somewhat afraid, if the Convention decides to create different days of election throughout the State, that we will suffer the same evils of this colonization of voters which has been referred to so often on this floor.

We want to avoid this probability, if it is at all possible, and not incur the danger of having our section of the State colonized by another in times of important elections. In fact, although it has never been suggested, yet I have heard it intimated much nearer home, that this has already been done, and some of us believe it. But, Mr. President, in regard to the amendments that have been offered here allowing the Legislature to fix different days for the elections in the different counties, I must say that I am opposed to them. I am still further opposed to the amendment which proposes that these elections shall not be within four months of the general election, for I am satisfied that it will not be as acceptable to the people of my part of the State, and particularly in my own county, and the cities of Pittsburgh and Allegheny, as if the whole matter was left entirely open. Some of the members in this discussion have said that if the time of holding these elections is not distantly removed from the time of the general election, that all the turmoil and political excitement accompanying a general election will be the result. Now, sir, is that the fact?

My observation has been that immediately after a general election has taken place there is little or no political excitement, and that it is the quietest time of the entire year. The local election in the city of Pittsburg occurred just four weeks after the presidential election last year, and the city of Allegheny held its election two or three weeks later, and yet I venture to say that at no time in the history of those cities has there been an election held during which there has been less party spirit, and where the people paid less attention to their party ties, than in these late elections in that part of our State. There never was an election held in the State in which less attention was paid to it, and, as a consequence, we were able to elect better men than we would have been six months afterwards. This has been our experience, and I cannot see any good reason for changing the provision as it now stands and as it was reported by the Committee on Suffrage and Election.

Mr. MANTOR. Mr. President: I desire to say a word on this amendment. There seems to be a conflict of opinion existing between our friends from Philadelphia in relation to the time of holding this spring election. I would say for one, as a representative of the western counties, and I believe I speak the sentiment, too, of a very large majority of those counties, that they desire this question so decided, that there shall be a uniform day for holding this election, whether it shall occur in the month of February or in the month of March. For my own part, I am in favor of placing this matter as far removed from the Legislature as it can be. I do not desire to occupy the time of this Convention at this time with any argument upon this subject; I only desire to say that I think I speak the sentiment of a very large majority of the people of the western portion of this State, when I say that they desire, first, that the time for holding the spring elections shall be decided by this Convention and removed from the Legislature, and, second, that the day for holding that election shall be uniform throughout the Commonwealth.

Mr. DARLINGTON. Mr. President: I would not pretend to make any further remarks upon this subject, but I cannot close my eyes to the fact that there seems to be a very considerable majority of this Convention in favor of separating the county, city, township and borough elections from the general elections. I think,

however, that this might be done in a little more concised form than either the proposition of the Committee on Suffrage or any of the amendments that have been offered upon the floor. I do not intend to make a speech upon this subject, but simply to read what I have placed upon paper, which I think will accomplish all that is desired, and which I intend to offer upon the proper occasion.

Elections for city, county, borough and township officers shall be held in the respective cities and counties at such times, not within three months of the time fixed for the general election, as the Legislature shall by law prescribe.

This will accomplish the idea which is sought by several of the speakers, to separate the general from the municipal and county elections, and yet will leave it to the Legislature to fix whatever day will be most convenient for the counties and municipalities which may ask for any particular time. One day will suit one county, another day will suit a different county. But let all the elections in the county be on the same day.

I propose to offer this amendment when the others are disposed of.

Mr. SIMPSON. Mr. President: I did not intend to make another speech upon this question, and would not add another word to what I have already said were it not for the extraordinary statements contained in the remarks of my colleague from Philadelphia (Mr. Cuyler.) I feel called upon, in behalf of the fair fame of Philadelphia, to deny these statements *in toto*. I deny that any convicted felon has ever been elected by the people of this city to any office. We had, it is true, spring elections, commencing in June, 1854, under the act of consolidation, and continued from May, 1855, down to 1860. And who does not recollect that there was taken from the people, by the Legislature, during the time of holding these very spring elections, the appointment or election of members of the board of guardians of the poor, of prison inspectors, and of members of the board of health. Why? Because the men who were selected in the various wards to fill these different positions were so notorious in their character and so prostituted the offices to which they were elected as to make them a reproach to the people. That was when we had spring elections, sir, elections far removed from the influence of politics, and when the general election was not an involved question. Yet in 1860 the Legislature, I

think wisely, abolished that election, and we have had no such public reproach since.

I only rose more particularly, Mr. President, to deny the assertion of my colleague, (Mr. Cuyler,) as no other Philadelphian saw proper to do so, that Philadelphia was in the habit of electing convicted felons to office.

Mr. TEMPLE. Mr. President: I desire to say that I thoroughly agree with the report of the committee. For my part I cannot see any good in any of the amendments that have been offered. It seems to me to be the desire of, I believe, a very large majority of the honest voters of the city of Philadelphia to separate the elections in this city, and to have all of our municipal officers elected on a different day from that on which the State and national officers are voted for.

It shall be no part of my duty, neither is it my desire to speak harshly of any branch of our city government. I will not re-iterate what was said here a few days ago in reference to the councils of the city of Philadelphia, because I know that there are very many good and honest citizens of Philadelphia representing her in both branches of our city council. Neither will I undertake to say at this time, in justification of Mr. Cuyler's remarks, that there has ever been a felon elected to a position in this city. But I will go so far as to say, and I think that in so doing I will be borne out by the judgment of a majority of the people of the city of Philadelphia, that there are men who have been elected to office in this municipality, and even to high official trusts who should have been in the penitentiary if they have not been there, and who should have been convicted if they never were placed in the felon's dock. There is no doubt of the fact that many have only escaped deserved punishment by formal technicalities of law, and this I suppose even my colleague (Mr. Simpson) will not deny.

This is not owing, however, to the people of Philadelphia. They are not responsible for this state of things. That responsibility rests with a class of people known in this city and in all other large cities as "trading politicians." I need only refer to one instance that occurred in the last three or four months in the city of Philadelphia. It was just on the eve of the presidential election when a certain gentleman of distinction and honor in this community, a representative man of large and varied interests, went to the

polls to vote. He deliberately stood up and scratched his ticket, as he said, to obviate the disagreeable necessity of voting for a gentleman whose name was on the ticket, and at the same time said that from party necessity he could not vote for the opponent of the man whose name he erased from his ticket, although he believed him to be eminently fitted for the position for which he was a candidate.

You will see that there are times when the people of Philadelphia, although they go to the polls and vote, do not express their honest sentiments. We all know the infirmities of human nature. We know we are all constituted in one direction. We want to elect the person who is nominated by our party for a high and honorable and responsible position, and we overlook these minor offices. It is no unusual thing in the city of Philadelphia, and I desire to call to it the attention of our friends from the country, that men of the lowest character are nominated for office by both political parties. There is no doubt about that. The great majority of the office holders of the city of Philadelphia—I mean those who have held our city and county offices of trust for the last ten or twelve years—are men whom no one of us would trust in a business transaction. Not one of us would so trust them. But they secure party nominations, and then they cry, "the party will be defeated if you defeat us." It is then said, "if you defeat me, my friend will turn around and defeat the persons you want elected," men who are honest and who ought to be elected.

How are we to obviate the difficulty? I sincerely believe that if we separate our elections, if we give the people of Philadelphia an opportunity to vote for municipal and county officers on a different day from that on which the State and national elections are held that this difficulty can be obviated. I remember very well the time of which my friend from Philadelphia (Mr. Simpson) speaks. But in those days there was a different class of men in our city legislature. I remember when Mr. Cuyler was there. I remember when the late George M. Wharton was in our city council, and I suppose it is not disparaging to the gentlemen who hold this position now, to say, that we all know that the gentlemen who held the position of city councilmen, in Philadelphia, in those days, were better fitted for their trusts than they are at present. I believe that if there was a meeting of our coun-

cils called to-day that they would have to go beyond the city of Philadelphia to find some of their members. It is a notorious fact, it is in historical proof, that they would have to go outside of the city of Philadelphia if they wanted to find some of their members if they were to call a meeting; and articles of impeachment, I understand, are at this moment preferred against some of them, because they have been indicted by a grand jury of this county for keeping gambling houses.

In thus speaking I do not refer to the great majority of our city councilmen. They are reputable citizens. Three of them are in this body, and they are good, honest and true citizens; men worthy to represent the people in either branch of that body. But we all know that there are a great many bad persons elected to that position as to all others. Now it is an easy matter, if you refer this matter to the Legislature, and give it power over the time of holding elections, for that body to change the day of holding the election and make as many different days of election as there are counties in the Commonwealth. What will be the result of it? It is easily explained. In every county in the State when a person is defeated for office, he would rush up to the Legislature and say: "I want the day for holding our elections changed," and it would be so decided. That is often done. Gentlemen on this floor, experienced in the legislation of Pennsylvania, know that it is a fact, that politicians, when they are defeated in certain counties for office, will rush to Harrisburg and say to their friends: "I want the day for holding elections in our county changed;" and it is done.

What would be the result of different days for spring elections in the various counties and municipalities of the Commonwealth? Why if you hold an election in this city in February, and in Pittsburgh in March, there would be no such thing as holding a fair election on either day. It would be utterly impossible. When Pittsburgh was ready to vote all the emissaries of the politicians would be in Philadelphia, and they would take out to Pittsburgh the men who here corrupt the ballot, to there defeat an honest expression of the people's will. The same influence would control Philadelphia, and might probably reach the city of Scranton, where I believe fraud has been introduced as an element of elections.

But if you adopt the report of the committee and fix a uniform day for holding elections, from one end of the State to the other, you defeat all this organized system of fraud as far as the importation of foreign and unlawful voters is concerned. If we have fair election laws persons do not have an opportunity to emigrate from one portion of the State to another. It is the only way by which we can have an expression of the will of the people through the ballot-box, and for that reason, and for the reasons I have stated, I am in favor of the original report of the committee, and against these amendments.

MR. SMITH. Mr. President: I suppose that if any one particular subject, more than any other, influenced the people of this State in calling this Convention together, it was the evil of special legislation. Yet here is a proposition to authorize the Legislature to legislate specially, at all times, on a matter that has given about as much trouble as any other subject, and which is most dangerous and pernicious—the subject of local elections. Members of the Convention, I find, are fully impressed with the importance of restricting special legislation on this subject. Other States have done much in this direction. In Illinois they specially included in the list of things upon which the General Assembly shall not pass special laws this very subject of the election of city, borough and township officers. That must there be done by general laws and general provisions. In the consideration which the Convention there gave to the subject of special legislation, they determined that neither in whole or in part should the Legislature, by special laws, affect this question of local elections.

I find, also, in looking over the report from the Committee on Legislation that this subject was before them and they recommend the abolition of all special legislation, and if the proposition, as it comes from them, is adopted by the Convention, it will be of no effect in case the amendment now pending is passed, but the Legislature will in the future, as they have done in the past, make election laws for every county in the State.

The gentleman from Indiana (Mr. White) has introduced a series of resolutions, which have been referred to the Judiciary Committee, and among them is one forbidding the passage of any local law regulating the election of borough or township officers.

Two other gentlemen have introduced similar propositions, which I have noticed among the resolutions which have been offered in Convention. It seems to me then that the sense of the Convention is clearly against special legislation, and if we remit this question again to the Legislature we will defeat one of the purposes for which we came here, which is to make general laws and put an end to this system of special legislation which has been the bane of the State for years.

I therefore will oppose this amendment. I do not quite like the day proposed in the section. We in Pittsburg would rather have the election on the second day of January, but if the day suits the people all over the State better than any other day, that is a question that will come up hereafter. For the present I will say that I hope this amendment will be defeated, and a section fixing the day for borough and county elections will be passed by this Convention.

MR. DALLAS. Mr. President: I desire to add but a very few words to this already very long discussion. I have heard nothing, for my part, in the discussion which has taken place to change the view I originally took of it, that is, that upon the main question our general and municipal elections should be separate; and the municipal elections should be held on one uniform day throughout the State; first, to prevent the evil of colonization within the State, and, second, for the purpose of preventing bad men from thrusting themselves into local office upon general political issues. I do not, however, purpose to say a single other word in enforcement of these positions. They have been sufficiently enlarged upon, and are fully understood by the Convention, and, I think, have had their proper influence with every member of this body.

I am wholly opposed to the adoption of any amendment to the report of this committee, and I trust that every gentleman in this Convention, who agrees with me, will not fail to see that we should not fritter away our strength by voting for any one of these amendments, but should get at once, or as soon as possible, to the report of this very able committee of fifteen of our members, who themselves have doubtless carefully considered it and have united upon the section of the article that is before us.

But perhaps it is necessary to remove from the minds of some gentlemen the objection that comes from no less able a

source than the learned and distinguished gentleman from the First district, (Mr. Biddle,) that in fixing the day of holding our spring elections we encroach too closely upon matters of legislation, and exceed what should be a limitation of constitutional provision.

Now, sir, we have already fixed a day for holding our fall elections, and in doing so the Convention has already determined this question, and if it be a mistake it is one already made. But I do not think it a mistake. If the Convention can fix a month as the period in which an election shall be held, or can limit the Legislature to ten months in the year, why may we not name the day? And why should a Convention that has come to be called in advance—and I hope the end may justify the designation—a “reform” Convention, not seek to accomplish a measure of reform in elections, even if it requires us to fix the days for holding them?

Now the objection to which I allude, as suggested by the gentleman from Philadelphia, (Mr. Biddle,) I think is answered by re-calling the main purpose of a Constitution. It is to fix our governmental system in all cardinal points, and in doing this the first thing to be determined is what officers shall constitute the government? Then, how shall they be chosen? And then, what shall they do? Let me ask, then, if we can properly fix how our officers shall be chosen, and with what duties and powers they shall be charged, then why should we not provide the time at which they shall be chosen, which, I think, has been already shown by several delegates upon this floor to be as important a matter as either of the others?

MR. CURTIN. Mr. President: In the printed propositions made by the various committees important changes have been proposed, not only in the manner of electing but appointing municipal and township officers. We may, perhaps, propose changes to the people in reference to the manner of selecting these various officers, and it seems to me until we definitely settle what officers we require, and where we lodge the appointing power, and the selection of officers, whether by election or appointment, that this debate is premature, and I therefore move to postpone the subject for the present.

The motion was not agreed to.

MR. CONSON. Mr. President: I was in favor of the motion made by the gentleman from Centre (Mr. Curtin.) I think

there are reasons why this question should not be further discussed at this time ; and I think if the distinguished gentleman had made his remarks earlier in this discussion he certainly would have carried this motion, which must prevail eventually, because we cannot, by action at this time upon this question, put into form and embody into a Constitution the great work which is sought to be accomplished by the distinguished gentleman from Philadelphia, who has so ably discussed this question in the Convention. We must have a report from the Committee on the Judiciary, because, if that committee report, and if the Convention accept the proposition by which the judges of the State of Pennsylvania shall be elected, there is every reason why that election should not be separated from the national politics of the day, and if so then this provision, which has been reported by the Committee on Suffrage, will have to be amended and enlarged.

But coming to the question as it is now presented: We have here the gentlemen from Philadelphia criminating and re-criminating each other as partisans. We have here gentlemen saying they have elected to office convicted thieves, and others saying that if they have not been convicted they ought to have been—for that seems to be the only question between them—whether they were convicted or not convicted thieves who were elected. Now if this proposition gives as many election days as we have counties in the Commonwealth of Pennsylvania, it only affords an opportunity for the election of so many more convicted or unconvicted thieves. If they give us a uniform election day in the State of Pennsylvania, there will be less probability of such customers succeeding at a general or special election.

It does seem to me that if the good people of Montgomery county desire to hold their election separate from the general election day, they ought to have it upon the same day that the people of Philadelphia hold their election, so that the citizens of the latter place will have their hands full to attend to their own business, and not come up and interfere with us.

I am not one of those who are distressed much about this question of elections, because as you, Mr. President, very well know, in the country districts election

day is really the quietest day of the year. In our county there are no such things as disturbances, as election frauds and corruption and the manipulation of returns. Such a thing never was heard of. In our county and in the adjacent county of Chester, and in all the country districts, I am speaking now with reference to the eastern part of Pennsylvania, there is no such thing as fraud at elections. It is something unknown to us. It comes to us from the gentlemen of Philadelphia, and one might suppose, after listening to these gentlemen who represent this city, that we were here to frame a law to prevent crime and fraud in their city, when, in fact, we are here to lay down certain broad and fundamental principles for the government of the people of the whole State, and there is no reason why, as I said before, that the people from Juniata, which my friend (Mr. Andrew Reed) represents, should hold their elections in February, and the people of another county in March, even if they do go down on boats and do not get back in time to vote. They can afford to pass one day. Let us have a general uniform day ; but I do say that we ought not to further consider this question until after we have the report of the Judiciary Committee.

I make the motion, that the further discussion upon this question be postponed until the Judiciary Committee reports, say one week from to-day.

The motion was not agreed to.

Mr. HAY. Mr. President : I move to continue the session for a half an hour.

The PRESIDENT. That motion is in order if unanimously agreed to ; not otherwise. ["No ! no !"]

Mr. LITTLETON. Mr. President : I move to postpone the present subject for two minutes.

The PRESIDENT. That will be in correct form if it is a motion to lay upon the table.

The motion was not agreed to.

The question being upon the amendment of Mr. Reed to the amendment of Mr. Broomall, to strike out "four" and insert "three," it was not agreed to.

ADJOURNMENT.

The PRESIDENT. The hour of adjournment having arrived, this Convention stands adjourned until to-morrow at twelve o'clock M.

TWENTY-SECOND DAY.

TUESDAY, January 21, 1873.

The Convention met at twelve o'clock M.

Rev. JAMES W. CURRY offered prayer, as follows:

We look unto Thee this morning, Almighty Father, not only as our Creator, but as our Preserver and great Redeemer. Regard us in pity and in compassion, and forgive us all wherein we have sinned. Cleanse us from everything that we do displeasing to Thee, and prepare us to enjoy Thy presence and Thy grace while here in the world, so that each one of us may be at last prepared to enjoy Thy presence, and Thy glory in Thy kingdom, which Thou hast prepared for us, through Jesus Christ Thy Son.

This morning we especially ask Thy blessing upon the Chief Executive newly inaugurated this day to take charge of the affairs of our Commonwealth. Make his administration one of profit and of interest to all those whom he may represent and preside over as the chief ruler and magistrate. Do Thou bless him in all his official acts, and do Thou grant that our beloved State may prosper during his term of office. Hear us in this our morning petition, and accept us through Jesus Christ. Amen.

The Journal of yesterday was then read and approved.

EMPLOYEES OF THE CONVENTION.

The PRESIDENT submitted to the Convention the following report of the Chief Clerk:

To Hon. WM. M. MEREDITH,

President of Constitutional Convention:

SIR:—In obedience to a resolution of the Convention, passed on the twentieth, instant, I have the honor to report that the following persons have been appointed by me and are now in the employ of the Convention, viz:

John Switzer, fireman, at \$3 50 per day; Joseph Eberoll, janitor, at \$3 00 per day; James Craig, janitor, at \$3 00 per day; Powell De France, page, (assigned to the coat room) at \$2 00 per day; pages, at \$1 50 per day: Frank M'Reynolds, Pursey Myers, David P. Skerritt, Thomas

Simpson, Charles Moore, J. B. Allen, Thomas D. M'Gilway, Wm. A. Cassady, Frank Berlin.

In addition to the above I am informed that the following persons, now engaged in the service of the Convention, were employed by the House Committee, viz: Joseph Patterson, night watchman, at \$3 50 per day; James Chambers, fireman, without a fixed compensation; Josephine Thompson, for cleaning the house, \$13 00 per day, which includes the pay of her assistants.

The total number of employees is sixteen, (16,) exclusive of the assistants engaged for house cleaning purposes.

Respectfully submitted.

D. L. IMBRIE,

Chief Clerk.

CONSTITUTIONAL CONVENTION, }
Philadelphia, January 21, 1873. }

REPORT OF THE CHIEF CLERK.

Mr. JOSEPH BAILY. I offer the following resolution, and move that the instructions contained therein be communicated to the Committee on Accounts and Expenditures:

Resolved, That the report of the Clerk be referred to the Committee on Accounts and Expenditures, with instructions to ascertain whether the number of employees, and the compensation allowed to them, are necessary and proper for the convenience and comfort of this Convention, and to report the result of their deliberations to this Convention, with such recommendations as they may deem advisable.

The motion was agreed to.

MEMORIAL OF THE SOCIETY OF FRIENDS.

The PRESIDENT submitted the following memorial to the Convention:

To the Convention of Delegates elected to revise the Constitution of the State of Pennsylvania, now sitting in Philadelphia:

The memorial of the representatives of the Religious Society of Friends in Pennsylvania respectfully sheweth:

That in the Declaration of Rights, article nine, of the present Constitution, it is de-

clared, section three, "That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can be compelled to attend, erect or support any place of worship, or maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship." And in section twenty-six of the same article is the following clause, that: "To guard against transgressions of the high powers which we have delegated, we declare that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate." These wise and just provisions are, however, practically rendered null and void, so far as they relate to those who are conscientiously restrained from bearing arms, or in any way contributing towards military preparations or purposes, by the last sentence of section two of article six, which says: "Those conscientiously scrupulous to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service."

We respectfully represent that as the Society of Friends from its beginning—now more than two hundred years—has believed that duty to Christ, the Prince of Peace, withholds them from participating in, or giving aid or support to war-like measures of any kind; in like manner they have believed they cannot consistently pay for others to do that which they believe to be wrong, nor voluntarily give an equivalent for permission to exercise the rights of conscience.

To us it appears clear, that requiring from citizens an equivalent for exemption from services which they are restrained from performing by their religious principles, is as direct an infringement of the rights of conscience guaranteed by the Constitution, as it would be to mulct them in damages for not attending, erecting or supporting other places of worship beside their own, or for maintaining any other part of their religious faith, and that by every fair construction the clause requiring it in section second of article six is manifestly at variance with section twenty-sixth of article nine, which declares that everything in that article—including liberty of conscience—is excepted out of the general powers of government, and shall forever remain inviolate.

Friends are ever willing and ready to

support the civil government under which they live, and to contribute their full share towards defraying its expenses and conducing to the common weal. The discipline of the society enjoins this on all its members. Their whole history shows that they willingly obey all laws which do not contravene the requirements of the gospel as they understand and believe them; and that where active compliance cannot be thus yielded they patiently suffer the penalties imposed.

That part of the section which requires an equivalent to be paid for not performing military service has caused, and while it is retained, will, in all probability, continue to cause, those who cannot conscientiously comply with it, to suffer loss and distress in both property and person, by the penalty inflicted being enforced by process of law. The execution of the militia laws, enacted at different times, has subjected Friends in this State liable thereto, to imprisonment and the sacrifice of property, amounting to many hundred thousands of dollars, and yet it is believed very little of the latter has ever reached the State Treasury.

We therefore respectfully submit, that in the exercise of the responsible duties placed upon you, you may be instrumental in securing the enjoyment of the "indefeasible rights" of conscience to a portion of your religiously scrupulous fellow-citizens, Friends and others, in saving them from undeserved penalty, and in advancing the peaceable kingdom of our Lord and Saviour Jesus Christ, by erasing the last eight words of section second, article six, of the Constitution, and substituting therefor such an amendment as will confirm the same free exercise of conscience, in relation to participation in military measures as is granted in all other articles of christian faith.

By so doing you will remove what we cannot but consider a stain upon the present Constitution, and restore our beloved State to the exalted position, for religious toleration, among the governments of the earth, which it occupied while under the control of William Penn, its enlightened founder, and of his fellow-members of the Society of Friends.

Signed on behalf and by direction of a meeting of the representatives aforesaid, held in Philadelphia, the seventeenth day of the first month, 1873.

JOSEPH SCATTERGOOD,
Clerk.

Mr. DARLINGTON. I move that this memorial be referred to the Committee on the Militia.

The motion was agreed to.

MEMORIAL OF THE INTERNATIONAL WORKINGMENS' ASSOCIATION.

The PRESIDENT submitted to the Convention the following memorial, which was ordered to lie on the table:

To the President and Members of the Convention to revise the Constitution of Pennsylvania:

PHILADELPHIA, Jan. 20, 1873.

GENTLEMEN:—The undersigned, a committee appointed by the twenty-sixth section of the International Workingmen's association, citizens of this Commonwealth, respectfully request an opportunity to be heard by your honorable body, on the subject of legislation, at such time as will be agreeable,

DAMON Y. KILGORE,
Chairman.

And thirteen others.

Mr. WRIGHT. Mr. President: I move that resolution number twenty-one, to be found on page sixteen of the Journal of amendments presented in Convention, and suggestions made in committee, be withdrawn from the Committee on Legislation, to which it was referred, and be now referred to the Committee on Declaration of Rights.

The motion was agreed to.

FINAL ADJOURNMENT.

Mr. S. A. PURVIANCE. Mr. President: I offer the following resolution:

Resolved, That this Convention will adjourn *sine die* on the fifteenth of April next, and in order to close our labors at or before that time it is the sense of the Convention that the reports of the Committees on the Legislature, on Legislation, on the Judiciary, on Suffrage, on Corporations, on Public and Municipal Debts and Sinking Funds, and on Revenue, Taxation and Finance, shall be taken up in the order named, or in the order in which they may be reported, and that each of said reports shall be entitled to three days' consideration in the committee of the whole, unless debate thereon should be sooner exhausted, and that the subjects which may be reported upon by other committees be regulated thereafter by further order of the Convention.

On the question of proceeding to second reading, a division was called, resulting forty in the affirmative and thirty-nine in the negative.

So the resolution was again read.

Mr. STANTON. Mr. President: I move to postpone the further consideration of the resolution for the present.

On agreeing to this motion a division was called, which resulted forty-five in the affirmative and thirty-one in the negative. So the motion was agreed to.

FINAL VOTE ON THE REPORT OF THE SUFFRAGE COMMITTEE.

Mr. BROOMALL. Mr. President: I offer the following resolution:

Resolved, That the final vote upon the pending section of the report of the Committee on Suffrage, Election and Representation be taken to-day, and that the hour of adjournment be postponed, if necessary, for that purpose.

The resolution was read a second time. On agreeing to the resolution, a division was called, which resulted forty-four in the affirmative and thirty-five in the negative. So the resolution was agreed to.

Mr. GOWEN offered the following resolution, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on Judiciary be instructed to inquire into and report upon the expediency of so amending the Constitution as to prohibit the Legislature from vesting in any court or judge the power of appointment to any office other than such as are necessary in the administration of justice in the particular tribunal presided over by such court or judge.

Mr. MACVEAGH. Mr. President: I offer the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to place only reports from committees on the files of the size of legislative bills.

The resolution was read a second time.

Mr. MACVEAGH. Mr. President: May I have unanimous consent to say one word as to the object of this resolution?

The PRESIDENT. The Chair will observe that he has already instructed the Sergeant-at-Arms to place nothing on the files but articles as reported.

Mr. MACVEAGH. Then I move to lay the resolution on the table.

The motion was agreed to.

AMENDING RULE VII.

Mr. MACVEAGH offered the following resolution, which was laid over under the rules of the Convention:

Resolved, That rule seven of the order of business shall be so amended that on and after Monday next the sixth sub-division

thereof shall be first in order after the Journal has been read, except on Saturday of each week.

Mr. TURRELL. Mr. President: I offer the following resolution:

Resolved, That this Convention will hereafter hold its daily sessions from eleven o'clock A. M. until three o'clock P. M. until otherwise ordered.

Mr. DARLINGTON. Mr. President: I move to amend that resolution, as follows:

To strike out all after the word "resolved," and insert "that on and after Monday next, until otherwise ordered, this Convention will meet at ten o'clock A. M. and sit until it shall be adjourned by the vote of the members present."

Mr. MACVEAGH. Mr. President: I move to further amend, as follows:

To strike out all relating to the adjournment, and insert "that the sessions of the Convention shall be from ten o'clock A. M. to two o'clock P. M."

Mr. DARLINGTON. Mr. President: I will accept that as a modification of the amendment.

Mr. HAY. Mr. President: I would like to be informed whether the acceptance of the amendment offered by the gentleman from Dauphin (Mr. MacVeagh) by the gentleman from Chester (Mr. Darlington) relates to the postponement of the adjournment until Monday next and is to then take effect.

Mr. MACVEAGH. Mr. President: I was going to make a further amendment, that it shall take effect from and after to-morrow.

Mr. STANTON. Mr. President: Be kind enough to have the resolution read as amended.

The PRESIDENT. It is moved and seconded to amend the amendment, by striking out what relates to taking effect on Monday next, and make it take effect to-morrow.

The question is on the amendment to the amendment.

Mr. SIMPSON. Mr. President: I hope the House will not adopt that amendment. I hope they will adopt the resolution as amended by the gentleman from Chester, (Mr. Darlington,) including his acceptance of the amendment of the gentleman from Dauphin (Mr. MacVeagh.) This will allow the committees the use of the morning during this week, with notice to them that after Monday next the sessions of the Convention will be in the morning, and I think we will accomplish a great deal of

work during the remainder of the week. It will leave four days in which the committees can sit in the morning, and they will have an opportunity to get a good portion of their work in shape to present to the Convention, and on Monday we can commence its consideration.

Mr. MACVEAGH. Mr. President: I will withdraw my amendment, in order that there may be harmony, if possible, among the members of the Convention who are in favor of having four hours a day as the session of this body.

Mr. JOHN M. WETHERILL. Mr. President: I offer the following amendment: "And that there shall be no session of the Convention on Saturday."

[No! no! Yes! yes!]

Mr. MACVEAGH. Mr. President: Before a vote is taken upon that question I will simply say, if the gentleman will turn to the rules of the Convention, page four, he will find the order of business. I offered an amendment to those rules, which lies over one day, the effect of which will be to make the consideration of the articles of the Constitution the order of business on every day but Saturday. That will come up for consideration to-morrow, so that we may go to work upon the main object of our stay here, if possible. Probably that would avoid one object of the gentleman's amendment to the amendment.

Mr. J. M. WETHERILL. In that view of the case I will withdraw the amendment to the amendment.

The PRESIDENT. The question is upon the amendment as modified.

Mr. DALLAS. I would ask for a reading of the question.

The CLERK read as follows:

"On and after Monday next, until otherwise ordered, this Convention will meet at ten o'clock A. M., and adjourn at two o'clock P. M."

Upon this question a division was ordered, and being taken, resulted: Affirmative, sixty-three; negative, twenty-one.

So the amendment was agreed to.

The question recurring upon the resolution as amended, it was agreed to.

PURDON'S DIGEST.

Mr. DARLINGTON. Mr. President: I wish to offer another resolution, and to preface it by a single remark. It is for the purpose of purchasing a single copy of Purdon's Digest, owing to the difficulty that some committees have in determin-

ing the distinction between legislation and the Constitution.

The CLERK read as follows:

Resolved, That the Clerk be directed to purchase one copy of Purdon's Digest for the use of members of the Convention.

Mr. CORSON. Mr. President: I move to amend, by making it one copy for each committee. We cannot all meet in one committee room.

Mr. LILLY. I am opposed to that. I think it is an expense entirely unnecessary for the Convention, without you give one to each member of the Convention. Such a course would be equivalent to giving one to each of twenty-seven members of the Convention, and the remainder will go without. The chairman of each committee will take that one copy home with him at the end of the session. I know such to be the case by experience. I have been chairman of committees myself. I am willing to support the resolution that there be one here in the hall for the use of the members of the Convention when they wish to consult it; but, unless each member is to have a copy, I will oppose the amendment.

Mr. CORSON. Mr. President: Last evening, at a meeting of our committee, the Committee on Bill of Rights, we had three copies of the Constitution of the State of Pennsylvania, and they were all different. They differed materially in some respects. Now, sir, our committee met at the room of the chairman, at the Merchant's hotel, and I would like to know what use one copy of Purdon's Digest would be to a committee in session at the room of the chairman at the Merchant's hotel, while the Committee on the Judiciary or the Committee on Education, which is so ably presided over by the distinguished gentleman from Chester (Mr. Darlington) at the Girard House.

Now, sir, it would be an idle waste of money to buy one copy of Purdon's Digest, and if the gentleman from Carbon (Mr. Lilly) is afraid that some one is going to steal these books, we will have a proviso put in to protect the people from that section of the country.

Mr. LILLY. I do not call it stealing. It is a common practice in the Legislature.

Mr. CORSON. Mr. President: I have never had the honor of being a member of the Legislature. I do not know anything about the practices of that body; but I am willing to trust the chairman of the Committee on the Bill of Rights, and the chairman of the Committee on

Corporations, with a copy of Purdon's Digest. I know that we need that book. I know that we had difficulty last night, in a session of over three hours' duration, in finding out which was the true copy of the Bill of Rights; and I insist upon this amendment.

I would cheerfully accept an amendment giving one copy to each member, but I feel positive that such an amendment would not prevail, although it would, perhaps, be eminently proper that every man should have a copy.

I wish my amendment to prevail, and I think that every man who is upon an important committee, and is aware of the difficulty we have in ascertaining what the old law is, and the defect, in order to apply the remedy, will vote for the amendment.

The amendment was not agreed to.

Mr. GOWEN. I offer the following amendment:

Strike out the words "one copy," and insert "one copy for each committee room," of which there are seven.

The amendment was not agreed to.

Mr. STRUTHERS. I move to amend, so as to provide a copy of Purdon's Digest for each member of the Convention.

The amendment was not agreed to.

Mr. J. W. F. WHITE. I move to amend, as follows: "That the same shall not be taken from the Hall of the Convention."

The object I have is this: If we have but one copy of Purdon's Digest for the entire Convention it will be carried off into some committee room, and we will not have the use of it when we want it. If we have but one copy I think it should remain always in the Hall during our session.

Mr. BEEBE. I offer an amendment to the amendment.

The CLERK read the amendment, as follows:

"And that the same be attached by chain and staple to the Clerk's desk, the same to be drawn for by lot at the close of the session.

The PRESIDENT. Unless the Convention otherwise order, no question will be taken upon the amendment.

Mr. MACCONNELL. Mr. President: I move to lay the whole subject on the table.

The motion was agreed to.

CHANGE OF RULE ELEVEN.

The CLERK read as follows:

Resolved, That rule eleven be changed,

by striking out all after the word "explain," in the fifth line of said rule.

The resolution was, under the rule, laid upon the table.

LEAVE OF ABSENCE.

Mr. M'MURRAY. I desire to ask leave of absence for my colleague (Mr. Gilpin) for a few days.

Leave was granted.

ELECTIONS.

The next business in order being the further consideration of the section reported from the committee of the whole, which was pending at the adjournment yesterday, and the question being upon the amendment offered by Mr. Broomall, the Clerk read the amendment, as follows:

Provided, That the Legislature may, by law, fix any other day for any county or city, the same being uniform throughout the State.

Provided further, That the time so fixed shall not be within four months of the time fixed for the general election.

Mr. M'ALLISTER. Mr. President: This section has been very fully discussed and I hope not without profit. The indications seem to lead to the hope that it will be passed without amendment. This raises the question whether it is expedient at this time and under these circumstances to pass this section to a third reading, which places it beyond the power of this Convention to amend it, except by going into committee of the whole.

I am myself decidedly in favor of this section as amended, without further amendment, and I feel assured that it ought to be passed to a third reading and be thus placed out of the power of the Convention.

We are to take into consideration that it is an isolated section of an article of this Constitution. The other sections of that article will be reported in a day or two. They are now under consideration, and we hope to have very shortly something that will look like one consistent whole. We will then be better enabled to judge of the symmetry of the article, and it seems to me that it would be unwise, for this reason alone, to pass this section to-day to a third reading. But, Mr. President, there are other reasons which we must take into consideration, and one of them is that if passed to-day it will be passed by a mere majority of a quorum. It is not to be concealed that a large number of our members are absent. Now

shall we pass this section, about which there is considerable difference of opinion here, although the indications are that a decided majority will pass it—is it expedient to pass it by a mere majority of a quorum? I think not. With that view, I offer the following resolution:—

Resolved, That further consideration of the report of the Committee on Suffrage, Election and Representation be postponed for the present.

Mr. BROOMALL. Mr. President: I rise to a question of order.

The PRESIDENT. What is the point of order?

Mr. BROOMALL. It is that the Convention has already determined that the final vote shall be taken upon this section to-day.

The PRESIDENT. The Chair apprehends that it was not the intention of the Convention by that resolution to tie itself down to compelling it to dispense with those motions, which the rules say shall be honored at any time. If, however, the gentleman desires it, the Chair will submit the question to the Convention.

Mr. BROOMALL. I desire that question to be submitted to the Convention.

The PRESIDENT. The Convention this morning adopted a resolution that a final vote on this section should be taken, and that the section be finally disposed of to-day, and that the sitting be prolonged until that conclusion should be reached.

The gentleman from Centre, (Mr. M'Allister)—the question being upon the second reading—has offered a motion to postpone the subject for the present. Under the rules of the Convention that is a privileged motion, any gentleman being entitled to make it. Among other privileged motions, are those on adjournment, on the previous question, motions to postpone, to commit, to amend, and to reconsider.

The question now to be considered by the Convention is whether the order made by the Convention this morning, which the Chair has referred to, cuts away all the regular proceedings of the Convention and displaces all the accepted, known and notorious regular motions incident to the consideration of a question.

Those who are of opinion that it has that operation and effect will say aye; those of the contrary opinion will say no.

The question being as stated by the President, it was decided in the negative.

The question then being upon the amendment offered by Mr. M'Allister, the yeas

and nays were required by Mr. John R. Read and Mr. De France, and were as follow, viz :

Y E A S .

Messrs. Bardsley, Black, J. S., Bowman, Carey, Collins, Corbett, Corson, Curry, De France, Dimmick, Elliott, Finney, Funck, Gibson, Guthrie, Hall, Hanna, Hay, Hemphill, Howard, Hunsicker, Knight, Lear, Littleton, M'Allister, M'Clean, Newlin, Patton, Purman, Purviance, S. A., Reed, Andrew, Ross, Simpson, Smith, H. G., Struthers, Temple, Walker, Wetherill, John Price, Wherry and Meredith, *President*—40.

N A Y S .

Messrs. Achenbach, Andrews, Baer, Bailly, (Perry,) Beebe, Biddle, Black, Chas. A., Brodhead, Broomall, Campbell, Carter, Cassidy, Church, Craig, Curtin, Cuyler, Dallas, Darlington, Dodd, Dunning, Edwards, Ewing, Gowen, Hazzard, Heverin, Hopkins, Horton, Landis, Lawrence, Lilly, Long, MacConnell, M'Culloch, M'Murray, MacVeagh, Mann, Niles, Palmer, G. W., Palmer, H. W., Patterson, T. H. B., Read, John R., Rooke, Smith, Henry W., Smith, W. H., Stanton, Turrell, Wetherill, J. M., White, J. W. F., Worrell and Wright—50.

So the motion to postpone was rejected.

ABSENT OR NOT VOTING.—Messrs. Ad-dicks, Ainey, Alricks, Armstrong, Bailey, (Huntingdon,) Baker, Bannan, Barclay, Bartholomew, Boyd, Brown, Buckalew, Clark, Cochran, Cronmiller, Davis, Ellis, Fell, Fulton, Gilpin, Harvey, Kaine, Lambertson, M'Camant, Mantor, Metzger, Minor, Mott, Parsons, Patterson, D. W., Porter, Pughe, Purviance, John N., Reynolds, James L., Reynolds, S. H., Runk, Russell, Sharpe, Stewart, Van Reed, White, David N., White, Harry and Woodward.

Mr. GUTHRIE. Having voted with the majority on this question, and having heard the explanation of the chairman of the Committee on Elections, I think we were rather hasty in our decision. I now move, if it is in order, to re-consider the vote.

Mr. DALLAS. I rise to a point of order. That is whether a motion to re-consider can be made, under our rules, within four days.

Mr. MACVEAGH. I think there is a misunderstanding as to the re-consideration. I think the gentleman wants to re-consider the vote on Mr. Broomall's resolution.

The PRESIDENT. That is not now in order.

Mr. MACVEAGH. I think that is what the gentleman meant.

Mr. GUTHRIE. I was moving to re-consider the vote on Mr. Broomall's resolution.

The PRESIDENT. Motions to re-consider must be made by gentlemen voting with the majority. The gentleman from Allegheny (Mr. Guthrie) voted with the minority, and therefore his motion is not in order.

Mr. GUTHRIE. I voted with the majority on that question.

Mr. HUNSICKER. I second the motion to re-consider. I voted with the majority.

Mr. LILLY. The gentleman (Mr. Guthrie) desires, Mr. President, to re-consider the vote taken this morning on Mr. Broomall's resolution.

The PRESIDENT. The Chair will endeavor to ascertain what the gentleman (Mr. Guthrie) does want. Does he mean that he voted with the majority on the question just taken?

Mr. GUTHRIE. No, sir.

The PRESIDENT. Then his motion cannot be received as for a re-consideration of *that* vote, and no motion to re-consider the motion of Mr. Broomall, of this morning, can now be received, because there is other business before the Convention.

Mr. STANTON. I voted with the majority. I move, now, to re-consider the vote just taken.

Mr. CORSON. I second the motion.

The PRESIDENT. Did the gentleman (Mr. Corson) vote with the majority?

Mr. CORSON. No, sir.

The PRESIDENT. Then that motion cannot be received.

Mr. GOWEN. I understand the question now before the Convention is upon the amendment offered by the gentleman from Delaware (Mr. Broomall) to the section reported by the Election Committee, that amendment having for its object to vest in the Legislature the power of changing the day for holding local elections. I believe I am right in that understanding.

Now, upon this subject, I desire to make a few remarks. First, I desire to criticise the language of the amendment. That amendment says that the Legislature may have power to change the day in any particular district: *Provided*, It shall not be within four months of the general election, and if the amendment is adopted as written it would preclude the Legislature from fixing any period of the

year, except that within the four months between the first day of March and the first day of July, which are the particular four months which would suit the people less than any other. I apprehend that the gentleman (Mr. Broomall) intended by his amendment to say that the Legislature shall not fix the period of the local elections within four months preceeding the general election; but as the word "preceeding" is not in the amendment, if it is adopted no change could be made by the Legislature which would fix the period for holding the local election, either within the four months preceeding or the four months succeeding the annual election, and therefore the only option of the Legislature would be to fix the period within four months, beginning with the first of March and ending with the first of July.

If the amendment offered by Mr. Broomall had inserted into it the word "preceeding," then the Legislature would have the right to fix the period of local election at any period within eight months of the year, so that it did not come within four months preceeding the first Tuesday after the first Monday in November, and in that shape the resolution, if amended, would not be so objectionable as it is if the present amendment is adopted. However, I am opposed, Mr. President, to vesting any power whatever in the Legislature to change the period of holding these elections.

Now there has been no reason whatever urged for vesting that power in the Legislature, except it is that the convenience of certain people in certain districts would be better suited by having a different day from that named in the section as it came from the committee. I apprehend there is no surer way to degrade the elective franchise than to confer power upon the Legislature of a great Commonwealth to change the period of holding the elections for the mere convenience of the voter. One of the highest duties of the citizens of our Commonwealth is the exercise of the right of suffrage, and when that right of suffrage is esteemed of so little consequence that the mere business interests of the voter are to be accommodated by a solemn act of the Legislature, changing the period at which it shall be exercised, it is one step towards degrading the elective franchise. I therefore think that no question of the convenience of the citizen, no question of his locality, no question of his business or profession should for one

moment be heard before a Constitutional body or legislative body as any argument addressed to their reason for changing the period at which he should exercise his right as a citizen. But apart from this I have another very serious objection to urge. We are told that in the construction of statutes we are to look at the old law—the mischief and the remedy—and I apprehend that no Constitutional Convention can properly amend or change the Constitution without taking into consideration the evil that at present exists, and the laws under which those evils are made possible of existence.

Now, with the view of looking into the question, I propose to show, in a very dispassionate way, what I believe to be the manner in which elections have generally been held in the city of Philadelphia. These elections in the city of Philadelphia are entirely under the control of a general supervisory committee, which holds its sessions within the shadow of Independence Hall, and which is generally composed of two or three gentlemen occupying high dignities in the municipal government. Subordinate to this committee, and controlled by it, there are four other committees. One of these committees may be called the committee on reserve, and then the committee on inspection, another, the committee on revision and adjustment, and the other the committee on election returns. It is a well known fact that in every election precinct there are open ballot-boxes and election officers, and every citizen of this great city walks up to the election poll and deposits a ballot, in the firm belief that he has exercised one of the rights of citizenship. The police are generally made the custodians of the peace, and, I believe, are instructed to permit no illegal votes to be cast, unless they are cast for a proper candidate. During the progress of the election the hourly returns are read off and the municipal telegraph is used for reporting these returns to the chief office of the supervising committee, and if at four o'clock the result is not considered satisfactory, the subject is referred to the committee on the reserve, who order out the repeaters, and they vote as often as they can, and at as many places as they can, up to six o'clock.

When the polls are closed the ballot boxes are immediately handed over to the committee on inspection, who carefully remove all the objectionable ballots and insert other and more proper ones in

their places. After this duty has been performed, the election officers count the ballots and certify the returns. I believe there are two of these certificates, one of which goes to the return officer and the other to the prothonotary's office. These certificates, which are signed and sworn to by the election officers, are immediately handed over to the committee on revision and adjustment. Some of the figures are raised and others, I believe, are e-rased, the customary plan being if the report is, say four hundred, in some instances to put the figure one before it and make it fourteen hundred, and if a figure should happen to be an eight, they scratch out part of the eight and make it five. It is a practice which has been adopted with very great success in cases of checks upon banks, but I believe in these cases, almost invariably, the perpetrators of the fraud are punished and sent to the penitentiary, which only shows that the people of this Commonwealth care more for their money than they do for their liberties. After the committee on revision and adjustment has gotten through with these returns, one copy is deposited in the prothonotary's office and the other is handed to the return judge, who attends to the meeting of return judges on the following day. By this time the telegraph throughout the State has acquainted the supervisory committee in Philadelphia with the necessities of the case, and if the amount of repeating, ballot-box stuffing, revising and adjusting which has been done is deemed insufficient, the whole subject is referred to the committee on election returns.

At the meeting of these return judges I understand the practice to be this: The returns are called out verbally, and it is announced that there is a certain result. Then the blanks are signed—I believe generally in blank; the return judges certify the result in blank, without any figures. The committee on returns then takes up these certificates and adjourns to a meeting, which is generally held in one of the row offices, at which, above the signatures of the return judges, they generally insert such a result as, when compared with the returns from other parts of the State, will make the election satisfactory to the supreme supervising committee. Now, Mr. President, I believe from what I have seen in my public press; from the reports of the reform association of this city, as well

as from what I have seen in the reports of the proceedings in our courts, that this is a fair and dispassionate description of the manner in which the elections of the city of Philadelphia have been held. I forgot, however, to say, Mr. President, that the gentlemen who are appointed upon these different committees are generally in the receipt of very large incomes, which, in many cases, are made up by subscriptions from gentlemen occupying high social positions in the city of Philadelphia.

What then are the evils of our present election system? First, and greatest of all, and one which this Convention cannot hope to cure by any amendment to the Constitution itself, is a debauched public sentiment, which permits such things to be done and takes by the hand, and elevates into high places, men who are as notoriously guilty as any convicted felon who occupies a cell in the penitentiary. This we cannot hope to cure, unless we can change the sentiment of the community. The next evil is, the indiscriminate and prodigal use of money in elections. We may be able to cure this. The Committee on Constitutional Sanction may adopt some amendment to the Constitution which will forfeit the rights of citizenship of any man who uses money in elections. We may hope to cure this evil, but I doubt whether we can. The other evil, I believe we can cure. One of the greatest of these evils results from the fact that these elections have generally been held on the day in which the general elections take place, and the politicians who are interested in the success of their favorite candidates have made use of money, and of influence, in order to carry out their plans for the general election, and necessarily make the result of the local election coincide with that of the general election; otherwise the fraud would be apparent. Another evil in Philadelphia, and one of its greatest evils, is that at these elections we elect every year or two five or six officers to fill positions that require no more mental capacity, no more adroitness, no more skill, than could be secured by the payment of two thousand dollars a year, and yet we elect gentlemen of this class and pay them from fifty thousand to one hundred and fifty thousand dollars a year for their services.

Now, Mr. President, this class of people, who could not command in any other department of industry \$1,500 a year for their services, men whom no well-regulated

private business corporation would permit to be in the neighborhood of the vaults that hold their treasure or handle a pen in their office, these men have an opportunity of securing an office that gives them \$150,000 a year. They accomplish it in this way: They say to a certain number of other gentlemen of the same character and of the same ability as themselves, "if you will aid in manipulating this election you shall have two-thirds of this \$150,000," and in that manner you have an influence secured which is irresistible, unless the public sentiment is aroused on the subject.

That evil, I think, we can cure by making all these row officers the recipients of salaries, say \$2,500 a year, and I venture to say that for every office to be filled at that salary you will have a hundred applicants. The other great evil, and one which this present amendment will cure, is the evil which results from colonization from other districts.

In the case of the general election, this Convention has already determined that it shall be held on the same day as the presidential election, and therefore there will be no colonization at that election, because the other States will all be engaged in election on the same day. In the case of local elections, however, if the city of Philadelphia is permitted to have its local election on a day on which the counties surrounding it have no election, it will be found that it is made interesting for a number of gentlemen in the surrounding districts to come to Philadelphia on that day and exercise the inalienable right of citizenship by voting as often as they can.

As I understand the question now before the Convention it is this: Shall the local elections throughout the State be held upon the same day throughout the entire Commonwealth? I am in favor of that to the utmost. I believe that is one important step toward reform, and believe that it will so accomplish it that no system of colonization to insure fraudulent votes can be carried out. But if you vest in the Legislature the power to change this day for holding a municipal election upon the mere whim or caprice of the majority of any election district, city, county, borough or town, and to change it for their convenience, you open a door to do away, in the course of a year or two, with all the good that this Convention can accomplish on this subject.

Mr. SIMPSON. Mr. President: I recollect reading, when I was a boy, a book called the "Adventures of Baron Mun-

chausen," and the remarks of the gentleman who has just taken his seat (Mr. Gowen) reminded me of some of the very marvelous adventures of that gentleman; certainly some of the remarks of the gentleman from Philadelphia (Mr. Gowen) are not more strange than the incidents in the life of the Baron.

But it may be that the gentleman from Philadelphia (Mr. Gowen) was speaking of a time some year or two ago, when the party in power in Philadelphia was not the party in power now in this city. They may have done all the things which the gentleman has described. They are not, however, of my knowledge, nor have they been practiced, I believe, during the last two years by the party which in part I represent on this floor. I do remember when we had a spring election that in a particular locality of the Fourth ward of the city of Philadelphia, there were more votes polled than there were men, women and children living within its limits. I also recollect that last fall, in a county outside of Philadelphia, in the county of Luzerne, in a case now pending before the Legislature, it is asserted that upon a registry list of six hundred names they contrive to get twelve hundred majority. This was not in Philadelphia, and I am sure that all the frauds are not committed within the city of Philadelphia, but are scattered all over this State.

But this does not meet the argument yet. I asked the House yesterday and I repeat it again to-day. The gentleman from Philadelphia (Mr. Gowen) was not here then to hear it, and I repeat it for his information: Why should this House say that the general election, the important election of the State, shall be changed by a two-thirds vote of the Legislature to suit the convenience of the people of the State, and that the minor elections shall be put upon one day throughout the whole Commonwealth, fixed in the irrevocable law, without power to change either by the Legislature itself or by a vote of the people with the consent of the Legislature? The people ought to have an opportunity of voting for a day best suited to their own wants, and not to the wants of the gentleman from Philadelphia (Mr. Gowen) or mine. That is the question. Whether the people of each county shall have a right to change their minor elections by a vote of the people, when the day of holding the general elections can be changed by a vote of the Legislature?

Mr. MANN. Mr. President: If it is the

desire of gentlemen to defeat the work of this Convention, I think they are taking a very straight course in that direction. I cannot, for myself, understand how it would be possible for a discussion to arise in this Convention better calculated to accomplish that purpose than the one which has been indulged in under the section now before us. Since this report was considered nearly every gentleman who has spoken upon it has dwelt upon certain features of the present condition of affairs in Philadelphia. One would suppose, from the tenor of this general discussion, that this was not a Constitutional Convention of the people of Pennsylvania, called for the purpose of considering the condition of the people of the whole Commonwealth, but that we were following out the purpose for which we were created if we confined our labors to one particular section of the State. I supposed that this section and every other was to be adopted or rejected according to its bearing upon the entire Commonwealth. From the drift of this discussion, however, we might suppose that this section is to be adopted or rejected mainly as it shall bear upon this city of Philadelphia.

I do not understand the course of any such reasoning. I understand that those who are desirous to reform affairs in the city of Philadelphia shall be allowed to manage their own affairs in their own way, and, so far as I am concerned, I am prepared to give them that privilege to a full extent, including the choice of the day when they shall hold their municipal election; but I do not propose to start out, as far as my vote is concerned, and say that the people of Philadelphia shall control their own affairs just so far as this Convention thinks it ought to be done, and that where this Convention thinks it ought to control them that we shall do so. That would be introducing here the very vice of special legislation that is so much complained of at Harrisburg.

For these reasons I am opposed to the amendment of the gentleman from Delaware (Mr. Broomall); for that undertakes to say that at certain seasons of the year, neither by consent of the Legislature nor by the vote of the people, shall the city of Philadelphia be permitted to hold elections. If we carry out the spirit of the memorial which is laid on our desks we shall prohibit the Legislature of the State from passing any special legislation in regard to the city. We shall require the

Legislature of the State to pass general laws for the government of all cities, and a part of that government will be the fixing a day for holding their elections. All the argument made in favor of this section, based upon the objection against special legislation, falls to the ground, because it is just as easy to provide for all the cities and all the counties of the Commonwealth by a general law as by a special law, and I object, therefore, to the amendment of the gentleman from Delaware, (Mr. Broomall,) because it would prevent the Legislature from passing a general law regulating the times of holding municipal elections, and it would further introduce into the Constitution of Pennsylvania what never was in it, what has not been introduced into the Constitution of Illinois, which has been quoted here so often as a Constitution that could be safely followed. There is no such provision in that Constitution. There is no such provision in the amended Constitution of the State of New York, framed in 1868 by the ablest men of that Commonwealth. They left this question of municipal elections entirely to the regulation of the people, as we ought to do.

And I am astounded at the argument of the gentleman from Philadelphia (Mr. Gowen) this morning, that we ought to fix the day of holding elections without regard to the convenience or the comfort of the people. Why, sir, I undertake to say that that is just one of the things that every government ought to do. It ought to interfere just as little as possible with the comfort and convenience of the people, and with their freedom. The government that does not do that is certain to be arbitrary and tyrannical.

I object to this amendment again, because it is a departure from the rule that has been adhered to from the organization of the State. There never was such a provision in the Constitution. There is no such provision in the Constitutions of the surrounding States, and there is no necessity for it. It is a change uncalled for by the people; a change that is calculated to excite the opposition of the people, and the discussion had upon this resolution is intended to excite their opposition. Philadelphia is described as the worst place under the sun by the gentlemen living here. It is represented that men of character and standing associate with thieves and convicted felons, and take them to their councils. When the people of the State read such remarks

as these how will they feel toward a proposition, originating from this class of people, to change the Constitution of the State to suit their ideas? Not very favorably.

We cannot insert—the discussion shows this already—we cannot insert any article into the Constitution fixing a day for holding municipal and county elections, no matter what day is fixed, without considerable opposition. This discussion has shown that, no matter what day is named, it will excite some opposition to this entire Constitution. If you name a day in this article that will suit the people of Lancaster and Delaware, and other counties of the southern part of the State, it will not suit the people of the northern part of the State, and some votes will be made against the Constitution on that account.

But it is said it is necessary to do this in order to prevent fraudulent voting in Philadelphia. How will it do it? Take the statement of the gentleman from Philadelphia (Mr. Gowen) this morning as true. I know nothing about it, but take it as true, how will it bear upon the proposition before us? How will fixing a uniform day for holding municipal and county elections obviate it? Will it not be as easy to do all that he has described upon two different days as upon one? I cannot, for the life of me, see how there is no more possibility of fraud in elections under the one proposition than under the other, nor how it will not be as easy to do all that he has described if the section be adopted as it will be if it be voted down.

The chief objection I make to it, however, is that it will certainly excite opposition to the entire Constitution. We have no votes to spare, I fear, for the amended Constitution. There is a great deal said about what Philadelphia expects the Convention to do. I do not know by what authority gentlemen on the floor say that Philadelphia expects anything when the question was submitted to the people of this Commonwealth, whether this Convention should be called or not, out of one hundred thousand votes in this city, a little over sixteen thousand took the trouble of going to the polls to vote to call this Convention, only a little over sixteen thousand people in this city took any interest in the calling of this body together. How do we know that the city of Philadelphia desires any change whatever? I say that the arguments made upon this floor would be consistent, if the gentlemen making them desire to defeat the entire work of the Convention, and con-

necting that with the fact that so few votes were polled when the question was submitted to them. I suspect that these arguments are made for the purpose of defeating the work of this Convention, for the very reason that the indifference of the people showed an entire disregard of what might be its results.

There have been frequent comparisons in reference to the condition of affairs in Philadelphia now to what they were years ago. I propose to say very little about that, but as a citizen of a rural district, I have just this to say: That I can remember a time when, it seems to me, the affairs of Philadelphia were not managed much better than they are now. I can remember when Philadelphia elected to its chief magistracy an officer who had not power to put down a mob of one hundred men, when church burning and hall burning in Philadelphia were not very uncommon, and I would say, if I were to express my opinion, that the officer of this city who could stand by and see one hundred rioters put the torch to a hall, without the power or the nerve to prevent it, was a worse magistrate than any that has been seen in the city since they held their elections in October. That is the view that a citizen from a rural district takes of it. I do not know how Philadelphians look at it; but I will not pursue this subject any further, for the reason that I do not see what bearing it has upon the subject before us.

The question before us is simply whether the Legislature shall have the authority to change the time of holding the municipal elections, provided it is restricted to a time within four months of the general election. While I am in favor of giving the power to the Legislature, I prefer to leave it there, just as it is, and insert in the Constitution a general provision that the Legislature shall not pass any special law whatever, but that it will allow the people of Philadelphia to regulate their own affairs, in their own way, and all the other cities of the Commonwealth in the like manner by the same law. When we have done that, it seems to me we will have performed our duty.

MR. KNIGHT. Mr. President: Judging from the remarks which have been made in this Convention for the last two days, we might suppose that the people were no longer capable of self-government. We would be led to believe, sir, that all the people of the city of Philadelphia are corrupt, and the people through-

out the country are pure in their sentiments, actions and votes. Now I am not one of those who believe this. I am of the opinion that there is just as much purity in this city as there is in any other section of this State. I do not claim that there is any more. One would be led to suppose, from listening to the language of some of my colleagues, that they knew all about these corruptions, and were really identified with them. For my part I do not claim any such knowledge. They are afraid to trust the Legislature with any power. The Legislature comes from the people. "We, the people," elect its members; and we must remember that Philadelphia is represented in that body by a very small minority, only four Senators out of thirty-three, and a proportionate number in the House of Representatives.

I have not lost faith in the people, nor in the establishment of this government. It was the unanimous voice of the people, originally, that we should have a republic, and they gave it to us, and when this great country was assaulted by a portion of its people, the great mass of our countrymen, in their might, put down the attacking power and perpetuated this great republic for us.

From what has been said, one might also suppose that no man is nominated for an office in this city who is not corrupt. That is paying a very doubtful compliment to the members of this Convention, all of whom have some pretensions to honesty and respectability. I see some around me who have always been honored in this community, and they have been sent here by both parties. There, doubtless, have been cases, Mr. President, in where there were slight informalities in our elections, and I am one of those who have come here to assist in making a Constitution which, I hope, will correct such informalities, but I do not wish to take the power away from the people, for I am confident that they will correct many of the abuses themselves. For instance, in 1868 Mr. Seymour received a majority, in the Fourth ward, of three thousand three hundred and three, more than there were legal voters in the ward. The people said that was wrong, and the next four years, when the vote was again cast for President, Gen. Grant received a majority of fifty-eight. The people took hold of the matter and corrected the evil; and the people will always do it. We are not here for the pur-

pose of making a Constitution that will force laws upon the people against their will. They have to endorse our work, and if we perform it in such a manner as not to satisfy them our labor will be of no avail.

I have but one word more to say, and then I am done. I am in favor of leaving the power of fixing the day of the elections in the different localities of the State with the Legislature. The people have, for many years, elected the judges of our courts, and there is no State in the Union that can produce a better judiciary, more honest and competent judges, than those which have been elected by the citizens of Philadelphia.

I hope we shall hear nothing more of the tirade of abuse against the people of Philadelphia from her own representatives. I am pleased to see that we have not heard it from the people of the country. Such sentiments have only come from the representatives on this floor who have been sent here by those upon whose heads, for the past few days, they have seen fit to heap such maledictions.

MR. MACVEAGH. Mr. President: I desire simply to say that I shall vote for the amendment of the gentleman from Delaware (Mr. Broomall) with great pleasure, as I shall vote for every other proposition which comes before this Convention, which endeavors, in however slight a degree, to confine this body to its legitimate duty of making a fundamental law, and which endeavors to prevent it from assuming the province of the Legislature of Pennsylvania. I know, sir, that it is a prevalent notion here that we not only have the right to make a fundamental law, but that we have the right to legislate for the people of Pennsylvania; and we have a right to declare judicially for the people of Pennsylvania upon the body of their laws; and that we have a right to deprive them, if we choose, of an Executive Department; that all the powers of the government are centred here, and that we have and are at perfect liberty to burden our Constitution with any amount of legislation, as other States have done of late years, because some gentleman in this body sees some local evil and wishes to redress it, because some gentleman portrays the blackness of political infamy in the frauds committed at our elections and wishes to remedy the evil.

Mr. President, there certainly are limitations to our power. The people will not be told that matters which belong to them

in the sessions of their Legislature shall not be left in their control. The spirit of the time now is that everybody should tend not to his own business but to the business of everybody else. Should a Convention, called for the purpose of amending the Constitution, resolve itself into a Legislature of the State, and recognize no possible limitations upon its power? We do not get to the root of these evils. It is not a costly exercise of virtue to rise in our seats here and denounce fraud in the city of Philadelphia. If it will be at all helpful to us, I am very glad that gentlemen who live here have revealed their knowledge of things which have taken place. I care not which political organization has been party to them or been benefited by them. If the transactions detailed here have occurred they have defiled, shamelessly defiled, the name of either of the political parties which have possessed the power of the American government at different periods of its history, and, so far as it comes within our province, I will join any man in any well-considered plan to put an end to them; but I will not legislate, even at the risk of being misunderstood.

I believe the Legislature of Pennsylvania is perfectly competent to decide when the supervisors of my county shall be appointed; far more competent to decide it than this Convention. It is a legitimate subject of legislation, and not a legitimate subject of limitation in the fundamental law, and therefore I shall vote for the amendment of the gentleman from Chester, (Mr. Broomall,) and I shall vote for it upon another ground—that we do not get at the root of this evil at all. I do not believe that we have any different political light from that which we deserve. The waters running from the fountain do not naturally rise higher than their source, and the public life of America and of Pennsylvania to-day is just the reflex of the private business life of America and of Pennsylvania to-day. Shame is mantling every cheek because of the investigation which is progressing elsewhere. From whence proceeds the necessity of such an investigation? In the frauds of the directors and officers of a mammoth corporation; and while it is a deed of infamy for them to have arrayed themselves in the robes of State, still their capacity for power, and their disposition to use it in the infamous manner which they have, was wholly independent of their political character. The men who have debauch-

ed the federal Congress are what? Great speculators, gigantic intelligences that were combined with the iron pathway which unites, in continuous lines of travel, the east and the west of the continent. The evils which exist elsewhere, in your State Legislature and in your municipal governments, exist, perhaps, in each county throughout the State; exist, perhaps, everywhere, where men are engaged—as to-day nine-tenths of men are engaged—in the mad pursuit of illicit gain.

These corruptions exist because we live not in a time of public spirit. We do not breathe the atmosphere that Pericles breathed; we do not breathe the atmosphere that Washington and Franklin and Jefferson breathed. The ambitions of to-day are not the ambitions to serve the State. The only worthy ambition of men to-day is, it seems, to get rich; and therefore great associations of individual enterprise, to which all honor is due, and great associations of corporate enterprise, to which all honor is due, are formed everywhere. As we live in an era of unexampled material prosperity, so we must take some of the consequences of it.

If our legislators are not pure it is because our electorate is not pure. They represent not the best, not the virtuous, but they represent the average moral and political sense of the community. Look at the startling fact that one gentleman stated, that in this great city of Philadelphia there were but sixteen thousand voters who even thought it desirable to make any change, here and now, in the fundamental law. There are other great districts of the State where the political demoralization prevails, I am assured, to an extent equal to that in this city. But we will not cure that by attempting to legislate. It does seem to me that we can afford, certainly within the narrow limits prescribed by the amendment of the gentleman from Delaware, (Mr. Broomall,) to leave the fixing of the day when the supervisors of the different townships of each county in the State are to be elected to the Representatives of the people in the General Assembly.

Mr. CAMPBELL. Mr. President: I am glad to find that the gentleman from Dauphin (Mr. MacVeagh) is so convinced of the political corruption of the State and the country at large—

Mr. LILLY. Mr. President: I rise to a point of order. We are not now discussing the question of the corruption of the

city of Philadelphia. I ask that gentlemen confine themselves to the question before the Convention.

The PRESIDENT. The rule of the Convention is that gentlemen shall confine themselves to the subject proper in debate, but it is a very disagreeable rule indeed for the Chair to insist upon. The Chair is of opinion, however, that the question of corruption in different sections of the State is not so irrelevant to the present subject before the Convention as to call for the intervention of the Chair.

Mr. CAMPBELL. Mr. President: I was about to state, when the gentleman (Mr. Lilly) so unceremoniously interrupted me, that the corruptions of the State, in reference to the elections held by the citizens of the State, are what we are now properly considering, and what this section, reported by the committee, and this amendment, moved by the gentleman from Delaware, (Mr. Broomall,) were intended to reach; and therefore it seems to me it is very properly now before us to consider what remedy we can devise that will remove corruption from the elections of Pennsylvania, whether it be in Philadelphia or in any other section of the State. I will merely state now that the corruptions are not confined to Philadelphia. They are also found in the gentleman's (Mr. Lilly's) own district, and in other districts of the State. We are now to consider those corruptions, and to find, if possible, a remedy for them.

I was going to say that I am glad that the gentleman from Dauphin (Mr. MacVeagh) is so convinced, is so well convinced, of the wholesale corruption that prevails throughout the State and country. But I differ materially from him when he says that we are not called upon to legislate in this Convention.

It has been the history of all the Constitutional Conventions in this country, for the last twenty or thirty years, that they have been compelled to legislate for the good of the citizens of their respective States, and while the theory of a Constitutional Convention in old times was that nothing should be put into a Constitution but general principles, yet it has been found absolutely necessary in these later days to put in some articles of legislation.

The gentleman says he is convinced of this wholesale corruption, and yet he proposes to leave it to the Legislature to fix a day in *this* county and another day in *that* county, thus involving again all the evils of special legislation, evils which it is our

province as a Constitutional Convention to remedy if we wish to frame a document that will be a *reform* Constitution.

I hold that this Convention should put into this Constitution something which will be up to the requirements of the age—something that will totally prohibit the Legislature from interfering with the different sections of the State, so that the mass of the citizens of the Commonwealth may have good laws and good provisions in their Constitution, independent of the varying whims of legislative bodies.

The very fact that the gentleman mentions that giant and mammoth corporations, as he called them, are now steeped in corruption and are using every endeavor to corrupt the sources of power, and the very fact that these corporations wield such an immense power for evil, indicate to us, as members of a Convention, to amend the Constitution, that we must imperatively provide means to protect the people against such power, even if in order to effect it we encroach upon what is termed legislation. We must put into our Constitution legislative acts. If we merely confine ourselves to general principles we shall not accomplish that reform for which the people of Pennsylvania are anxiously waiting and hoping, and which they are unquestionably demanding.

Therefore I say, in reference to the immediate question before the Convention, the amendment of the gentleman from Delaware, (Mr. Broomall,) that I hope it will be voted down, so that the Legislature shall not have the power to interfere, and so that this Convention may say to the people of Pennsylvania, whether it be said to be in the nature of a legislative act or not, that the Legislature shall not have any capacity to interfere in any sectional or local matters.

Mr. GOWEN. Mr. President: I desire to say a few words further on this subject. I endeavored awhile ago to present an argument, based upon present well-known evils, to show that the section suggested by the Committee on Elections should be adopted, and would cure, at least, one of these evils.

I was amazed to find that my remarks created such excitement throughout the Convention. My friend from Philadelphia (Mr. Simpson) immediately got up and likened me to Baron Munchausen, and said that this state of things existed three years ago, but no longer exists in Philadelphia. My friend from Potter

(Mr. Mann) rose and lighted the torch of his eloquence at the ruins of one of the churches that was burnt during the Philadelphia riots of 1844. My friend from Philadelphia (Mr. Knight) denied that there was any impurity among the citizens of Philadelphia, and said that they were as pure a body of people as existed in the State. My friend from Dauphin (Mr. MacVeagh) took passage upon an express train on the Pacific railway and carried us in imagination across the continent, and filled the sails of oratory, wafted us over the ocean, until, subdued by the charms and blandishments of Asia, he enlarged upon the glories of Greece in the age of Pericles.

I have this to say, in continuation of the remarks which called forth all this eloquence, that if I had for one moment conceived that any remark of mine would be so construed as to imply any reflection upon any one political party, I would have said then what I do now, that neither political party, in my opinion, is more guilty than the other; that both are equally guilty, for both have about equally indulged in the corruptions of which we complain. If the palm of superiority is to be awarded to either it is always due to the one last in power. Frauds have been progressive, and each succeeding administration has learned something from its predecessor.

So far from making any attack upon the purity of the people of Philadelphia, I believe there are no better and purer citizens in the whole length and breadth of the United States than those who reside in Philadelphia, and if I were to make a mathematical calculation of the amount of corruption among them I feel sure I should find as a result that out of every one hundred of Philadelphia's citizens there are ninety-seven pure and three corrupt. I do consider it a burning shame that these ninety-seven have no voice in our elections, and are controlled by the other three.

It is simply with the view of securing purity of elections to the pure people that I claim that some Constitutional restriction should be imposed upon the corrupt people, so as to render it impossible that three wicked men in every hundred can manipulate and control the votes of the ninety-seven pure men.

Mr. SIMPSON. I desire to amend the proposition of the gentleman from Delaware, (Mr. Broomall,) by striking out all

after the word "Legislature," and inserting so that it shall read, as follows:

"That the Legislature may by law confer upon the electors of any city or county the right to fix another day, by a vote which shall be taken at the next general election."

The question being on the amendment of Mr. Simpson to the amendment offered by Mr. Broomall, the yeas and nays were required by Mr. Simpson and Mr. Hanna, and were as follow, viz:

Y E A S .

Messrs. Baker, Bardsley, Bowman, Collins, Darlington, Edwards, Hanna, Lilly, Littleton, Mann, Palmer, H. W., Simpson, Smith, Henry W. and Struthers—14.

N A Y S .

Messrs. Achenbach, Andrews, Baer, Baily, (Perry,) Beebe, Biddle, Black, Chas. A., Black, J. S., Brodhead, Broomall, Campbell, Carey, Carter, Cassidy, Church, Corbett, Corson, Craig, Curry, Curtin, Cuyler, Dallas, De France, Dimmick, Dodd, Elliott, Ewing, Finney, Funck, Gibson, Gowen, Guthrie, Hall, Hay, Hazzard, Hemphill, Heverin, Hopkins, Horton, Howard, Hunsicker, Knight, Landis, Lear, Long, M'Allister, M'Clean, MacConnell, M'Culloch, M'Murray, MacVeagh, Minor, Niles, Palmer, G. W., Patterson, T. H. B., Purman, Purviance, S. A., Read, John R., Reed, Andrew, Rooke, Ross, Smith, H. G., Smith, W. H., Stanton, Temple, Turrell, Walker, Wetherill, J. M., Wetherill, John Price, Wherry, White, J. W. F., Worrell, Wright and Meredith, *President*—74.

So the amendment to the amendment was rejected.

ABSENT OR NOT VOTING.—Messrs. Adicks, Ainey, Alricks, Armstrong, Bailey, (Huntingdon,) Bannan, Barclay, Bartholomew, Boyd, Brown, Buckalew, Clark, Cochran, Cronmiller, Davis, Dunning, Ellis, Fell, Fulton, Gilpin, Harvey, Kaine, Lamberton, Lawrence, M'Camant, Mantor, Metzger, Mott, Newlin, Parsons, Patterson, D. W., Patton, Porter, Pughe, Purviance, John N., Reynolds, James L., Reynolds, S. H., Runk, Russell, Sharpe, Stewart, Van Reed, White, David N., White, Harry and Woodward.

Mr. NEWLIN. I move the Convention adjourn.

Mr. BROOMALL. I rise to a point of order. The motion to adjourn is not in order, as the Convention, by resolution this morning, agreed to continue the session to-

day until the final vote on the subject now under discussion should be taken.

The PRESIDENT. The resolution referred to by the gentleman will be read for the information of the Convention.

The CLERK read as follows :

Resolved, That the final vote upon the pending section, reported by the Committee on Suffrage, Election and Representation, be taken to-day, and that the hour of adjournment be postponed, if necessary, for this purpose.

The PRESIDENT. The Chair understands the latter part of this resolution to mean that the hour at which the President shall adjourn the Convention, without a motion, is postponed until the final vote is taken upon the pending question, if it should be taken in the course of the day. The Chair will take occasion again to observe that a standing rule of the Convention requires all resolutions involving an alteration of the rules or addition thereto to lie on the table one day for consideration, and also that the rule of the Convention is absolute that a motion to adjourn shall always be in order. The motion to adjourn is in order.

The question on adjournment being taken, a division was called, and it was not agreed to; ayes, thirty-three, noes, fifty-three.

Mr. HAY. Mr. President: I do not intend to detain the Convention by adding anything further to the discussion of this question. It has already been discussed, it seems to me, sufficiently for the information of all the members who propose voting upon the question; but I desire it to be understood, as far as I am concerned, that I am in favor of separating the elections for political officers from those that are, as I think, non-political in their character. I only desire now to say that I see no reason why the section, as reported by the Committee on Suffrage, should not be extended so as to include other officers than those included in its provisions. I can see no reason why elections for county officers, prothonotaries of courts, sheriffs of counties, and such like, should not also be held at a time separate from the national and State elections. I therefore shall simply state that, if the amendment now pending is voted down, I will make a motion to insert the word "county" in the section reported by the committee.

The question recurring on the amend-

ment offered by Mr. Broomall, it was not agreed to.

Mr. HAY. I now offer, as an amendment, to insert the word "county" before the word "city."

The question being taken on the amendment, it was not agreed to.

The PRESIDENT. The question is upon the adoption of the section as reported by the Committee on Suffrage and Election. The Clerk will read it for the information of the Convention.

The CLERK read as follows :

"All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February."

SPRING ELECTIONS ADOPTED.

The question being taken on the section as reported by the Committee on Suffrage, the yeas and nays were required by Mr. Mann and Mr. J. Price Wetherill, and were as follow, viz :

Y E A S.

Messrs. Achenbach, Andrews, Baer, Bailey, (Perry,) Beebe, Black, Chas. A., Black, J. S., Brodhead, Broomall, Campbell, Carter, Cassidy, Church, Corbett, Craig, Curry, Curtin, Cuyler, Dallas, De Francee, Dodd, Dunning, Elliott, Ewing, Funck, Gibson, Gowen, Guthrie, Hall, Hay, Hazzard, Hemphill, Heverin, Hopkins, Horton, Howard, Hunsicker, Landis, Lawrence, Lear, Lilly, Long, M'Allister, M'Clean, M'Connell, M'Murray, Minor, Niles, Palmer, G. W., Patterson, T. H. B., Purman, Purviance, Samuel A., Reed, J. R., Reed, Andrew, Rooke, Smith, H. G., Smith, Henry W., Smith, W. H., Temple, Turrell, Walker, Wetherill, J. M., Wherry, White, J. W. F., Worrell, Wright and Meredith, *President*—68.

N A Y S.

Messrs. Baker, Bardsley, Biddle, Bowman, Carey, Collins, Corson, Darlington, Dimmick, Edwards, Finney, Hanna, Knight, Littleton, Mac Veagh, Mann, Newlin, Palmer, H. W., Ross, Simpson, Stanton, Struthers and Wetherill, *Jno. Price*—23.

So the section was agreed to.

ABSENT OR NOT VOTING. — Messrs. Addicks, Ainey, Alricks, Armstrong, Bailey, (Huntingdon,) Bannan, Barclay, Bartholomew, Boyd, Brown, Buckalew, Clark, Cochran, Cronmiller, Da-

vis, Ellis, Fell, Fulton, Gilpin, Harvey, Runk, Russell, Sharpe, Stewart, Van
 Kaïne, Lamberton, M'Camant, Mantor, Reed, White, David N., White, Harry
 Metzger, Mott, Parsons, Patterson, D. W., and Woodward—42.
 Patton, Porter, Pughe, Purviance, John On motion of Mr. Temple the Conven-
 N., Reynolds, James L., Reynolds, S. H., tion then adjourned.

TWENTY-THIRD DAY.

WEDNESDAY, January 22, 1873.

The Convention met at twelve M. Rev. James W. Curry offered prayer, as follows:

Almighty Father, command thy blessing to rest upon us this day, and teach us in our hearts to pray, as Thou hast taught us: Our Father, which art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, the Power, and the Glory, forever and ever. Amen.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PURMAN. Mr. President: I ask leave of absence for Mr. Dodd, of Franklin, who has been called home for a few days.

Leave was granted.

COMPULSORY EDUCATION.

Mr. TURRELL offered the following resolution, which was referred to the Committee on Education:

Resolved, That the Committee on Education be directed to prepare a section for the Constitution providing for compulsory education of all children in the Commonwealth between the ages of five and fifteen, and making it the duty of the Legislature to provide the proper enforcement thereof by appropriate legislation.

LEAVE OF ABSENCE.

Mr. HOPKINS asked for and obtained leave of absence for Mr. Alricks, of Dauphin, for a few days.

Mr. ELLIS asked for and obtained leave of absence for Mr. Bartholomew, of Schuylkill, for a few days.

Mr. J. W. F. WHITE asked for and obtained leave of absence for a few days for Mr. Edwards, of Allegheny, who was called home suddenly in consequence of sickness.

ADOPTING NEW SECTIONS.

Mr. GIBSON. Mr. President: I offer the following resolution:

Resolved, That it is the sense of this Convention that no vote shall be taken upon any section of the new Constitution, reported by any committee, until the entire report of the committee be filed. And if sections are under consideration by other committees, such votes shall not be taken until such other report is filed.

On the question of proceeding to a second reading of the resolution, a division was called, which was decided in the negative, a majority of a quorum not voting in the affirmative.

FURNISHING THE JOURNAL TO REPORTERS.

Mr. BARDSLEY. Mr. President: I offer the following resolution:

Resolved, That ten copies of the Journal be furnished to the reporters of the press engaged in reporting the proceedings of the Convention.

On the question of proceeding to second reading, a division was called, which was decided in the negative, a majority of a quorum not voting in the affirmative.

Mr. MACVEAGH. Mr. President: I offer the following resolution, by instruction of the Committee on Judiciary:

Resolved, That the Chief Clerk be instructed to address a letter to the prothonotary of each court of record in the State, requesting such officer to furnish to the Convention the number of civil causes pending on their respective dockets, arranged according to the years in which the respective writs were issued.

On the question of proceeding to second reading, a division was called, resulting forty-seven in the affirmative and eleven in the negative.

So the resolution was read a second time.

Mr. MACVEAGH. Mr. President: May I simply say to the Convention that the Judiciary Committee think that this information would be useful, not only to them but to the members of the Convention? You will observe it that it is in the

narrowest possible form, asking simply for the number of cases pending by years, and therefore can be given certainly with very little labor and effort, and it will show whether or not further judicial force is needed in the different judicial districts. Certainly it will furnish some of us the information that we need, and as it will give but very little trouble and labor, I hope the Convention will agree to the resolution.

Mr. WORRELL. Mr. President: I offer an amendment to the resolution.

The CLERK read the amendment, as follows:

"And that the clerks of the courts of quarter sessions shall certify the number of returns made to each term within the last two years, and the disposition made of the same by the grand juries and the courts."

Mr. MANN. Mr. President: I trust that amendment will not be adopted. I think the original resolution is asking quite enough of these officers. In many counties of the State the duty required by the amendment will be imposed upon the same officers that will have to respond to the information asked for in the resolution, and by the resolution itself we will impose a great deal of labor upon them, and it seems to me we are making these inquiries of officers with a little disregard to the amount of labor imposed. The answer of the Auditor General, directed to us day before yesterday, clearly proved that. I am in receipt of a private letter from one of the clerks in the Auditor General's office, which makes it still stronger. He says that the information asked for in the resolution would require the time of one clerk for an entire year, and that the business of the office would be seriously interfered with by attempting to answer it in the form in which it was sent to them, and if gentlemen will reflect for a moment they will see that the resolution offered by the gentleman from Dauphin (Mr. MacVeagh) will impose a great deal of labor upon the prothonotaries of the several counties, and in many counties the clerk of quarter sessions is the prothonotary, and this amendment will impose upon them the additional work. I hope, therefore, that the amendment will not be adopted.

Mr. WORRELL. Mr. President: In order to furnish the information which this amendment calls for, the clerk of the court of quarter sessions will not be required to spend more than one hour's

time in making up the certificate required. I think it important, sir, that we should know just what has been the action of the grand juries upon the returns made by the subordinate judiciary, and we should know how many returns the subordinate judiciary have made, the character of the returns and what dispositions have been made of the bills which have been presented to the court. All that is required is for the clerks of the quarter sessions to say that at a certain term a certain number of returns were made; that of those returns a certain number were ignored and a certain number were returned true bills; and with regard to the true bills, conviction followed upon a certain number and upon a certain other number the verdict was not guilty.

It is important that we should have this information, in view of the fact that efforts will be made to abolish the grand jury, and in view of the fact that a subordinate, different from that which now exists in the Commonwealth, is contemplated by certain resolutions which have been offered in this Convention.

I hope this amendment will pass, as it will not impose upon those from whom the information must be obtained more than an hour's labor.

Mr. ARMSTRONG. Mr. President: The resolution, as it was offered by the gentleman from Dauphin, (Mr. MacVeagh,) was offered at the suggestion of members of the Judiciary Committee. The question involved in the amendment was considered by that committee, and although it might be desirable to obtain the information, it was the judgment of the committee that we ought not to call for it at this time, inasmuch as it would involve an amount of labor to the prothonotaries which would long delay the procurement of any information, and as there is no provision to pay them, the probabilities are that from the majority of counties we will get no answer.

The resolution, as reported on behalf of the committee, has been carefully considered, and it involves only such information as is desirable, and which can certainly be procured without much inconvenience. I therefore trust that the amendment will not prevail, and that the resolution, as reported from the Judiciary Committee, will pass.

The question being taken upon the amendment offered by Mr. Worrell, it was rejected.

The PRESIDENT. The question recurs upon the original resolution.

Mr. DARLINGTON. Mr. President: I would gladly vote for information that is really desired and valuable to any committee of this Convention, which they may esteem necessary to the discharge of their duty, but I am at a loss to conceive how the information sought for can possibly aid them. They wish to know how many suits are pending, and how many cases are on the trial list in a particular district, with a view, I suppose, of determining whether any, and, if any, what alteration should be made in that portion of the Constitution relating to the judiciary. In other words, whether we should provide a stronger judicial force for a district that has a large amount of unfinished business in it.

Now this will not give the desired information to enable them to arrive at that result. Why? Because you may take a district where there is an active and energetic judge—such as I have the honor to live in—and in which there are very few cases remaining on trial, and in which there is no extra judicial force required, because he is able to do all the work.

You may take another district, where the judge is less energetic and less efficient, who does not work so hard, and you will find that there is a large number of cases pending and undetermined. What then? Are you to provide additional force for the inefficient judge, or would not the remedy be such a re-organization of the judiciary as should give to such district a judge who can do the business? It does not seem to me, sir, that this information would at all aid us in arriving at any correct result as to the judicial force necessary to be applied in a particular district. It does not at all follow that because there may be a judge in any particular district unable to despatch the duties of his office, or who does not work long enough, or hard enough, to get through with it, it does not at all follow that the State must be at the expense of providing another. That must be corrected by the people of the district at the next election. Elect the man who has the force of character, the will and the health to go through with the business, and that is all you need.

There is no member of this Convention who has not a general knowledge of the condition of the business in his district and the counties he represents. All the information which the Judiciary Com-

mittee need can be furnished by the members of this Convention; all the general information that is necessary as to re-organization, if re-organization of the judiciary department be necessary. We need not put these officers to the trouble, nor submit ourselves to the delay of weeks, which must necessarily pass before replies can be had from the various officers of the different courts throughout the State. I am therefore opposed to the resolution.

Mr. MACVEAGH. Mr. President: The inquiry, as now narrowed down, is not open to the objections raised against it by the gentleman from Chester, (Mr. Darlington,) and it is not true, I venture to say, that other gentlemen are able to pronounce as positively as he seems to be, that in the districts in which the business is in arrear the judge is inattentive and incapable, and in the district in which the business is not in arrears the judge is attentive and capable. There are districts, we are told, in which the business is in arrear for lack of judicial force to dispatch it, and it certainly is important for this Convention to know, and for the gentlemen who are about to pass upon the judiciary article of the Constitution to know—not whether in their own districts, owing to local causes, the list is in a satisfactory or unsatisfactory condition—but whether additional force is necessary in any district of the State. The members of this Convention well know that no body of public servants deserve better of her than her judges of the courts of common pleas throughout the Commonwealth. There are no men who endeavor to discharge their duty more promptly, and who do, in fact, discharge it with better satisfaction to their constituents. Knowing this, it surely can do no harm to the Convention to be informed of the number of cases now pending, with the length of time they have been pending, and the year in which they were brought, throughout the Commonwealth.

It will not take any intelligent prothonotary clerk two hours, outside of the great cities, to furnish the information, and surely it will show the condition of the public business generally in the courts of the Commonwealth, and will show whether or not a thorough re-organization is needed, and whether an additional force is required in the judicial department.

It is not intended to wait for the information. It is supposed by the committee that the information may be useful in the

final judgment which this Convention passes, if it reaches us in time, and, as it is a small request of the officers to furnish it, I cannot conceive what harm it can do to anybody.

Mr. MINOR. Mr. President: It seems to me, sir, that the Judiciary Committee is not only fully justified in calling for this information, but it would really be in error if it did not call for it. Will we undertake to pass upon a judicial system without ever the committee having the official means of information as to how the business of our courts stands? We need it, sir, and we ought to have it.

It may not be true that it will give every thing that they may need; it may not answer every question; it may not give all the information upon every point before them; but it is a part, and a very important part, of the information needed, how the dockets now stand and what is their recent history.

Mr. TURRELL. I regret to have to make any objection to the request made by a committee, and if I could see any benefit to be derived from it I would willingly vote for it. I have two objections to it. One is that this information, when obtained, will be only an approximation; it will not be accurate. There are lawyers enough in this Convention to know that the state of the trial list and of the docket, which the resolution calls for, depend very much upon the ability of the judges to dispatch business and upon their disposition to labor. I have still another objection upon which it will not be necessary to enlarge upon. It is this: The object for which this information is desired is to assist the Committee on the Judiciary to arrive at a conviction whether or not more judicial force is necessary for the proper dispatch of business. I claim, sir, that this is a subject on which every member is supposed to be informed, and will be able to bring that knowledge to bear on the question when the question comes to be considered.

The question being upon the resolution, it was agreed to.

CHANGE OF RULES.

Mr. MACVEAGH. Mr. President: I now move the second reading of the resolution on the order of business, which I offered yesterday.

The resolution was read for information, as follows:

Resolved, That rule seven of the order of business shall be so amended, that on

and after Monday next the sixth subdivision thereof shall be first called after the Journal has been read, except on Saturday of each week.

The question being, shall the Convention proceed to the second reading and consideration of this resolution, it was agreed to.

Mr. LILLY. I offer the following amendment:

"And that the session of Saturday shall be for general debate only."

The question being upon the amendment offered by Mr. Lilly, the yeas and nays were required by Mr. Darlington and MacVeagh, and were as follow, viz:

YEAS.

Messrs. Ainey, Andrews, Armstrong, Baer, Bardsley, Biddle, Black, J. S., Bowman, Boyd, Brodhead, Broomall, Corson, Curry, Cuyler, Dunning, Ellis, Fell, Finney, Funck, Gibson, Gowen, Guthrie, Hanna, Harvey, Howard, Hunsicker, Knight, Lamberton, Lear, Lilly, Long, MacVeagh, Metzger, Newlin, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Patton, Porter, Ross, Runk, Simpson, Wetherill, J. M., Wherry and Wright—46.

NAYS.

Messrs. Achenbach, Bailly, (Perry,) Bannan, Beebe, Black, Chas. A., Brown, Campbell, Carey, Carter, Church, Clark, Cochran, Collins, Corbett, Craig, Curtin, Dallis, Darlington, De France, Elliott, Ewing, Fulton, Hay, Hazzard, Hemphill, Heverin, Hopkins, Horton, Landis, Lawrence, Littleton, M'Allister, M'Clean, M'Connell, M'Culloch, M'Murray, Mann, Mantor, Minor, Niles, Patterson, T. H. B., Purman, Purviance, Samuel A., Reed, John R., Reed, Andrew, Rooke, Smith, H. G., Smith, Henry W., Smith, W. H., Stanton, Struthers, Turrell, Walker, Wetherill, Jno. Price, White, J. W. F., Worrell and Meredith, *President*—57.

So the amendment was rejected.

ABSENT OR NOT VOTING.—Messrs. Addicks, Alricks, Bailey, (Huntingdon,) Baker, Barclay, Bartholomew, Buckalew, Cassidy, Cronmiller, Davis, Dimmick, Dodd, Edwards, Gilpin, Hall, Kaine, M'Camant, Mott, Pughe, Purviance, John N., Reynolds, J. L., Reynolds, S. H., Russell, Sharpe, Stewart, Temple, Van Reed, White, David N., White, Harry and Woodward—30.

Mr. CORBETT. I move to amend the resolution, by striking out the words "except on Saturday of each week."

Mr. JOSEPH BAILY. I would like to know how the resolution would read in that case.

The PRESIDENT. The Clerk will read the resolution.

The CLERK read as follows :

Resolved, That rule seven on the order of business shall be so amended, that on and after Monday next the sixth sub-division thereof shall be first in order after the Journal has been read.

Mr. DARLINGTON. Am I to understand by the amendment that the Convention isto hold no sessions on Saturday?

Mr. CORBETT. The object is, if there is a session on Saturday, that the rule shall prevail as well in respect to that session as to any other day.

The PRESIDENT. The question is on the amendment.

The yeas and nays were demanded.

Mr. MACVEAGH. I desire to ask the unanimous consent of the Convention to make a few remarks, that will obviate the necessity for the call for the yeas and nays.

Mr. CORBETT. I move that the gentleman have leave.

The Convention gave its unanimous consent.

Mr. MACVEAGH. I would like to say to the Convention that in common with many other members—

The PRESIDENT. The Chair will interrupt the gentleman for a moment. The Chair understands the rule in regard to the continuance of debate to be: If the question has been put and decided *viva voce*, that the debate is at an end, because a division of the House is only to test the vote as already taken; but before the question has been decided and the result announced, debate is perfectly in order.

Mr. MACVEAGH. I am sorry to trouble the Convention, but I hope the members will bear with me while I state my object in offering this resolution.

Mr. J. W. F. WHITE. Mr. President: I object.

The PRESIDENT. The Chair has stated the rule of the Convention. The gentleman will proceed.

Mr. MACVEAGH. Mr. President: The evil intended to be corrected by this motion was, what seemed to me to be, the preference given to the miscellaneous business of the Convention rather than to

the more important matters of consideration of the proposed text of the Constitution. In other words, we have the report of the Committee on the Legislature before us, and as other committees will certainly be ready to report by the time this report is disposed of, I thought it wise that this report of the Committee on the Legislature should be the first business in order on our assembling each day, except on Saturday; that instead of receiving original resolutions, which give rise to debate, instead of calling the yeas and nays upon various questions that arise, and instead of listening to the resolutions which we have listened to with great patience for many weeks, we shall devote ourselves to the practical duties of the Convention, which are, it seems to me, to decide upon the text of the Constitution. But there are gentlemen who think that the motion I have made will not advance the aim I have in view, and as that information comes to me from sources which I am always accustomed to listen to with great deference, perhaps we will achieve more rapidly our desire by following the regular order of business. I have no tenacity about this proposition. All that I wished was to prevent our wasting one day after another without any serious progress in our work.

We met on the 12th of November and we are here in session on the 22d of January. We have fixed the time of elections throughout the State, and have not, even in committee of the whole, or the body of the Convention, considered any other proposition to amend the Constitution. However, if the regular order, as prescribed in the rules, is the best way to attain our object, I have not the slightest desire to interfere with it, and therefore if it is the sense of the Convention, I will move to postpone, for the present, the consideration of the resolution I had the honor to offer.

The question being taken, a division was called, and the motion to postpone was agreed to, a majority of the quorum voting in the affirmative.

SPRING ELECTIONS.

The PRESIDENT. The next business in order is the further consideration of the article reported by the Committee on Suffrage and Election. The question is, shall the Convention proceed to its consideration?

Which was determined in the affirmative.

The PRESIDENT. The question now before the Convention is, shall the article be transcribed for a third reading?

Which was determined in the affirmative.

MAJORITY REPORT OF THE COMMITTEE
ON THE LEGISLATURE.

The PRESIDENT. The next business in order is the consideration of the article reported by the Committee on the Legislature. Is it the pleasure of the Convention to proceed to the consideration of the article?

IN COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, Mr. HOPKINS in the Chair.

The CHAIRMAN. The committee of the whole have referred to them an article reported by the Committee on the Legislature. The first section will be read.

THE LEGISLATIVE POWER.

The CLERK read as follows:

I. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

The CHAIRMAN. The first section is before the committee.

Mr. MACVEAGH. Mr. Chairman: I would like to remark to the committee of the whole, before it enters upon the consideration of this report, that we trust it is to be regarded in its entirety as well as by sections, and in saying what I shall about what we have done, I shall endeavor to distinguish, in some instances, between myself as a member of it and the committee itself, and give my own judgment upon some of the matters reported by the committee. Gentlemen will bear in mind that the Committee on the Legislature felt themselves restrained throughout their work by one conservative consideration, and that was: That they would make no change in the text of the existing Constitution unless it was to remedy an admitted evil or to substitute a clear advantage, and that as regarded matters of literary taste, symmetry, order or even superfluous words, they would make no change unless they were satisfied that there were substantial benefits to be attained other than the gratification of a mere literary taste. Therefore gentlemen will find that in the various matters of the sections relating to the qualifications of members of the Legislature, and in

other respects, the committee has made no change whatever in the text of the present Constitution. The scheme, however, presents certain marked changes. The first great change is that of biennial sessions. The minority report of the committee relative to this matter has been laid on the tables of members, and the views expressed therein are well known to the Convention. The majority of the committee in reporting the article felt sure of certain principles. The first was that every statute that is passed introduces an element of change into the relations existing between the citizens of this Commonwealth, and that change in law is of itself an evil of considerable importance, and only to be justified by a clear advantage resulting from it; and in the next place, once in two years seemed to them, at least, often enough for a civilized community to submit the whole body of its laws to an association of officers delegated especially to make changes in them.

In the third place, they thought that as special legislation would be removed the Legislature would have ample time, in a session of three months, to devote attention sufficient to general subjects to give us all the general legislation that we would need, once in every period of two years. And if any special occasion arose, they provided that the Governor might convene the General Assembly in special session. Having agreed upon that theory of a biennial session of the Legislature, they provided that the members of the lower House should be elected biennially for two years, and that the members of the Senate should be elected for the term of four years, one-half of them going out of office at the expiration of two years, thus preserving a conservative element and a legal existence of the Senate as a legislative body.

They provided further, that each member of the Legislature should take an oath, which is, in terms, almost identical with the oath provided in the Constitution of Illinois of a three-fold character:

First. For the faithful discharge of his duty and for his allegiance to the Constitution of the federal government and of this State.

Second. That he had not obtained his office by any illegal or corrupt methods; and

Third. That having obtained it he would not use his office for any corrupt purpose or at the instance of any corrupt instrumentality.

These three ends are reached by phraseology which, it is hoped, the Convention will agree in thinking cover them, while they do not present an oath that any honest man, however ardent may be his partisanship, however devoted may be his attachment to any political organization, if he is an honest man need hesitate to take.

In the third place, they have fixed a compensation for the members of the General Assembly. They knew, in doing this, that it seemed very unwise, at the first look, to make a hard and fast line concerning money in a fundamental law, when values are changing under the influence of the laws of trade every day and almost every hour. But they disregarded that consideration in order to correct what seemed to them a grosser abuse and a greater anomaly in political science. That was, that no public servant, whoever he be or whatever office he fill, should have the power of fixing his own compensation, and as there was no other body to fix it but the Legislature or this Convention, the committee thought it better for the Convention to fix it.

They then provided, in the terms of the present Constitution, that each House of the General Assembly should be the judge of the elections and qualifications of its own members. Upon that point, I confess, I was not entirely in accord with the committee. I regard the title of an office as a judicial question, which ought to be decided judicially by the judicial department of the government, and I would therefore have preferred to refer contested elections to the court of the county in which the sitting member happened to reside, or in some other judicial tribunal that would hear and determine the matters at issue judicially and not as partisans; but the committee, in their wisdom, saw a greater danger on imposing upon the judiciary duties which, however judicial in their nature, were no longer judicial in their reputation, and the decision of which by the judiciary might do more harm to the popular opinion of its impartiality than a partisan decision of contested elections might do to the public conscience. That is a vexed question. The Convention will bear with me in saying that it has raised a most excited discussion in Parliament of recent years, and that all the thoughtful men of the House of Commons agreed in divesting themselves of that power and of referring it to the judges. But it is also well to remember that among the earliest

instances of judicial decisions was the famous Galway judgment of Mr. Justice Keogh, which did much to shake the confidence of Ireland in the impartiality of the judicial decision of a contested election.

Then the only remaining matter in the report of importance is the method of apportionment. In that matter the question was how best to secure a method which would prevent one political organization from availing itself of a numerical majority in the General Assembly to disfranchise any portion of its fellow-citizens, what was the most probable method to secure equal representation throughout the Commonwealth, and after as mature deliberation as they could give to the subject, the committee seemed to agree in opinion that the method adopted in Illinois was the most probable method of securing a desirable result; a method which makes a quotient the ratio of representation; which requires the districts to be, as far as feasible, single districts; which requires them always to be bounded by county lines; which requires them always to be composed of compact as well as contiguous territory, and that method is there fore pursued in the sections which relate to the apportionment of the State, both for the House of Representatives and for the Senate.

As to the numbers which should constitute the General Assembly, a very great diversity of opinion existed in the committee, as it is likely a very great diversity of opinion will be found to exist in the House. For one I cannot help believing that our escape from the evils which now afflict us lies not at all in attempting to increase the number of the Representatives in our General Assembly, for, I think, flooding a market with any article only serves to reduce the price, but in beckoning to our places of legislative trust the honest character of the Commonwealth, the men whose names are beyond suspicion and beyond price, who will not barter and who will not buy. And I believe that it is now an axiom in politics that as you increase responsibility, as you increase political power, especially when you lift the degrading spoils out of politics by reforming your civil service, lifting the ignoble aims of your public life out of it and leaving only the noble ambitions in it, then as you increase power, as you increase responsibility, so you increase the character of the men you summon to the post. And therefore—I

know it will sound singular; I know it will not be popular—but therefore I am firmly convinced that fifteen Senators and forty-five Representatives would furnish you a far better bulwark against the rising tides of political corruption than three hundred Senators and one thousand Representatives.

But, on the other hand, some members of the committee were in favor of increasing the numbers, and other members of the committee were in favor of letting the numbers remain where they are, thinking that with the other changes this Convention will introduce we will secure a better class of public servants in our legislative halls, and therefore it was finally and almost, if not entirely, the unanimous judgment of the committee that the numbers should remain where they now are.

And they further desire me to say that they have no tenacity about this report. They have no idea that it is the last word of political wisdom. They have no conception that the assembled judgment of this Convention will not revise it wisely and to the public advantage, and they are sure that you will do them the credit of believing that they have rendered you that report, which commended itself to their united judgment, as most likely to subserve the ends for which we are here assembled.

And as the first section, Mr. Chairman, is identical in language with the section as it now stands in the Constitution, I move its adoption by the committee.

LOCAL LEGISLATION IN LOCAL AUTHORITIES.

Mr. PURMAN. Mr. Chairman: I offer the following amendment to the first section:

To strike out all after the word "resolved," and insert the following:

"First. The legislative power of this Commonwealth, for general affairs, shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives, and for local affairs exclusively in such local authorities as the Legislature shall by general laws provide."

Mr. PURMAN. Mr. Chairman: I offer this amendment for the purpose of calling the attention of this body to limitations which it proposes to impose upon the legislative power of this Commonwealth, and for the further purpose of having these limitations imposed in the first article of the Constitution, if it is the

judgment of this Convention that the language of the article will sufficiently impose the limitations desired upon the legislative power of the State. Gentlemen of the Convention will find this article on the eleventh page of this small journal of amendments.

I believe, Mr. chairman, that it is the unanimous wish of this Convention to withdraw from the Legislature the power to pass what is generally known as special legislation, or local legislation, and the power to grant special privileges and immunities to any corporations. The practical question is, how can this end be best attained?

It may be accomplished, Mr. Chairman, by an article providing that the Legislature shall not pass any special laws in the following cases, and then proceed to enumerate the subjects over which the Legislature shall have no power.

But I desire to call the attention of this Convention to the fact that any enumeration that we may make, the power will only be withheld to the extent of the enumeration. But if you can find words sufficiently general and comprehensive to divide the lines between the legislation necessary for the whole interests of the State and that class of legislation peculiarly constituted and necessary for the localities of the State, we will have better accomplished the object than by any section or article, taking away the power in a certain class of enumerated cases.

I do not suppose, Mr. Chairman, that this Convention intends to destroy the power of local legislation. The Commonwealth of Pennsylvania has been developed by local legislation, and will continue to be developed by local rules or regulations, if we choose to so call it, hereafter as heretofore; but the proposition is to take away the power from the General Assembly and vest it in the several local authorities; in other words to let the people repeat themselves near at home. Every successive body of the Legislature is the people repeating themselves.

Now, then, if the local affairs of the cities, and counties, and townships are regulated by the people repeating themselves at home, and being heard at home, you will have accomplished a great deal it seems to me. You will have taken away from the General Assembly of the Commonwealth all of the sources of evil, one of those things that has troubled the Legislature more than any other subject that they have had to deal with.

All who have been members of the Legislature understand this proposition very well, that when a gentleman presents a bill relating to his own county or his own district, no matter how sweeping the powers may be, if any other member of the Legislature suggests to him, either in committee or upon the floor of the hall, that the powers contained in that act are dangerous, that they are too broad, he is met with the answer, "This relates to my people and to my district, and I am alone responsible for it," and the bill is passed through the committee and through the House. Now that may be done by the unanimous wish of the people of his district, or by the unanimous wish of the people of the township or city to be affected by the Legislature, or it may be, as it often is, only at the wish of a few citizens or inhabitants of the county, of the township, or the city. What this Convention wants to do, and what the people want done, is to put the Constitution between the Legislature and a few of the people of a city, a few of the people of a county or township, and take away from them the right and the power to pass any legislation of that kind.

Then, Mr. Chairman, if the language of my amendment is sufficient to draw the line of division between what relates to the interests of the State and what relates alone to the interests of the citizens of a township or a county, it ought to be adopted as the first section of the Constitution.

What do we mean by "general affairs?" The language is broad enough to cover, of course, the whole Commonwealth, and yet it is limited enough to cut off what does not refer to the whole Commonwealth.

What do we understand by "local affairs?" Long before Pennsylvania was one of the States of this Union, the colony was divided up into counties and townships. We borrowed this theory of government from the mother country. England was cut up into counties and into townships and into hundreds, and the local affairs of the counties and townships were managed by the local authorities so as to best suit their interests. This is, emphatically, self-government.

Then by local we mean something less than the Commonwealth. Then by local we must mean the divisions already made in the Commonwealth. So the Legislature of the Commonwealth could never take into its hands any local affairs. It

would have to provide general laws, affecting all cities, all counties, all townships and all boroughs alike; that is, whatever power was exercised by the city of Philadelphia could be exercised by the city of Pittsburg when occasion required it. Whatever authority could be exercised by the municipal authorities of the county of Dauphin could be exercised by the municipal authorities of the county of Greene and the county of Washington. There would be no special legislation; there would be this general power given to those local authorities to act upon such subjects as the expedients and the wants of the county might demand.

I repeat it, Mr. Chairman, we ought not to take away from the people the power to have special legislation or local legislation. We cannot foresee all the wants, contingencies and the conditions that may happen in this great Commonwealth in twenty or thirty years from now. We must leave the power somewhere. We must have the power. The question is, who shall exercise it, and how shall it be exercised? It does strike me that this amendment would precisely locate the power where it ought to be. It would leave the general legislative power to regulate all general affairs. Whatever was asked for the Commonwealth would be the business of the general Legislature; whatever related to a county or a city would be the business of the local authorities, regulated and controlled and limited by general law, and of course, by all the other limitations placed in the Constitution. In other words, the frauds—the growing leprosy of the State—occasioned by the special legislation of which we have heard so much during the session of this Convention, in the good old city of Philadelphia, we would hear of no more. We would hear no more of ear loads of men going from here to Harrisburg for the purpose of getting a bill enacted for the construction of an additional city railway. Those gentlemen would be heard in the city or the councils, where everybody else in the city or county could be heard. They would know what was going on, and if they refused to take part in subjects which affected them in their property and their enjoyment of life, they would have no right to complain. Let all such local matters be turned over to the city of Philadelphia. It seems to me that my proposition does most effectually do it. The Legislature could not say that the city of Philadelphia should have any

power that the city of Pittsburg should not have. The Legislature could not say that one borough in the Commonwealth should have different power from another borough, but that each should have power as equally great, to do certain things, dependent upon certain contingencies and conditions. For instance, one borough might levy a certain tax to suit the contingencies and circumstances of the situation in which it was placed, whilst another borough might not levy such a tax because it would have no occasion so to do.

In view of these considerations, Mr. Chairman, it does seem to me right here is the place, and right now is the time to limit our Legislature, and the amendment I offer does limit it.

MR. J. PRICE WETHERILL. Mr. Chairman: I heartily endorse the remarks of the gentleman who has last spoken. He has covered the ground with regard to special legislation very satisfactorily, and very completely indeed, but that entire matter is still before the Committee on Legislation, and they will doubtless present a section after mature and careful deliberation, which will probably meet the wishes of this entire body. In view of that fact, it seems to me it would be better to hear from that committee, and see for ourselves what section they deem proper and best to insert. For that reason the Committee on the Legislature saw fit to omit in this section any reference to the matter pertaining to local affairs.

The question being taken upon the amendment, offered by Mr. Purman, it was rejected.

THE CHAIRMAN. The question recurs upon the section.

MR. J. W. F. WHITE. Mr. Chairman: I move to amend, by striking out "General Assembly," and substituting "the Legislature."

MR. J. W. F. WHITE. I move to amend, by striking out the words "General Assembly," and inserting, instead, the word "Legislature."

I have only a very few words to say on that point. I think we ought to make our Constitution harmonious in itself. In this very article reported by the committee the legislative body is sometimes called the Legislature and sometimes the General Assembly. In our present Constitution the words General Assembly occur about thirty times, and the word Legislature about the same number of times. I think the better plan would be to make

the Constitution harmonious, by using the same word for the same idea all the time, and of the two expressions I prefer the word Legislature.

The question being upon the amendment, it was rejected.

MR. J. R. READ. I move to amend, by adding to the end of the first section the words: "Subject to such limitations as are contained in this Constitution and the Constitution of the United States."

The question being upon the amendment, it was rejected.

MR. M'MURRAY. I move to amend, by striking out the word "Commonwealth," and inserting instead the word "State."

MR. DARLINGTON. Permit me to make one suggestion: These points of propriety and harmony of expression, and the question whether we shall uniformly use the word State or the word Commonwealth, and whether Legislature or General Assembly will be more appropriately disposed of when we come to submit the Constitution to the Committee on Revision and Adjustment.

MR. MINOR. It is useless to endeavor to make everything harmonize and put everything into perfect shape as we go along. We cannot very well tell what is best to do with these little points of detail until we get pretty much through with our work, and as the gentleman from Chester (Mr. Darlington) says, we can then submit it to a Committee on Revision and Adjustment, and that committee can settle these points.

MR. M'MURRAY. In view of the remarks just made I withdraw my amendment.

The question being upon the first section, it was agreed to.

The second section was then read, as follows:—

"*Second.* An election for members of the General Assembly shall be held on the first day fixed for the general election succeeding the adoption of this Constitution, and every two years thereafter. Their term of office shall begin on the first day of January succeeding their election. When vacancies occur in either House, the Governor shall issue writs of election to fill such vacancies, for the balance of the term in which such vacancy occurred."

MR. LILLY. I move to amend, by striking out the words "first day of January," and inserting instead the words "fifteenth day of November."

There is a possibility, under the section as it now stands, that the Legislature which has just been voted out of office would, in an emergency, be convened in special session by the Governor. The Governor would have no other Legislature to convene in case of emergency, and hence there would be the spectacle of persons meeting in Legislature and passing acts of legislation for a people who has just discarded all connection with them, and actually revoked at the polls the authority originally given them.

MR. HAY. I am opposed to the amendment of the gentleman from Carbon, (Mr. Lilly,) for the reason that I think there is hardly sufficient time proposed by his amendment for the revision of the returns, and ascertaining who are elected to the Legislature. It only allows a week or so for this purpose. It seems to me that the time marked out by the section as reported by the Committee on Legislature is short enough for the ascertainment of who are legally elected, before they are called upon to assemble.

The question being upon the amendment, it was rejected.

MR. LITTLETON. I desire to amend, by striking out the word "day," where it occurs the second time in the section, and inserting, instead, the word "Tuesday," so as to make the term of office commence on the first Tuesday of January, the same day as that fixed for the meeting of the Legislature; so that there can, by no possibility, be an interregnum of authority between the first day of the month and the seventh day of the month, when the first Tuesday falls upon that day of the month. This will also prevent the term from beginning on a Sunday.

MR. MACVEAGH. That is simply for the beginning of the term, not the meeting of the Legislature. It is the language universally used for that purpose. A term can begin just as well on Sunday as on Saturday or Wednesday. The object is to make the term of office begin with the year and end with the year, beginning on the first of January in one year, and ending on the thirty-first of December of the year next after, making a term of two years. If you make this change now suggested, and the first of January should fall on Sunday, the old members will be holding over, and you will never know when your old men go out, or your new men come in.

MR. LITTLETON. I understand exactly the language of the section, and it is to

render misunderstanding of it impossible that I made my motion to amend. I can see no reason why the term should not begin on precisely the same day on which the Legislature convenes. I think that decidedly the most proper day for the commencement of the term. The first Tuesday of January may sometimes fall on the seventh day of the month, and you might have a session of the Legislature, which may have to expire on the first day of January, and there would then be a necessity for calling an extra session of the new Legislature, or else there would be an interregnum between these days.

MR. MACVEAGH. We have provided for all emergencies. I think the provision, as it is in the report of the committee, is the best that can be made. We have provided for every emergency there and prevents any interregnum. The term begins on the first of January, and the session convenes on the first Tuesday of January. The term of office expires on the thirty-first day of December.

MR. LITTLETON. This anomaly may, under that state of things, be seen: That the term actually commences on the first Tuesday of January, and they may be convened on the first day of the month. They may have to be convened sooner than the day set here for the actual regular term.

The question being upon the amendment, it was rejected.

MR. NILES. I move to amend, by striking out the word "two," and insert in lieu thereof the word "one;" and strike out the "s" from the word "years," so that it will read "one year," making the term of office one year.

MR. J. PRICE WETHERILL. This question of annual or biennial sessions is, to my mind, and, perhaps, to the mind of every member present, a very important matter, and if we decide in favor of biennial sessions the change will be a very decided one; and I have no doubt that a just measure of importance will, in the discussions of this body, be accorded it.

Members of the Convention have lying on their desks a very able report of the minority of the Committee on Legislature, setting forth as fully and conclusively, I suppose, as can be done, the merits of annual sessions. They have gone into the matter in detail; they have brought forward all the arguments, I suppose, which could be brought, in defense of annual sessions, and the subject is now before the body. I hope, therefore, that I may be

pardoned for examining an item or two of this report, and endeavoring to show, as best I may, that the arguments therein advanced do not lead to the conclusions that annual sessions are the best; but that, on the contrary, when the whole matter is carefully examined in all its bearings, that biennial sessions will be found the most conducive to the interests of the people of Pennsylvania. The minority report states that "it" (the practice of holding biennial sessions) "is contrary to the policy pursued by a majority of our sister States, the Legislatures of twenty-three of them holding their sessions annually.

I hold in my hand a statement, which I have prepared with some care, showing that the States holding biennial sessions number seventeen, and that the States holding annual sessions number nineteen, and that the States holding biennial sessions contain a population of seventeen millions, against a population of twenty millions in States holding annual sessions.

There must be some mistake, I think, in the minority report, as there is a difference between the calculation alluded to and the report of the minority of the committee. Now, sir, let us look into this matter. If I am correct we have in the United States thirty-six States equally divided, or nearly so, upon this point. Rhode Island, holding semi-annual sessions, is not included in the statement. Therefore nearly one-half of all the States in the Union hold biennial sessions. Now, sir, it has been said and boldly advanced upon this floor, that the States holding biennial sessions are purely agricultural, and that as the great States of Pennsylvania and New York, with their large manufacturing interests, with their mining and other industrial interests, demand, on that account, annual sessions of the Legislature, and that biennial sessions would not be acceptable to them.

Now, sir, when we come to look into the matter carefully, we will find that Ohio, Indiana, Illinois and Missouri are not in the main purely agricultural States, and that when the minority so reported they did not do justice to their manufacturing and industrial interests. Take Ohio, if you please. The products of the manufacturing interests of the State of Ohio in the year 1870 amounted to \$280,000,000, while the value of the agricultural products of that State in that year amounted to not over \$100,000,000. Illinois is supposed to be an agricultural State in the

main. The gross products of the manufactures in that State during that year was \$210,000,000, and the gross amount of the agricultural products \$137,000,000. It seems to me that when the minority of the committee presented those two States as purely agricultural they were at fault in their mathematical calculations. The State of Illinois, usually considered an agricultural, is a great manufacturing State. Why, sir, every time I look at my watch, made in Elgin, Illinois, I am reminded that the minority report is certainly in error in this regard. When we look at those great States, so wide in their manufacturing interests, we must acknowledge that the people of the great west were fully alive to the importance of their own interests, and knowing very well what would be for the advantage of their own home industry, they wisely decided in favor of biennial sessions as best conducive to that end. In Illinois, when the strength of the Constitutional Convention was tested upon this point, the best men in the State spoke boldly in favor of biennial and against annual sessions of the Legislature. The debate, argued well on both sides, occupied days, and the Convention decided that biennial sessions were most conducive to the best interests of the State, and, sir, I do hope, with so good an example before us, we too will so decide.

I cannot see that the manufacturing interests of Pennsylvania will be injured by a session of the Legislature once in two years; but I can see, and fully understand, if we have special legislation, and if we allow monopolies to come in and swallow up the minor corporations, how the great manufacturing interests of the State will suffer. Sir, I think the less legislation we have upon this subject will be for the better. I hope and expect the Legislature will prepare a full and well digested general manufacturing law, and if they do that, the manufacturing interests of the State will not suffer if without legislation not only for two years, but even for five years. I need not allude to the expense of carrying on the annual sessions of the Legislature. It seems to me that this, also, should have some weight in the deliberations upon this question. It costs the State four hundred thousand dollars to hold a session of the Legislature, independent of printing, and if we can show no good reason for these sessions annually, and have shown that the minority report does not contain good

reasons in defence of annual sessions, or arguments which cannot be satisfactorily answered, I do hope that we will adopt the section just as the Committee on the Legislature have deemed proper to report. The committee has made a careful examination of the question.— They discussed it thoroughly, entering fully into its merits, and as the result of their conclusions they have reported in favor of biennial sessions. I do hope, therefore, that this Convention will endorse the conclusion arrived at by the committee.

Mr. WHERRY. Mr. Chairman: As the hour of adjournment is rapidly approaching, and as this is a very important subject, I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

The committee then arose, and the President resumed the chair.

Mr. HOPKINS. Mr. President: I have the honor to report that the committee of the whole has had under consideration the first and second sections of the article to the Constitution, reported by the Committee on the Legislature, and that I am instructed to report progress and ask leave to sit again.

The PRESIDENT. The question is, shall the committee have leave?

The question was decided in the affirmative.

The PRESIDENT. At what time?

[Several members. To-morrow.]

The PRESIDENT. As there is no special time named, the committee has leave to sit again to-morrow.

Mr. WHERRY moved to adjourn, which was agreed to, and thereupon, at two o'clock P. M., the Convention adjourned.

TWENTY-FOURTH DAY.

THURSDAY, January 23, 1873.

The Convention met at twelve o'clock M.

PRAYER.

Prayer was offered by Rev. James W. Curry, as follows:

Unto Thee, O God, the giver of all good gifts, do we desire to look this morning, confessing to our sins and our gratitude. We acknowledge that we have violated Thy holy law, but we give glory and honor to Thee that we have an advocate with the Father, Jesus Christ, the righteous. For His sake, this morning, may it please Thee to pardon each one of us of everything that may be displeasing to Thee; of everything that would disqualify us for usefulness in this world, and for a home in Thy everlasting kingdom. Let Thy blessing be upon us as a Convention, and may Thy blessings be upon us as individuals; and especially, O Lord, bless the absent portion of our body, those who are detained at their homes on account of affliction. Be with them and comfort their hearts, and restore them to their health, that they may soon be able to return to their duties in this Convention.

We ask Thy blessing upon our State. We ask Thy blessing upon the United States. We ask Thy blessing, O Lord, ever to abide with those in authority. Give them judgment; give them understanding; give them proper decision of character, so that the interests of our country may be promoted and the welfare of the people protected. We ask Thee to be with us, and ultimately save us all, in Jesus Christ. Amen.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

MERCANTILE LIBRARY.

The PRESIDENT. The Chair has received a communication from the Mercantile library association, which the Clerk will read.

The CLERK read as follows:

PHILADELPHIA, 1st Month, 23, 1873.

To the Convention for revising the Constitution of Pennsylvania:

GENTLEMEN:—On behalf of the directors of the Mercantile library company of this city, I beg leave to extend to you an invitation to visit the library rooms, and make such use of the books and periodicals there as you may find convenient or practicable.

With this view a ticket has been furnished to each member of the Convention.

Yours respectfully.

J. MORRIS PEROT,
President.

Mr. LAMBERTON. Mr. President: I move that the invitation be accepted, with the thanks of the Convention.

The motion was agreed to.

THE AUDITOR GENERAL.

The PRESIDENT laid before the Convention a communication from the Auditor General in response to a resolution of the 16th inst., requesting him to respond, without delay, to the resolution of the 22d of November last, in respect to private corporations doing business in Pennsylvania, &c., stating that it is absolutely impossible to furnish such information, by reason of the great amount of labor involved in the furnishing of such information.

Mr. CORSON. I move to refer the communication to the Committee on Private Corporations.

The motion was agreed to.

TRADES UNIONS.

Mr. CORSON presented a petition from the American Mechanics' association of Pennsylvania, asking that the Constitution be so amended as to prevent the interference by all labor associations in limiting the number of apprentices in any art, trade or mystery.

The petition was referred to the Committee on Industrial Interests and Labor.

PROHIBITION.

Mr. MINOR presented a petition from certain citizens of Titusville, praying for an amendment of the Constitution looking to the prohibition of the manufacture and sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

LEAVE OF ABSENCE.

Mr. HOPKINS asked and obtained leave of absence for Mr. M'Allister for one day.

ELECTIONS.

The PRESIDENT. The question now is upon the final passage, on third reading, of the second article reported by the Committee on Suffrage, Elections and Representation. The article will be read for information.

The CLERK then read as follows:

SECTION —. The general election shall be held on the Tuesday next following the first Monday of November, but the Legislature may by law fix a different day, two-thirds of each House consenting thereto.

SECTION —. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

The question being upon the final passage of the article, the yeas and nays were required by Mr. Hanna and Mr. Simpson, and were as follow, viz:

YEAS.

Messrs. Achenbach, Ainey, Andrews, Armstrong, Baily, (Perry,) Bannan, Beebe, Black, Charles A., Black, J. S., Bowman, Boyd, Brodhead, Broomall, Brown, Campbell, Carter, Church, Clark, M'Collins, Corbett, Craig, Cronmiller, Curry, Cuyler, Dallas, De France, Dunning, Elliott, Ellis, Ewing, Fulton, Funck, Gibson, Gowen, Guthrie, Hall, Harvey, Hay, Hazzard, Hemphill, Hopkins, Horton, Howard, Hunsicker, Kaine, Lamberton, Landis, Lawrence, Lear, Long, M'Camant, M'Clean, MacConnell, M'Culloch, M'Murray, Mantor, Metzger, Minor, Newlin, Niles, Palmer, G. W., Parsons, Patterson, T. H. B., Patton, Porter, Pughe, Purman, Purviance, Samuel A., Read, John R., Reed, Andrew, Rooke, Smith, H. G., Smith, W. H., Struthers, Turrell, Van Reed, Walker, Wetherill, J. M., Wherry,

White, David N., White, J. W. F., Worrell, Wright and Meredith, *President*—84.

NAYS.

Messrs. Addicks, Baker, Bardsley, Bidle, Carey, Cochran, Corson, Darlington, Fell, Hanna, Lilly, Littleton, MacVeagh, Mann, Palmer, H. W., Patterson, D. W., Reynolds, James L., Ross, Runk, Simpson, Smith, Henry W., Stanton, Wetherill, Price Jno. and White, Harry—24.

So the section was agreed to.

ABSENT OR NOT VOTING—Messrs. Alricks, Baer, Bailey, (Huntingdon), Barclay, Bartholomew, Buckalew, Cassidy, Curtin, Davis, Dimmick, Dodd, Edwards, Finney, Gilpin, Heverin, Knight, M'Allister, Mott, Purviance, John N., Reynolds, S. H., Russell, Sharpe, Stewart, Temple and Woodward—25.

MODE OF VOTING ON NEW CONSTITUTION.

Mr. HUNSICKER. I now call up the resolution offered by me some time ago, relating to the manner in which this Constitution on which we are engaged shall be voted upon.

The CLERK read the resolution, as follows:

Resolved, That this Convention accepts the mode provided by section four of the act of Assembly, approved April 11, 1872, entitled "An Act to provide for calling a Convention to amend the Constitution," for the submission of the proposed amendments of the Constitution to the people for adoption or rejection.

The question being shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

So the resolution was again read.

Mr. HUNSICKER. For the purpose of making my meaning perfectly plain I will read that portion of section four to which I refer. It provides that "one-third of all the members of the Convention shall have the right to require the separate and distinct submission to a popular vote, of any change or amendment proposed by the Convention."

My purpose in introducing it at this early stage of the session is to avoid the complication which may arise from the legal minds of the Convention, some of whom hold and maintain that the Legislature had a perfect right to include in that act of April 11, 1872, restrictions upon and qualifications of the powers of this

Convention, while others maintain that the Legislature had no power or authority for any such restrictions or qualifications, and assert that all the Legislature could legally do was to provide for the pay of members, &c.

To avoid any discussion on that point and to save any trouble as to the course of the Convention, I think it is best for us to settle the question now by a rule of this sort. Hence, I offer that resolution as an additional rule. I will remark, in closing, that I shall be quite content with whatever the Convention may see fit to do on the subject.

Mr. BOYD. I move to amend, by adding to the end of the resolution the words, "and all the other sections of said act."

Mr. JOHN R. READ. I move to postpone the consideration of this question for the present:

The question being taken, it was decided in the affirmative.

ELECTION OF ASSEMBLYMEN.

The PRESIDENT. The next business in order is the further consideration of the article reported by the committee on the Legislature. Is it the pleasure of the Convention to proceed to the consideration of the article?

Mr. GOWEN. I move that the Convention resolve itself into committee of the whole for the purpose of considering the report.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, Mr. Hopkins in the chair.

The CHAIRMAN. When the committee rose yesterday the pending amendment of the gentleman from Tioga, (Mr. Niles,) to strike out the word "two," in the first sentence of the second section, and insert the word "one," was under consideration.

Mr. NILES. I desire to withdraw my amendment to the second section, and give notice that I shall offer the same amendment when the fifth section comes up for discussion. Some members are of the opinion that members of the General Assembly should be elected every two years, and, as far as I am concerned, I have no sort of feeling in regard to that, but I shall offer the same amendment to the

fifth section, providing that the Legislature shall hold annual instead of biennial sessions. I therefore desire to withdraw the amendment I offered yesterday.

Mr. DARLINGTON. I renew the amendment.

Mr. SIMPSON. I move, as an amendment, to strike out the word "January," and insert in its place the word "December;" and I propose, Mr. President, to give my reasons for urging this change. The elections will take place —

Mr. KATNE. Will the gentleman allow me to interrupt him for a moment? I desire to know what is the exact question before the committee?

The CHAIRMAN. The amendment of the gentleman from Philadelphia, (Mr. Simpson,) to strike out the word "January" and insert the word "December," in the second section of the report of the committee.

Mr. KATNE. I was under the impression that there was an amendment to the amendment now pending.

The CHAIRMAN. The motion to renew the amendment of the gentleman from Tioga (Mr. Niles) was not made until the Chair had recognized the gentleman from Philadelphia (Mr. Simpson.) The gentleman from Philadelphia has the floor.

Mr. SIMPSON. The amendment I proposed is to make the terms of the members of the Legislature begin on the first day of December, rather than on the first day of January, for two reasons. The first reason I propose for the consideration of the Convention is, that the fiscal year of the State begins on the first day of December, and ends with the thirtieth day of November of each year; and therefore the terms of the members of the Legislature will correspond with the beginning and ending of the fiscal year. The second reason is, that the time between the election of members and the time when they enter upon their term of office is, in my judgment, too far apart. If the article on elections, which has been already adopted by the Convention, is approved by the people, the elections will be held in the early part of the month of November, and in no instance can they reach a time later than the middle of the month. It takes, in the most remote district, and

one containing the greatest number of counties, not more than a week to ascertain the result of the election, and there will be at least ten days between the time when the result of the election is ascertained and the first day of December. Now the time, if extended to the 1st of January, will make some forty or forty-one days. I do not know that it will occur—it never has—but it may occur that at some time that the Governor will be required to call a special session of the Legislature before its regular session commencing on the first Tuesday of January; and if such session should be called in December, under the proposition as it is now before the committee, without the amendment I have proposed, those members whose terms of office were about to expire, and who should no longer be members of the body, by reason of having been voted out, because they were not representing the will of the people, would assemble in Harrisburg to legislate during the entire month of December. In the other case there would be ample time between the election and the first day of December to ascertain who have been elected as members of the Legislature, and I hope the amendment will be adopted by the Convention.

MR. LILLY. I move to amend the amendment, by striking out "the first day of January," and insert "next day."

MR. SIMPSON. I think the gentleman had better make it ten days after the election.

MR. LILLY. I do not propose by my amendment that the Legislature shall meet the next day after the election, by any means. I merely propose that the term of office of the members shall commence the first day after the election, the same as it does now. The Constitution says nothing about it, and the Legislature is authorized so to construe it that their term of office shall commence the next day after their election. If the Governor called a special session of the Legislature, it would be by a proclamation ten days in advance of the session. I remember, in 1857, the time of the great financial crisis, when the Legislature assembled they sat until the day before the election, and then they adjourned *sine die*, because they all considered that their term of office expired on the following day. I do not want

any arrangement made between the time of the election and the first day of January by which to allow the Governor to call the old Legislature together. Now there are some extreme and improbable things that are not likely to occur, but I will state a proposition which, I am free to confess, is highly extreme and improbable. Suppose the present Legislature should pass and adopt laws that are entirely repugnant to this whole Commonwealth, and that the people should turn out the obnoxious members and elect others on the election day. If the Governor of the State should happen to be in accord with the action of the Legislature in passing these pernicious laws, he could call the Legislature together again, and the old Legislature would have forty or fifty days to complete that which the people had decided against. I am strongly in favor of this amendment, for I cannot see any objection whatever to the terms of office of the members of the Legislature terminating on the day after the election. I do not propose that the Legislature should be called together at that time, but simply that the term shall commence the day after the election, and then if the Governor desires to call a special session of the Legislature, he can issue his proclamation, and after the customary time has elapsed, each member can go to Harrisburg, present his certificate and claim his seat.

The question being taken on the amendment to the amendment, a division was called, and it was agreed to. Ayes fifty-eight, noes thirty-four.

THE CHAIRMAN. The question is now on the amendment as amended.

MR. MACVEAGH. Mr. Chairman: The amendment as amended provides that the term of office shall begin on the day succeeding the election. I confess that it seems to my mind, while it is not a matter of very great importance, exceedingly undesirable to do so and mainly for the reasons which the gentleman from Carbon (Mr. Lilly) himself gave. I cannot think that the time which elapses between the middle of November and the beginning of the year is any too long to elapse between the election of the members of the General Assembly and the commencement of their term. The danger to which that gentleman alludes is entirely chi-

merical, for the reason that if the Governor wishes to call an extra session of the Legislature he would do it before the election. In this case they could not meet until December, and the other body meet naturally according to law on the first of January. So that if such an extraordinary case did occur, the evil could be at once undone. On the other hand, a long time would be afforded to ascertain really who are elected to the Legislature. In very many cases, especially in cases of contest, time would not have elapsed sufficient for the purpose of making a contest. If gentlemen will consult the Debates on the Federal Constitution, they will see, at great length, the reasons which were given there for making the term of the members of Congress begin subsequent to their election—and a long period subsequent.

I have no tenacity about the form in which it is, except that it seems to me to be wiser to allow an interval of a few weeks to count the vote, which this does, and to make the term commence at the beginning of the year. But if the committee think otherwise they can so decide.

MR. DARLINGTON. Mr. Chairman: I desire to ask what the question before the committee is? Is it not on my amendment? Does not an amendment to the amendment take precedence of the amendment itself?

THE CHAIRMAN. The question before the committee is the amendment. This was moved to strike out January and insert December. Then it was moved to amend that, by striking all out and inserting the next day after election. That amendment was adopted, and now the question is on the amendment so amended. If that should be negatived the question would recur on the section as it stands, as the Chair understands it.

MR. GOWEN. Mr. Chairman: As the amendment is amended I trust it will not pass the House. Although there would be but little objection to having the term commence on the 1st of December instead of the 1st of January; yet, if the term of the members of the Legislature is to commence on the first day after the election, it follows that, for at least a week, the legislative power of this Commonwealth is vested in a body of people

whose existence is unknown, unascertainable and not declared. The term of the old Legislature would cease on the day after the election of their successors. The terms of the new members certainly should not commence until the proper election officers have determined who are elected.

Now suppose, in a case of great turmoil and excitement, it was absolutely necessary to have a meeting of the Legislature on the Wednesday succeeding the first Monday of November. If in consequence of invasion of the State or of any great business or commercial depression, the Governor of the Commonwealth would call a meeting of the Legislature, to convene on the Wednesday following the election day, who would know who should attend? The new members would not have received their certificates. Certainly it is wrong, in a legal sense, to introduce any other *prima facie* evidence of a Representative's right to hold a seat in the Legislature than the certificate of the election officers themselves. The return judges have not met. The judges in districts, composed of several counties, will not meet for a week after the election, and yet if the term of the members is to commence before their right to hold the office is determined upon, it follows that, for at least a week, this Commonwealth is practically without any legislative body whatever.

MR. DARLINGTON. Mr. Chairman: I suppose, under the present Constitution, the members of the Legislature are members from the day of their election. I think, as it now stands, and as it always has existed in this Commonwealth, the end of the term of the members of the Legislature is with the election of their successors. Now, sir, have we ever experienced any inconvenience from this? None whatever! No inconvenience, as far as I know, has ever yet been experienced in the workings of the government of this State by reason of the members elected on the second Tuesday of October holding until the succeeding second Tuesday of October. In other words, from the day of their election, whenever that may be officially declared to be the result, still they are members from the day of the election. Although the return judges may not meet for weeks thereafter, still

when they do declare the result, it is that these gentlemen were elected on the second Tuesday of October. And if we change the election day the same occurs.

Now, sir, suppose the Governor, in an emergency, requires the Legislature to meet at once; that is, within two or three days, or even ten days, of the day of election. He would scarcely feel it necessary to call them together, because there would not be time to mature any great or important measure. That is an interregnum which may exist just as it exists from the day that the emergency arises until they can be got together. There may be such occasion; but I take it the Executive of the State is ample; the officers in command of the State are ample for a case of emergency to suppress insurrection, repel invasion or anything of the kind. There is no interregnum in the government. There must be a day when the old members of the Legislature cease to be so, and the new ones commence their term of service. If an emergency should arise just at the heel of the expiration of service of one Legislature you cannot very well call that body together, because it would be inefficient to mature any decisive measure. In consequence, you must wait for a few days for the assembling of the new body, and I take it that the State would not go to pieces; we would not go to pieces; we would not all be killed; we would not all be destroyed in a few days. It is an emergency that may arise, but it is no practical importance.

Why should we make any change? Why is not this state of things met by the amendment of the gentleman from Carbon (Mr. Lilly)? It is precisely what the committee themselves seem to have desired to do to retain, as far as possible, the text of the old Constitution, unless there is some propriety in the change. Now they propose to change; indeed, this Convention have adopted a new day for the general election; but whenever that takes place the same result will follow. Members will be elected, who, from the day of their election, are liable to be called into the service of the State, and who must serve it until their time expires with the election of their successors. I cannot really see any reasons for the change.

Mr. MACVEAGH. Mr. Chairman: I am

sorry to trouble the Convention, but it was exactly to remedy this defect, as we understood it to be, that this change was made. The gentleman from Chester (Mr. Darlington) thinks no trouble can possibly arise to require the Legislature to be in session within ten days of its election. Not only is it true that the ten days are not sufficient to call the Legislature together, in view of the brief time allowed for the ascertainment of who are elected, but the committee had in their minds the fact that a contest might arise even here in the city of Philadelphia, where an injunction could be obtained to restrain the return judges, under allegations of fraud or other allegations, from counting the returns and giving a certificate to anybody. In such a case the court would hear the case, of course, as quickly as it possibly could, and decide upon the *prima facie* right of one of the parties to a seat. But in such a case an entire city like this might be deprived of representation, an entire city like Allegheny might be deprived of representation. In any event, even if no contest arises, for at least two weeks, there is an interregnum of legislative power.

Here on that very point the old Constitution gave rise to a doubt. Very many men were in doubt exactly at what time the legislative term did end exactly whether the term ended on the day preceding the general election or not. The report of the committee fixes it definitely. It prevents any interregnum, and it gives ample time if there is a contest in a city like this to enable a proper tribunal to ascertain a *prima facie* right of gentlemen to their seats. So that you have a legal body always in existence, and always ready for any emergency.

Mr. ELLIS. Mr. Chairman: I move to re-consider the vote by which the amendment of the gentleman from Carbon was adopted.

The CHAIRMAN. Did the gentleman vote in the affirmative?

Mr. ELLIS. Mr. Chairman: I voted in the negative. But I take it, when the yeas and nays are not called, it is competent for any gentleman, without reference to the way in which he voted, to move to re-consider.

The CHAIRMAN. The same rules apply in committee of the whole as in the

House. A motion to re-consider can only be made by a gentleman who voted in the affirmative.

Mr. PATTERSON. Mr. Chairman: I conceive that there is a very great propriety in sustaining the amendment which has been adopted, and I think that, if for no other reason, this Convention ought to adopt it in deference to the popular will. There can certainly be no disadvantage result to the public from this change. Gentlemen say it takes a few days, sometimes ten days, to get the returns counted, and there will be an interregnum. Well, Mr. Chairman, you have been in long public life, and you have never seen any great detriment or injury result to the public from the fact of its requiring ten days or two weeks to count the result.

Now I have never heard it doubted, although my friend on the left (Mr. MacVeagh) says it has been, certainly in practice it has never been questioned, that when an election took place on the second Tuesday of October the terms of the members of the former year ended. I never heard of a contest in the General Assembly on that point, and I never heard of any bad result to the public come from that fact. Now should we get up machinery here manifestly operating to defeat the popular will? In case of a revolution of sentiment, the election, probably, of a Governor and a new House, to be decided altogether, this machinery would enable the repudiated Executive and the old Legislature to be in existence against, probably, the almost unanimously expressed public sentiment of the Commonwealth, and to be in power to legislate, and to legislate, probably, by a faction, a combination, as it may be, between the Executive and the old Assembly.

Why, Mr. Chairman, if we are to respect the popular will, if we do not expect to defeat the rights and privileges of representative government, how can we pass this amendment, unless it is shown that in the past some injury has resulted to the Commonwealth and to the people therefrom. Because, you know, and every gentleman here knows, that immediately after the second Tuesday of October the terms of the old members cease, and, I apprehend, no gentleman on this floor can point to any instance where there has been any inconvenience or any

injury resulting to the Commonwealth or the people thereof from that rule.

It may happen, in these days, that a repudiated Executive will call together a repudiated House between November and the first day of January, and do a very great deal of harm, at least act, to a very great extent, diametrically opposite to the express wishes of the people at a recent election. Shall we get up a machinery that will permit such a thing? Should not our regard for the popular will be such as to induce us to close that avenue to such a result, and to make it impossible? It seems to me that we ought to make the term end immediately on the day succeeding the election, and the Governor, if it is necessary to call the Legislature together, would not wait for the return. He would call those that were elected at the last succeeding election.

Some gentlemen say that whole cities may fail to be represented on account of contest. That is the result now. It often happens that whole counties have no representation, although the Legislature has been meeting two months after the State election. It often happens that many counties have no vote or representation on the floor of the General Assembly for weeks; and as you, Mr. Chairman, in the history of your public life, have seen it for months; but we have never felt that any great injury or any injury has resulted to the public good. It seems to me that we should get up a Constitution in deference to the public sentiment, unless better cause and argument be shown than has been, permitting the people to carry out their sentiments through their representatives, immediately after they have announced their sentiments through the ballot-box.

I hope, therefore, that this amendment will be adopted; and if we refuse to adopt it, it seems to me that we are wilfully, and with our eyes open, getting up a machinery to defeat the popular will.

Mr. KAINE. Mr. Chairman: I apprehend that the cause for the alarm so much dreaded by the gentleman from Lancaster (Mr. Patterson) is a myth; this apprehension of the meeting of an old Legislature between the election now fixed, as we have decided this morning, on the Tuesday after the first Monday in November and the first of January, or the time

fixed in the section now before the committee, is all a mistake.

The gentleman says that there has never been any difficulty upon this subject; that there never has been any question raised as to the time when members elected on the second Tuesday of October were entitled to their seats, he holding that they were entitled thereto immediately after that day. Difficulties on that subject may never have arisen in the minds of lawyers so distinguished as the gentleman from Lancaster (Mr. D. W. Patterson;) but, I know, sir, that in my section of the State very grave doubts have often arisen upon that very question—whether members of the Legislature, elected on the second Tuesday of October, were entitled to their seats immediately thereafter, or whether, if an extra session were called by the Governor, the old members would be required to respond. I have no recollection, Mr. Chairman, that ever, since the organization of this government, an extra session of the Legislature was called, and met between the second Tuesday of October and the first Monday of December, as the Legislature met under the Constitution of 1790, or that any has been called and met since the adoption of the Constitution of 1838, up to the present time; I think there has been none, sir; but I know that the question has been considered by men who are not only lawyers but who have been engaged in administering the affairs of the government at Harrisburg.

There is nothing said in the Constitution upon the subject. Then, sir, why not, when it is so easy a matter, to fix the time now, at some period after the election, at which the members can be qualified and properly fitted to take their seats. The day after the election would be too soon. In some districts in this State there are three or four counties. The district which you have the honor to represent on his floor is composed of three counties. The election is now held on the Tuesday after the first Monday of November, I believe. The return judges perhaps do not meet until the following week. That will make it ten or fifteen days before it is ascertained exactly who are the members elected to the next Legislature, and when they shall take their seats. We have an example in point precisely, and no diffi-

culty has ever arisen therefrom. We elect four members of Congress in Pennsylvania the year before they take their seats. No difficulty has ever arisen from a matter of that kind, and this is precisely the same case.

What I desire to say is, simply, fix it in the Constitution permanently and definitely, that the people may know exactly when the members of the Legislature shall take upon themselves their office and meet at Harrisburg to discharge their duties as representatives of the people, and I think there is no fitter time than the first day of January, as fixed in this section proposed to be added to the Constitution. There will be that time between November and the first of January, and, during that time, if anything should ever happen, by which it would be necessary for the Governor to call the Legislature together, let the old Legislature meet. They are the representatives of the people, and will not destroy themselves or the people either.

Mr. JOHN R. READ. For the purpose of offering an amendment to the amendment, I desire to move to re-consider the vote by which the amendment of the gentleman from Carbon (Mr. Lilly) was agreed to.

The motion to re-consider was agreed to.

The CHAIRMAN. The question is upon the amendment of the gentleman from Carbon (Mr. Lilly.)

Mr. WALKER. Mr. Chairman: I am not in favor of the amendment offered by the gentleman from Carbon, (Mr. Lilly.)

I think that gentlemen are magnifying the danger which has been referred to. They seem to be alarmed, for fear that a Legislature may commit some error between the time of election and the time when the term of those elected shall commence. I am afraid of no such difficulty as that. There may be. There may be a necessity for the Governor calling the Legislature together before the day of election in November, as we have fixed it now, when there is not time to remedy the evil or correct the error for which the Legislature is called, by the time of the day of election. That difficulty should be removed. By fixing the day upon the first of January it is, to a great extent, removed. We are not to look upon the representatives as coming together in-

tending to err. We are to believe that those that were elected the last year are just as honest and as capable as those that were elected at the election to occur soon, or just past. One is as much to be confided in and trusted as the other.

By the amendment of the gentleman from Carbon, (Mr. Lilly,) the Governor is prevented, to a great extent, from calling the Legislature together one, two or three weeks, or a month, before the day of election, when there can be nothing accomplished unless that session is continued over until the first of January, or some day subsequent to the day of election.

Now I believe this body will err in fixing the term to commence on the day succeeding the day of election. We will err, for the reason that I have mentioned—that there may occur a necessity for the calling together of the Legislature, when there will not be sufficient time to correct the evil that suggested itself to the Executive, demanding or requiring an extra session of the Legislature. I shall vote most cheerfully for the report of the committee, believing that the time fixed therein is a better time for the commencement of the term than the time indicated by the amendment now pending.

Mr. Chairman. There is another consideration. You have been in the Senate and House, and so have others who are present; and you know, and every gentleman, who has been there knows, that between the time of election and the time of the convening of the Legislature, no gentleman, I do not care how elegant in intellect he may be, how cultivated his mind, how much he may theretofore have directed his attention to the subjects to be considered, no gentleman, worthy of a seat in the House or the Senate, but requires some time to prepare himself for the duties of the position that he is called upon to assume. According to the amendment of the gentleman from Carbon (Mr. Lilly) there is no time allowed for that. According to the report of the committee there is, from the day of election until the first of January, before he shall be called upon to assume the legislative power.

Mr. MINOR. Mr. President: I think that both the amendments and the original proposition are wrong. It will be ob-

served, in the course of debate, that there will be existing an evil of some magnitude if there is a long period between the time of election and the time of entering upon office. The old Legislature may be convened by the Governor, and may do mischief that otherwise would not be done. That certainly is an evil. On the other hand, it is said that if the time were fixed at the next day after the election, there is an unavoidable interregnum of several days, during which no man knows in whom the legislative power of the State rests. The legislating body, to be sure, exists, but it cannot be made available, for nobody knows who compose it. That also is an evil. It seems to me that the true remedy lies between these two extremes. Let us adopt some expedient that will, as nearly as possible, avoid both of them. If, therefore, we can select such time for the commencement of the term of office as will allow just time enough to ascertain who are elected, and yet not sufficient time to give room for the other evil, we will be getting at the happy mean. I must, therefore, vote against the amendment; and if that fails to pass, I will propose an amendment to this effect: That the time be the second Tuesday after the election shall have taken place. That time will, I think, give an opportunity of ascertaining who constitute the legitimate body, and will not afford time for the perpetration of any mischief by an out-going Legislature.

Mr. BEEBE. I am in favor of the report as it comes to us from the committee. If committees are worth anything to us at all, the patience and care which they gave these subjects ought to invest their reports with some share of weight, and we ought to carefully consider any proposed departure from their recommendations. The ideas thrown out here on this subject seem to be more matters of expediency than anything else.

Some gentlemen seem to think that there is danger of having a legislative body of a most alarming character—which would in the last days of its term do something dreadful—something that would imperil the safety of our liberties. I do not think there is very much in that. Must we dread something horrible from the national Congress because its mem-

bers do not take their seats for some time after their election? Must we expect something awful from the Executive Department of the government because Governors who are newly elected do not immediately take possession of their official chairs? I do not think there is much to be feared on that score; and I think we had better at once fix the time and have done with it. The committee which had this matter under consideration has carefully considered it, and I propose to give them the benefit of it. We ought not to disturb any more than can possibly be avoided the matters to which our committees give so much time and labor, especially upon points of mere detail and of petty importance.

Mr. HARRY WHITE. For my part I am not very much disturbed at the fact of some little time elapsing between the date of election and the date of convening of the Legislature. It is, however, well to have everything settled by a definite rule, and this matter must certainly be settled one way or the other. I confess to feeling some doubt as to the propriety of making the term commence, as some gentlemen have suggested, the day immediately following the election. Able arguments *pro* and *con* have been made, which it is not necessary for me to recapitulate. It occurs to me that if the idea now before the Convention is favored, the first day of December is the best day to adopt. That will, in my opinion, be preferable to the first day of January. Usually, I prefer to adopt, wherever practicable, the reports of committees, for the committees, unquestionably, devote a good deal of time and attention to their subjects; but the first day of January is so near the day for the assembling of the Legislature, that it seems unwise to make the term commence within so short a time—only a few days—of the meeting of that body. Why not, if we are going so near to the date of the meeting of the Legislature, make the term commence on that same day? If, however, we are to have a different day, I should prefer the first day of December, that is, some day nearer to the day of election. As some gentleman has suggested, it is well, perhaps, to have the Legislature term commence with the commencement of the fiscal year. It is

not, of course, probable that much difficulty will occur with regard to this matter. Certainly, we have had little difficulty from that source in the past, whatever we may find in the future.

While on the subject, I would call the attention of the Convention to the fact, that in the State of Indiana, after the last election—the Governor being of one political party, and the majority of the Legislature being of another political party—the Governor, who was about to retire, called the Legislature together for the purpose of effecting some statutory enactments relating to political affairs, previous to the inauguration of the Governor, who had but recently been elected—Governor Hendricks. I do not know what the special objects were, nor whether the people of Indiana complained of that course; but at all events, it appears to me to be unwise to let too much time elapse between the election of representatives and their convening as a body. For that reason I will vote for that of December.

Mr. LILLY. I wish to state to the gentleman that the Legislature which the Governor convened on the occasion referred to, was the Legislature which had been just elected—not the old one.

Mr. HARRY WHITE. I understand that.

Mr. JOSEPH BAILY. I would like to have the clause read as proposed to be amended by the gentleman from Carbon (Mr. Lilly.)

The CLERK then read the clause, as follows:

"Their term of office shall begin on the next day succeeding their election."

Mr. JOSEPH BAILY. I think it would be well to strike out the word "*next*," and let it read "the day succeeding."

Mr. LILLY. I accept that as a modification of my motion.

The question being upon the amendment offered by the gentleman from Carbon, (Mr. Lilly,) as modified, to the amendment offered by the gentleman from Philadelphia, (Mr. Simpson,) a division was called, and resulted,—in the affirmative, thirty-four; in the negative, fifty-four.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Philadelphia (Mr. Simpson.)

Mr. J. R. READ. I desire to offer the following amendment: Strike out the words "day of January," in the fourth line, and insert in lieu thereof, "the first Tuesday"—so as to make it read "the first Tuesday succeeding their election."

My object in offering this amendment is this: That I concur heartily in the remarks of the gentleman from Carbon, (Mr. Lilly,) as to the necessity of having a body which, if called together in special session, will represent the will of the people. Yet I can see much force in the remarks of the gentleman from Philadelphia, (Mr. Gowen,) that there is no sort of certainty as to who the representatives of the people are until proper time is allowed to ascertain the facts. I apprehend that the time named in my amendment, namely, one week, will about meet the case fairly.

The question being on the amendment offered by the gentleman from Philadelphia, (Mr. J. R. Read,) to the amendment offered by the other gentleman from Philadelphia, (Mr. Simpson,) it was rejected.

Mr. WHERRY. I presume that under the ordinary circumstances of the public there need not be much difficulty in this case. But there are two considerations in the case not yet pointed out. One is that when the people adopt this new Constitution, if there ever was, in the history of Pennsylvania, a necessity for special legislation, it will be then. That must necessarily follow the adoption of this Constitution, for, wise as we may be, I doubt not we will make many and grievous errors, which must be mended by legislation.

There is another consideration which I take for granted, that if the provision about biennial sessions of the Legislature passes, and is ratified by the people, we remove the Legislature, in one-half of its existence, nearly two years from the public heart and public pulse, so that the time intervening between the election day and the day for the assembling of the Legislature should certainly be as short as possible.

Mr. MINOR. I offer the following amendment: Strike out the words "first day of January," and insert in lieu thereof, "second Tuesday succeeding their election."

The question being taken on the amendment to the amendment, it was not agreed to.

The question recurring on the amendment of Mr. Simpson, it was agreed to.

The CHAIRMAN. The question is now upon the section as amended.

Mr. GOWEN. I believe it is known to this Convention that I am chairman of the Committee on Revision and Adjustment, and I desire, therefore, to state that I have endeavored to prepare myself for the duties of that office by consulting several old authorities, among others Lindley Murray. I desire to call the attention of the Convention without, I hope, any appearance of extreme criticism, to the wording of this section. The section, as it now stands, reads: "An election for members of the General Assembly shall be held on the first day fixed for the general election succeeding," &c. It seems to me that would imply that there may be two days fixed for the general election, and the word "first" ought to be transposed so as to be inserted before the word "succeeding." The section will then read more grammatical.

Mr. MACVEAGH. I would state to the gentleman that this section was written before the Convention had passed upon the question of elections.

Mr. GOWEN. My amendment will cover everything, and will not affect the substitution of the word "December."

The CHAIRMAN. The amendments which the gentleman proposes to offer had better be submitted. The Clerk will read them, and the sense of the Convention can then be taken upon them.

The CLERK read as follows:

I. To strike out the word "first," in the first sentence, and to insert the word "first" after the word "election," in the same sentence.

II. To insert the words "at the general election held" after the word "and," in the first sentence.

III. To strike out the word "balance," in the last sentence, and insert in lieu thereof the word "remainder."

IV. To insert the words "shall have," after the word "vacancy," in the last sentence.

The CHAIRMAN. The question is on the first amendment.

Mr. MACCONNELL. I move to amend, by inserting the word "first" before the word "general," in the first sentence.

Mr. SIMPSON. I would suggest to the gentleman from Allegheny (Mr. MacConnell) that the section reads better without the word "first" being inserted.

Mr. DARLINGTON. I would suggest to the Convention that all these mere verbal amendments belong to the Committee on

Revision and Adjustment when the time arrives. There will be, of course, various grammatical inaccuracies in the various forms of language in all the sections of this report; and I do not think they can be submitted for correction to a better or more appropriate committee than the one presided over by my friend Mr. Gowen. We should proceed to the further consideration of the article and adopt such principles contained therein as we shall deem proper; and then I would suggest refer the article, along with others, to the Committee on Revision and Adjustment.

Mr. GOWEN. If the gentleman from Allegheny (Mr. MacConnell) will modify his amendment to the amendment, so that it will strike out the word "first" where it is, and insert the word "next" after the word "election," I will accept the amendment.

Mr. MACCONNELL. I will withdraw my amendment, and the original amendment can be so modified.

The question being taken on the first amendment as modified, offered by Mr. Gowen, it was agreed to.

The PRESIDENT. The second amendment, offered by Mr. Gowen, is now before the Convention, and it will be read.

The CLERK read the amendment.

Mr. GOWEN. Mr. Chairman: The object of this amendment is this: As the section now reads it is that members of the General Assembly shall be elected on the day fixed for the general election next succeeding the adoption of this Constitution and every two years thereafter. Now the general election occurs every two years, and the section, I think, will read much better if the words "at the general election held" are inserted after the word "and," in the first sentence.

Mr. LILLY. When this Convention assembled at Harrisburg, and the committee reported the rules for the government of its proceedings, in looking over the list of committees they reported, I naturally supposed that the duties of the Committee on Revision and Adjustment were to pick out just such small words about which we have been discussing, and remedy their grammatical construction. In looking over the names of the members of this committee, I was glad to see that it was composed of just such men as now compose it; and I hope that all these minor questions will be referred to that committee in order to save the valuable time of the committee of the whole and the Convention in discussing all such matters.

The question being taken on the amendment, it was agreed to.

The third amendment offered by Mr. Gowen, was then read.

Mr. AINEY. Mr. Chairman: I move to amend the amendment, by striking out all after the word "election," at the end of the fourth line, and insert the following:

"When any vacancy occurs in either House, the Governor shall issue a writ of election to fill such vacancy for the remainder of the term in which such vacancy occurred."

Mr. AINEY. Mr. Chairman: If members will refer to the last paragraph of the section, it will be seen that it does not provide for the filling of a single vacancy. While it might, perhaps, be construed to authorize the issuing of a single writ of election, it does not say so in terms. In an instrument so important, so difficult of change as would be the organic law, there ought to be nothing left to be supplied by implication, or that is capable of being construed two ways. Besides, the language, as it comes from the committee, is not grammatical. The word "vacancies" occurs twice, and "vacancy" once in the same clause, though all relate to the same. In other words, we have the singular noun "vacancy" with the word "such" prefixed, and that related back to the plural "vacancies" in the same sentence, which destroys its sense. The amendment which I propose, if adopted, will provide for the filling of a single vacancy, which is not clearly provided for by the section as it now stands. It also makes a few other necessary changes in the language of the paragraph, the propriety of which must be apparent to all who will refer to the section and to my amendment. I hope the same will be adopted.

Mr. MANN. Mr. Chairman: It does seem to me that the remarks of the gentleman have force, and we ought to pay some little respect to this Committee on Revision. Now, the whole of these amendments are proper subjects to be referred to that committee, or else it will have no duty to perform whatever.

I agree entirely with the remarks of the gentleman from Lehigh (Mr. Ainey.) But what I submit is, that it is a subject to be referred to the Committee on Revision. They can review this work much better than we can do so while in committee of the whole. They were selected for that very purpose, and I hope we shall not take it away from them in this way. There is no use of making a motion to refer this

proposition unless we can have, by general consent, an understanding that the grammar of our sections and matters of that kind, are to go, by common consent, to the Committee on Revision. Unless we do this we shall have such motions as these every time we are in committee of the whole, and will accomplish very little.

The CHAIRMAN. The question now recurs on the amendment as amended.

ANNUAL ELECTION.

Mr. DARLINGTON. Mr. Chairman: I now move to amend this section, by striking out "two years" and inserting "one year."

The CHAIRMAN. That is not an amendment to the amendment.

Mr. DARLINGTON. Mr. Chairman: No, sir; but to the original section.

The CHAIRMAN. The question is now on the amendment as amended. When we take up the section your amendment will be in order.

Mr. NEWLIN. Mr. Chairman: I move that the committee rise, report progress, and ask leave to sit again.

Which was rejected.

Mr. HOWARD. Mr. Chairman: I move that all these questions of grammar be referred to the Committee on Revision.

The CHAIRMAN. The gentleman cannot make that motion in committee of the whole. That motion must be made in the House.

Mr. MACVEAGH. Mr. Chairman: I think the better way would be to adopt the suggestions made by gentlemen, unless there is some clear objection, and correct as we go along the errors which

arise in this way, and then let the matter go before the Committee on Revision in more correct shape. It will not take but a minute to act upon these suggestions.

The amendment to the amendment was agreed to.

INSERTING "SHALL HAVE."

The CHAIRMAN. The question now is on the amendment, to insert the words, "shall have" after the word "vacancy."

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the section as amended.

ANNUAL ELECTION.

Mr. DARLINGTON. Mr. Chairman: I now move to amend, to strike out the words, "two years," and insert the words, "one year."

Mr. BOYD. Mr. Chairman: I move that the committee rise, report progress, and ask leave to sit again.

On this question a division was called, which resulted in agreeing to the motion, more than a majority of a quorum voting in the affirmative.

IN CONVENTION.

The PRESIDENT resumed his chair.

Mr. HOPKINS, chairman of the committee of the whole, reported that the committee had again had under consideration the report of the Committee on Legislature, and instructed their chairman to report progress and ask leave to sit again.

Leave was given the committee to sit to-morrow.

Mr. GOWEN moved to adjourn, which was agreed to, and the Convention adjourned at two P. M.

TWENTY-FIFTH DAY.

FRIDAY, *January 24, 1873.*
The Convention met at twelve M.

PRAYER.

Rev. Mr. Curry offered prayer, as follows:

Within these sacred walls, Almighty Father, in the years which have passed into eternity, Thy servants have declared the truth of God. We, as a Convention of people, representing the constituency of this Commonwealth, have here met for the purpose of changing—revising the organic law of the Commonwealth. Help us to remember that we are in the place where God's word was declared. Help us also to remember the fact that we are engaged in very important duties. Help us to perform these duties, with an eye single to the glory of God, and to the interests of the young and the rising generation—yea, and our posterity yet unborn. We ask Thy blessing to be with us in all our deliberations, remembering the fact that our works shall follow us. Hear us this morning with merciful acceptance, and finally save us, in Jesus Christ. Amen.

The Journal of yesterday was read and approved.

The PRESIDENT presented a communication from Frederick Fogg, a citizen of Philadelphia, relating to labor, which was laid on the table.

The PRESIDENT also presented a communication from E. Haskill, a citizen of Philadelphia, relating to the jury system, which was laid on the table.

FEMALE SUFFRAGE.

Mr. DARLINGTON presented a petition from citizens of Chester county, which was referred to the Committee on Suffrage, Election and Representation.

MILITARY FINES.

Mr. DARLINGTON also presented a memorial from a monthly meeting of the society of Friends, of the county of Chester, asking exemption from fine for failure to bear arms, which was referred to the Committee on Militia.

The PRESIDENT presented a similar memorial from a monthly meeting of the

society of Friends of Lancaster county, which was also referred to the Committee on Militia.

INTOXICATING LIQUORS.

Mr. DARLINGTON presented a petition from a monthly meeting of the society of Friends, of the county of Chester, asking that a provision to prohibit the manufacture and sale of intoxicating liquors be incorporated into the new Constitution, which was referred to the Committee on Legislation.

THE DEATH PENALTY.

Mr. DARLINGTON also presented a memorial from the same meeting of the same society, asking for the abolition of the death penalty as a punishment for crime.

LEAVES OF ABSENCE.

Mr. LANDIS asked and obtained leave of absence for Mr. Baer for a few days.

Mr. FUNCK asked and obtained leave of absence for Mr. Lamberton for a few days.

Mr. LAWRENCE asked and obtained leave of absence for Mr. Hopkins for a few days.

Mr. ARMSTRONG asked and obtained leave of absence for Mr. Parsons for a few days.

Mr. ARMSTRONG also asked and obtained leave of absence for Mr. Metzger for a few days.

Mr. BOYD asked and obtained leave of absence for Mr. Corson for Saturday and Monday.

Mr. LILLY asked and obtained leave of absence for the Assistant Sergeant-at-Arms for a few days.

Mr. SAMUEL A. PURVIANCE asked and obtained leave of absence for Mr. T. H. B. Patterson for a few days.

Mr. CRAIG. Mr. President: I rise to a question of privilege. In this book of Amendments, page 86, No. 173, the Printer has made me to have submitted a proposition to the Judiciary Committee. I desire to say that the proposition was submitted by Mr. Broomall; and I do not desire to detract from the honors due that gentleman.

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

Resolved, That it is the sense of the Convention that all amendments in matters of form or language, which may hereafter be offered in committee of the whole to articles under consideration, shall be reported, without debate, to the Convention, and that the same amendments, with all others of the same character which may be offered in the Convention, shall be referred, without debate, to the Committee on Revision and Adjustment.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, a division was called for, and resulted : In the affirmative, forty-two ; in the negative, thirty-seven.

So the resolution was again read.

Mr. DALLAS. Mr. President : The Convention spent at least one long hour yesterday in correcting matters of mere grammar and language in the report of the Committee on the Legislature, particularly relating to the section of the article under its consideration. If this Convention has done any one wise thing since its sessions commenced it has been to provide for a Committee on Revision and Adjustment, and the gentlemen who are placed upon that committee are just the gentlemen who are competent to see to these mere matters of grammar and arrangement of language. If this Convention is to spend its time in committee of the whole, and subsequently in Convention, in reviewing these questions of grammar and arrangement of sentences, which might be as well done by this committee, I fear our labors in the examination of cardinal principles will be lengthened beyond our expectation. The purpose of the resolution is not to confer power upon the Committee of Revision to perform a duty which would be beyond its re-consideration by the Convention, but simply to make these verbal corrections in the subjects coming before us for consideration, subject, of course, to the approval or disapproval of the Convention.

Mr. WHERRY. I desire to say, in addition to the remarks of the gentleman from Philadelphia, (Mr. Dallas,) that it would be really impossible to make these verbal amendments until the whole article is adopted.

Mr. ELLIS. I think the gentleman who offered this resolution did not fully understand its scope. It is that we shall re-

fer matters of language and grammar to the Committee on Revision and Adjustment. It will be a very difficult matter, in the first instance, to determine the exact grammatical construction of the sentences in the sections we shall adopt, as well as their substantial arrangement. I think it is very important that we should devote our attention to the verbal construction of all articles which are passed and perfect them, as far as possible, in committee of the whole. The Committee on Revision and Adjustment will then have the articles fully and carefully prepared by the Convention as it could be before them, and it will then be their duty to examine it and see if any corrections are necessary in regard to the grammar and construction of the sentences. But if we are to turn over to the Committee on Revision and Adjustment the crude article as it presents itself to the committee of the whole, the committee will have a larger duty to perform than was intended when it was originally created. I know that the committee is fully competent to attend to all these matters of grammatical inaccuracies, but the Convention should not dispense with this, its most important, duty of correcting the language of articles upon which it may be called to act.

Mr. BIDDLE. Mr. President : I have no doubt that the intention of this resolution is a good one ; but, if I understand the reading of it, it proposes really to transfer the whole subject of legislation to this Committee on Revision and Adjustment. If I recollect the words of the resolution it requires matters of form and of language that may seem to be incorrect, in reports submitted by the various committees, to be referred to this Committee on Revision. Now words are things, and I believe if we are brought here together to accomplish anything it certainly is to put into proper grammatical shape and language the views that we think best ought to be adopted by the Convention. If we are to transfer matters of form and of language to a committee subordinate to this Convention, then we really transfer the whole business we are called upon to perform to an entirely separate department. It probably will be said that after the Committee on Revision has attended to this very comprehensive duty that the result of their labors will be referred back to the Convention again ; but what possibly can be gained by that ? If it has to be done all over again, and the Conven-

tion is to revise the revisor, the whole work of this revision had better be done in the first place. What is mostly to be desired is not a reference to a Committee on Revision of these matters of language, but an absence of unnecessary debate when the suggestion is evidently a correct one. One or two suggestions were made yesterday which were obviously correct, and should have been adopted at once without an elaborate discussion. This matter is within our control. After an article has been thoroughly discussed it should be carefully examined to see if the language in the sections harmonize with the general train of thought of the whole article, and this we cannot do by sending it to the Committee on Revision, because no such committee can possess that body of thought which the whole Convention is able to bring to bear upon the subject. I shall be opposed, therefore, to a reference to the committee of any of these subjects named in the resolution.

Mr. McCLEAN. I am of the opinion that the time spent yesterday by the Convention could not have been better employed, and that this work of revision had better be done step by step as we proceed. The Convention, after it has offered and adopted all the amendments which are necessary to perfect the articles and sections, will still leave enough competent work for the Committee on Revision to perform.

Mr. LAMBERTON. It seems to me that the true rules ought to be that after an article shall have passed its second reading, the work of the Committee on Revision should begin. I therefore move, as an amendment to the resolution, that after an article shall have passed second reading it be referred to the Committee on Revision.

Mr. DALLAS. I will accept the amendment.

Mr. GOWEN. I hope this resolution, as amended, will not prevail. I think the main duty of the Committee on Revision and Adjustment can only commence when the entire Constitution has been adopted, for I apprehend that such a committee is expected simply to codify and arrange the various articles and sections as adopted, so that the instrument shall present one comprehensive whole.

If this is the main object of a Committee on Revision and Adjustment, it is obviously improper to ask them to entertain any jurisdiction of the subject until the entire Constitution shall have been adopted

by the Convention. Again, if this duty is imposed upon this committee, its sessions will probably occupy fifteen hours a day continuously during the period of the Convention, and it is rather too much labor to give to any one committee. I think if it was understood to be the sense of the Convention that after the adoption of any section or article, the Committee on Revision and Adjustment would have power to alter the phraseology and correct the grammar of such sections, subject to the approval of the Convention, and without changing the substance of the article, it would do away with the necessity of making any motions to reform the grammar expressions in articles presented for adoption.

With the view of taking the sense of the Convention upon this subject, I propose to amend the resolution, by striking out all after the word "resolved," and insert the following: "That it is the sense of this Convention that the Committee on Revision and Adjustment shall have power to alter the phraseology and correct the grammar of any section or article adopted by the Convention, subject to the approval of the Convention, without affecting or changing the substance of the section or article."

Mr. COCHRAN. Mr. President: The power given to any committee of this Convention to alter the phraseology of an act that has been adopted by the Convention, involves in itself a very great jurisdiction, and one which I am for one not content to submit to the control of any of the standing committees of this House. The phraseology of a section adopted by this Convention contains in it a great deal of meaning. That phraseology may be so altered as at first sight not to affect the sense, or the meaning, or the practical operation of the section. Yet, in point of fact, it may defeat the whole purpose and object to attain which the section was incorporated into the frame of the proposition before the Convention. I do not think that the Committee on Revision of this Convention, whose action comes after the action of the Convention itself, after the Convention has deliberately voted on a proposition, after it has debated it, and after it has put in it its own phraseology, should extend to the change or alteration of any matter which has been inserted in the proposition.

I think that the Committee on Revision should be confined simply to the proper location or consecutive arrange-

ment of the sentences of the instrument, to correcting any verbal, merely verbal, or any merely grammatical errors in the text, and further than that I do not think it would be wise or judicious for the Convention to go. It is against parliamentary law, as is well known, to strike out anything which has been inserted in a proposition by vote of the body. But if you allow any committee of this body, after the Convention has acted, to change the phraseology which it has deliberately adopted, then you overrule that parliamentary rule completely. You strike out matter which has been inserted by a determined vote of the whole of the Convention itself.

Mr. President, I hope that the amendment offered to the resolution will not be adopted, and that the Convention will not confer its power upon any Committee on Revision and Adjustment, but that it will mature its own language, mature the form and frame in which it chooses to put its opinions, its sentiments and its purposes, and in that way control them so that they will not be changed or altered by the insertion of any new words, or language, or phrases. It is true that this proposition leaves it subject to the final approval of the Convention. But then we must remember that it takes some time to get the exact meaning, to catch the exact purport of a phrase, and one phrase may undesignedly change the whole meaning and intention of the Convention.

For that reason I hope that this resolution will not pass, and that the Convention will insist upon fixing its own phraseology in its propositions, leaving to the Committee on Revision to the simple duty of fixing the consecutive order of the propositions, and also of making any merely verbal or grammatical changes that may be necessary.

THE RESOLUTION POSTPONED.

Mr. DALLAS. Mr. President: I have heard enough from the gentlemen who have spoken on this question to satisfy me, for one, that the sense of the Convention is not expressed in the resolution which I offered. Therefore, to shorten debate, I now move that the consideration of the whole subject be postponed for the present.

The motion was agreed to.

DRAPING THE WINDOWS.

Mr. CORSON. Mr. President: I offer the following resolution:

Resolved, That the Committee on House be authorized to procure proper drapery for the windows, in order to soften the light and improve the acoustics of the hall in which we are assembled.

The resolution was read a second time.

Mr. HARRY WHITE. Mr. President: I cannot say that I am opposed to this resolution, but it may be as well to know what expense will be incurred; I asked this question of a friend on the floor a moment ago, who answered between ten and twenty thousand dollars. I apprehend that may be extravagant, but I would like to know from the gentleman who offered the resolution what will be the probable expense of this addition to the hall.

Mr. CORSON. Mr. President: I am assured by the committee that the expense will be inconsiderable; that it will be nothing in comparison with the benefits which we shall derive from the improvement. We all appreciate the difficulty in being heard in this hall, and I understand from the committee themselves that if authorized to procure this drapery that the whole difficulty can be remedied, and that then every gentleman who tries to speak can be distinctly heard. The committee have no authority to do this without this or a similar resolution.

Mr. PURMAN. Mr. President: I move that this resolution be referred to the Committee on Accounts and Expenditures.

On agreeing to this motion, a division was called.

Before the vote was counted, Mr. BOYD said: Mr. President: Would it be in order to make any remarks upon this subject at this time?

The PRESIDENT. Yes, sir.

Mr. BOYD. Mr. President: I have the honor to be one of the Committee on House. The difficulty of hearing in this building is known to be very great. The distinguished delegate on the other side of the House (Mr. Harry White) of course can be heard with great distinctness and clearness, because he has a clarion and eloquent voice, [laughter] and every gentleman here can hear him. But there are quite a number of gentlemen here who are not so highly endowed in that regard, and it is more for their benefit than for those who are so endowed that this committee of ours met upon repeated occasions and carefully considered and consulted about the propriety of draping this hall in such a way that its

acoustic properties shall be greatly improved.

The chairman of the committee, Mr. Addicks has been in correspondence with gentlemen who are posted with regard to such matters, and I judge from the result of that correspondence, and from the consideration that I have been able to give to the subject, that the whole cost of draping this hall in such a way that every man can be heard will scarcely exceed \$200, and if there is any difficulty about the expense I will pay the bill myself. What the Committee on Accounts and Expenditures have to do with the Committee on House, is what I am not able to comprehend. If the Committee on House are incompetent to discharge a duty of this kind, and are likely to inflict expense on the State unnecessarily, the sooner the Committee on House is dismissed and another appointed the better. I do not, so far as I am concerned, see that we are subordinate to the Committee on Accounts by any means. What have we to do with the Committee on Accounts? If any gentleman in this Convention, lacking confidence in this committee, thinks that the subject should be referred to this committee to report to the House what the probable cost of the drapery will be, I would consider that more courteous to the committee than a reference to another committee, because by implication that would be saying, in effect, that the Committee on House are not competent to take into consideration the draping of the hall, a subject costing \$200, and perhaps not as much.

With reference to this drapery I would say that the committee only desired to use inexpensive materials. We would not expect to drape this hall in gorgeous velveteen, or even bombazine, [laughter,] but in some serviceable but cheap material. We had no wish in the line of display, but only desired to afford many members on this floor an opportunity of hearing a good many things that are done about us of which they now know little or nothing. I therefore appeal to this body, not that I care a fig about it, but my friend, the chairman of this committee, who has been the working man on it, I never work myself if there is any way of getting out of it, but Mr. Addicks is the chairman of this committee, and he has been kicked and cuffed about by some gentlemen in a way that is hardly complimentary, and I therefore desire to say, in favor of a faithful chairman, a good, true man in every

way except his politics, [laughter,] that it would be more courteous to refer this subject to the House Committee, and I hope you will refer this matter to the Committee on the House, to report the probable cost, and the nature of the improvement that is intended to be made.

THE MOTION WITHDRAWN.

Mr. PURMAN. Mr. President: I certainly had no idea of provoking the displeasure at all of my distinguished friend from Montgomery (Mr. Boyd) in making this motion. My motion was to refer to the Committee on Accounts and Expenditures to ascertain the probable amount of the expense. But, with the assurance of the gentleman from Montgomery, that the cost will merely be two hundred dollars, I have not the slightest objection that the Committee on House shall proceed to do the work, provided it shall not exceed in cost the sum of two hundred dollars. I therefore withdraw my motion to refer to the Committee on Accounts and Expenditures.

THE EXPENSE.

Mr. PURMAN. Mr. President: I now move that the resolution be so amended, as to read:

"That the Committee on House be instructed to procure and arrange the necessary drapery, provided the expense of the same will not exceed two hundred dollars."

Mr. HARRY WHITE. Mr. President: I further move to amend, as follows:

By striking out "\$200" and inserting "\$500."

Mr. PURMAN. I accept that amendment. The amendment was rejected.

Mr. BEEBE. Mr. President: I will not occupy much of the time of this House, but I wish briefly to say that the testimony of the reporters in regard to taking down the remarks made in this Convention is unanimous that beyond half the distance of the hall they have to guess, upon an average, at more than two-thirds of all that is said. I do not say that there will not thereby be better speeches reported than if the language of gentlemen on the floor was reproduced by the reporters. I presume the speeches will be better under the present state of things, but it is a responsibility which the official phonographers do not wish to undertake, and I trust the matter will be so referred that something will be done, and speedily, to improve the condition of the hall in that

respect. I merely wish to say that whatever committee it is referred to I hope it will be the sense of the Convention that it will be referred to that committee which will attend to the matter the most speedily and effectually.

Mr. KAINE. I hope the gentleman from Greene (Mr. Purman) will withdraw the motion he has made to amend, and that the gentleman from Montgomery (Mr. Corson) will put his suggestion in the shape of a motion to the Chair, that the matter be referred to the Committee on the House to ascertain what it will cost and report.

The PRESIDENT. The motion of the gentleman from Greene (Mr. Purman) was negatived.

The question is now upon the resolution, which authorizes the Committee on the House to drape the windows.

The resolution was agreed to.

CENTENNIAL CELEBRATION.

Mr. LITTLETON offered the following preamble and resolution, which were read and referred to the Committee on Legislation :

WHEREAS, The Congress of the United States of America, has passed an act, approved March 3, 1870, entitled "An Act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures and products of the soil and mine in the city of Philadelphia, and State of Pennsylvania, in the year 1876 ;"

And whereas, In furtherance thereof, Congress, by an act, entitled "An Act relative to the Centennial international exhibition, to be held in the city of Philadelphia State of Pennsylvania, in the year 1876," approved June 1, 1872, creating a body corporate, to be known by the name of the Centennial board of finance, with full power and authority to secure subscriptions of capital stock to an amount not exceeding ten million dollars as therein provided, and making it lawful for any municipal or other corporate body existing by or under the laws of the United States to subscribe and pay for shares of said capital stock ;" therefore,

Be it resolved, That the Committee on Legislation be and hereby are instructed to prepare and report to this Convention a proper article or section to be inserted in the Constitution, whereby the Commonwealth may become a subscriber or stockholder in said corporation, and the Legis-

lature may authorize any county, city or borough, by virtue of a vote of its citizens or otherwise, to become a subscriber and stockholder in said corporation of the Centennial board of finance, and thus be enabled to aid in the success of the great event of the nineteenth century.

ENROLMENT TAX.

Mr. HOWARD offered the following, which was read and referred to the Committee on Finance, Revenue and Taxation :

For the consideration of the Committee on Finance, Revenue and Taxation : In all cases where an enrolment tax shall be required to be paid upon any act of Assembly, such act shall be void, unless the enrolment tax on the same shall be paid within six months from the date of the passage of the act.

THIRD READING OF BILLS.

Mr. DE FRANCE offered the following resolution, which was read and referred to the Committee on Legislation :

Resolved, That the Committee on Legislation be requested to inquire into the propriety of inserting into the Constitution the following :

"That no bill shall become a law until it shall have been fully and distinctly read on three different days in each branch of the Legislature, unless in cases of urgency three-fourths of the members dispense with this rule, and that on the final passage of such bill in either branch of the Legislature, the question shall be taken by yeas and nays, to be duly entered on the Journal thereof. That no bill shall be passed by either House of the Legislature on the day prescribed for the adjournment."

ADJOURNMENT.

Mr. RUNK offered the following resolution, which was twice read :

Resolved, That, to enable the Committee of the House to drape this hall, in accordance with the resolution passed, when this Convention adjourns to-day it be to meet on Monday at twelve o'clock noon.

Mr. HAY. Mr. President : I would like to inquire whether that resolution was offered after consultation with the Committee on the House, and if so whether this adjournment would enable the committee to drape the hall as proposed.

Mr. LILLY. Mr. President : I object to all this thing about draping the hall. It is gotten up for the purpose of adjourning over Saturday. Now I am in favor of

adjourning over, and shall vote for it every time a resolution to that effect is offered. But as soon as a proposition to so adjourn is made, I see gentlemen picking up their umbrellas, and will see nothing more of them until Monday. I think we had better strike out the subject of draping, and meet the subject of adjournment squarely and fairly, without any drapery or anything else around it.

MR. DARLINGTON. Mr. President: I understand from some members of the committee to whom this was referred no preparation whatever has been made, and it is utterly futile to suppose that they can do it to-morrow. Whenever the time arrives when that committee wishes a day set apart for them, I am willing to give it to them.

Upon the question of adjournment, the yeas and nays were required by Mr. Kaine and Mr. Corbett, and were as follows, viz:

Y E A S.

Messrs. Ainey, Armstrong, Baker, Bannan, Biddle, Black, Charles A., Bowman, Brodhead, Broomall, Buckalew, Cassidy, Cuyler, Elliott, Ellis, Finney, Funck, Gibson, Gowen, Hanna, Harvey, Hemphill, Hunsicker, Lamberton, Lear, Lilly, Long, M'Camant, M'Clean, Metzger, Newlin, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Pughe, Reynolds, James L., Rooke, Ross, Runk, Stanton, Temple and Van Reed—42.

N A Y S.

Messrs. Achenbach, Addicks, Andrews, Baily, (Perry,) Beebe, Black, J. S., Boyd, Campbell, Carey, Carter, Church, Clark, Cochran, Collins, Corbett, Corson, Craig, Cronmiller, Curry, Dallas, Darlington, De France, Dunning, Ewing, Fell, Fulton, Guthrie, Hall, Hay, Hazzard, Horton, Howard, Kaine, Knight, Landis, Lawrence, Littleton, M'Allister, M'Connell, M'Culloch, M'Murray, Mann, Mantor, Minor, Patterson, T. H. B., Patton, Porter, Purman, Purviance, Samuel A., Read, John E., Reed, Andrew, Simpson, Smith, H. G., Smith, Henry W., Smith, W. H., Struthers, Turrell, Walker, Wetherill, J. M., Wetherill, Jno. Price, Wherry, White, David N., White, Harry, White, J. W. F., Worrell and Meredith, *President*—66.

So the motion was rejected.

ABSENT OR NOT VOTING.—Messrs. Alricks, Baer, Bailey, (Huntingdon,) Barclay, Bardsley, Bartholomew, Brown, Curtin, Davis, Dimmick, Dodd, Edwards, Gilpin, Heverin, Hopkins, MacVeagh,

Mott, Niles, Purviance, John N., Reynolds, S. H., Russell, Sharpe, Stewart, Woodward and Wright—25.

TELEGRAPH COMPANIES.

MR. BRODHEAD offered the following resolution, which was read and referred to the Committee on Private Corporations:

Resolved, That the Committee on Private Corporations are required to consider the propriety of the following article:

ARTICLE —. Every telegraph company, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock can be made and in which shall be kept for public inspection books, in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of the stock and the amounts owned by them respectively; the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every telegraph company shall annually make a report, under oath, to the Auditor General, of all their receipts and expenditures, which report shall also include such matter as may be required by law. That all charges by any telegraph company for messages sent shall be uniform and *pro rata*, and according to air line distance. That legal process against any telegraph company may be served upon any operator at any telegraph station, and the wire, instruments and other property of all telegraph companies shall be liable to seizure and sale in any county where judgment may be awarded. And the General Assembly may pass laws enforcing, by suitable penalties, the provisions of this article.

NEWSPAPER REPORTERS.

MR. GOWEN offered the following resolution, which was read:

Resolved, That copies of all such proceedings and public documents as are furnished to the members of the Convention shall, each morning, be laid upon the table of the reporters for the press.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

So the resolution was again read.

MR. GOWEN. I think it would be a graceful thing, on the part of the Convention, to extend this courtesy to the repre-

sentatives of the press in the hall, who are few in number. They will thereby be the better enabled to make up careful and correct contemporaneous reports of the proceedings of our Convention.

The question being upon the resolution, it was agreed to.

ADJOURNMENT.

Mr. J. M. WETHERILL offered the following resolution, which was read :

Resolved, That when this Convention adjourns, it be to meet on Monday next at eleven o'clock.

Mr. JNO. PRICE WETHERILL. I rise to a point of order. The decision of the Convention already fixes the hour of meeting on Monday at ten o'clock, and of adjournment at two.

The PRESIDENT. The resolution is not before the Convention.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

PUNISHMENT OF FRAUD AT ELECTIONS.

Mr. ELLIS offered the following resolution, which was read and laid on the table :

Resolved, That the Committee on Suffrage, Election and Representation be instructed to examine into the propriety of making the punishment of fraud at elections hanging by the neck until dead, without benefit of clergy, benefit of Executive clemency or any benefit whatever.

OFFICIAL REPORTERS.

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

Resolved, That the House Committee be instructed to inquire into the propriety of changing the position of the official reporters, as it is notorious that in their present position they cannot hear so as to report.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

EMPLOYEES OF THE CONVENTION.

Mr. HAY, from the Committee on Accounts and Expenditures, submitted a report, in accordance with the instructions of the resolution of the twenty-first of January, instant, and in connection with said report, offered the following resolutions :

Resolved, 1st. That the employment and compensation of the persons named in the

report of the Chief Clerk, made to the Convention on twenty-first of January additional to those appointed by him under the direction of the Convention, be approved, and that the compensation of the assistant fireman be fixed at three dollars per day, while actually engaged in the discharge of his duties, and be allowed from the beginning of his employment.

2d. That the recommendation in the above report of the Committee on Accounts, as to the attendance of the Postmaster or Assistant Postmaster, requiring that either one of them shall be in attendance at the post-office of the Convention from eight o'clock, A. M. to nine o'clock P. M., daily, and as to the duties of the Door-keeper, requiring him to keep order in the galleries, be approved and adopted.

3d. That the bond of the Chief Clerk (for \$6,000) with G. V. Lawrence and J. W. F. White, as sureties, be approved, and that it be filed in the office of the Secretary of the Commonwealth.

4th. That the employees of the Convention, other than those elected by it, shall be paid by it, and that a warrant be drawn in favor of D. L. Imbrie, Chief Clerk, for \$2,000, to be expended by him as directed by the Convention.

The question being, shall the Convention proceed to the second reading and consideration of the resolutions, it was agreed to.

The resolutions were then, *seriatim*, again read and agreed to.

THE LEGISLATURE.

The PRESIDENT. The business now before the Convention is the further consideration, in committee of the whole, of the Committee on Legislature.

The Convention then, as in committee of the whole, Mr. Charles A. Black in the chair, proceeded to the further consideration of the report of the Committee on Legislature.

The CHAIRMAN. The committee of the whole has had under consideration the report of the Committee on Legislature. When the committee rose the second section was before it.

Mr. DARLINGTON. Mr. Chairman: The motion I made I have modified as to language. I propose to amend, by striking out the words "every two years," in section two, and inserting instead the word "annually."

This, sir, presents the distinct question whether annual or biennial sessions of

the Legislature shall be adopted by this Convention.

The adoption of this amendment to the report of the committee, it will be observed, restores the provision of the existing Constitution so far as it goes. The Committee on the Legislature proposes to change it so as to make the sessions of the Legislature biennial, and that question may just as well be met here and now, and had better be met here and now than at any other period of the sessions of this Convention. I say so, because other amendments proposed by the committee depend upon the decision of the Convention in regard to this question. The committee have also, you will perceive, proposed that Senators should hold their offices for four years, and should this be adopted it will necessitate a further change in putting the Constitution into operation, so that we may as well have the question debated now and the decision of the Convention declared upon it, because it will govern and regulate so much of the future action of the Convention. In view of this fact I wish to discharge, so far as I am able, a plain duty incumbent upon me to present such considerations as occur to me upon this and any other question that may arise, if it is the pleasure of the Convention to hear me. Why should we recommend the people of Pennsylvania to dispense with annual sessions of the Legislature? This is a distinct proposition of the committee, and I take it that, according to all rules governing lawyers in courts of justice, the burden of proof is upon those who assert that it is necessary to satisfy us that biennial sessions should be adopted. Perhaps it is a little awkward for me here at this time to attempt to present any consideration in opposition to this view until the Convention has heard the arguments of the committee or those who have placed the subject before us in favor of making such an important change in the legislative power of the Commonwealth.

When we remember that from the foundation of the government we have had in Pennsylvania annual sessions of the Legislature, and upon the recurrence of the proper season, the people have been called upon again and again to elect those who shall annually make their laws, can we believe there is any well defined, clear and unmistakable or expressed conviction in this Commonwealth upon the point that all this is wrong, or have we advanced in the science of

government beyond that recognized by our fathers, so far as to determine now that annual sessions of the Legislature and annual opportunities to the people to elect their representatives, has been an entire mistake? I have been taught to believe that it has been a part of our political creed, I apprehend, of the entire State, that frequent surrender of power by those who are entrusted with it to those who so entrust it, essentially impair the responsibility which the representative owes to his constituency. Nothing so much tends to secure proper action and proper legislation, by those who are entrusted with that duty, as the knowledge that they are responsible yearly to those who send them as representatives to a legislative body. So far as my knowledge extends, no objection has been suggested in any quarter of this Commonwealth to this well established principle and old established practice. What induces us then, to suppose that it is unacceptable to the community? Is there any well defined public sentiment? Is there any such unmistakable difficulty in the public offices, which requires this change in the Constitution?

What are the evils to which a Legislature elected annually are subject, which will not be equally as great with a Legislature elected biennially? True, if we come to the conclusion that Legislatures are public nuisances, that they are disturbers of the peace, as some of our citizens are inclined to believe, then let them not meet even biennially, but if we believe that the law-making power is an essential power in good government, if we assume that the people have the right to have passed such laws as their necessities and interests require, then is it not equally clear that they should have the power in their hands to change the body, that may unfortunately or mistakenly enact a bad law, so that it may be the sooner erased from the statute book? I could point to instances of legislation in which the people of Pennsylvania have more than once taken the first opportunity afforded them to rebuke their unfaithful servants, or when they supposed them to be so. Without going further back into the history of the State, I need only refer to a recent vote given in the Legislature upon the subject of a favorite project, by which \$9,000,000 passed out of the hands of the State into the hands of a private corporation. I need only refer to that instance to remind you that the very next

session of the Legislature found other men from many districts in the State in the seats of those who had voted with the majority upon that question. There are other instances within the knowledge of other gentlemen, and I am reminded that the case of the Southern railroad company is among some of those that can be recited. I do not refer to these instances of legislation for the purpose of casting reflection upon any gentlemen present in this Convention, who may have been in the Legislature at that time, nor do I mean to say that the Legislature was actuated by impure or improper motives. It is not a part of my argument. It is enough for me to know that the action of its members was disapproved by those who had sent them there.

Now what would have been the result if the Legislature had been authorized to hold its sessions once in two years or once in four years instead of one? Why it would have taken the people of Pennsylvania a corresponding longer time to change the vote of the Legislature, and to change its action and its political or financial complexion, than it did then or does now. Now if this is to be a valuable right, and if it is at all important that the representative should be held answerable to his constituents, is it not right that he should be answerable early and often? It is true that other systems have been tried in other places, and biennial sessions have been held in a few other States. I know not how they have succeeded in getting along with them, except in one instance where a State—Ohio, I believe—holding biennial sessions, held three or four by adjourning from time to time. How they have operated in Illinois I do not know. It is enough for us to know, I think, that in the history of this Commonwealth annual sessions have never been found objectionable, so far as I know, at all events. If there has been any objection manifested I hope to hear of it, but so far as my knowledge extends, and I think I may say it with confidence, the workings of our system, as they have related to annual sessions of the Legislature and the annual election of its members, have never been proved to be unsatisfactory. We must have a popular body. Popularity is the very essence of a legislative body, and sir, when the time arrives I propose to advocate an increase in the number of members of the Legislature, so as to make that body even more popular than it is to-day, and thus better enhance its op-

portunities of protecting and ripening the interests of the State than it can do now with only one hundred members. This subject, however, I did not mean to touch upon further than to allude to it. I propose, further, to increase the number of Senators, for while you increase the popular body and increase the Senate, in the same proportion, if there be any danger of the popular body going wrong, the Senate, whose members hold their offices for a longer period, would possess force enough to resist and correct hasty legislation.

But, sir, upon this question, whether the members of the Legislature themselves shall or shall not be answerable to the people every year for their conduct while representing them, and whether there shall be annual or biennial sessions of the Legislature, I shall defer the more important views I hold until I hear from those who are in favor of the new system. I can only now conclude that they have been fascinated and carried away with admiration for some new system that has been adopted elsewhere. We must be careful that all of our members are not carried away by any such admiration. The example of other States may be no criterion for Pennsylvania, and may be entirely unsuitable to our condition of affairs.

Now, sir, what has the Legislature to do in the State of Pennsylvania? We have a large State, containing a population of four millions inhabitants, or thereabouts. We have varied interests; agricultural, manufacturing, mining, and a thousand other elements enter into our industrial enterprises. Can it be possible that for two years no portion of this great State would require particular legislation to advance its interests and develop its resources, and that we will have to wait an entire two years for the assembling of the Legislature, while all other sections of the country are pushing ahead with giant strides, with internal and other improvements?

Why must we wait? What reason can we assign for not giving large and populous districts of this State the advantages of early legislation? If their interests and prosperity require it, why should they not have it? Why should they be compelled to wait for another year? Especially if a mistake is made, or an improper law passed by one Legislature, why should the whole community be compelled to wait for two years before they can correct the mistake or ask for

the repeal of the bad law? Is there any objection existing on the score of expense? I apprehend not. Our annual elections must be held. We have officers to elect in every city, every county, every district in the State. Every two years we have our members of Congress to elect. At a time which this Convention has fixed we have to elect State officers. Every four years we have a President to elect. Every three years, as our Constitution now stands, we have our Governor and other State officers to elect. Annual elections, therefore, are one of the institutions of the State, and it will cost no more to hold elections every year for the Legislature than every two years.

So that on the score of expense nothing is saved. But even if it cost twice as much, the saving of expense to the State is by no means compensated by this disadvantage under which we labor by reason of not having the Legislature meet every year. I know not how these ideas may strike others. I know that with regard to some other gentlemen, different opinions have been suggested by them, and I am not sure that my respected colleague (Mr. Broomall) does not differ with me. And his views must have weight. He has had much experience in legislation, both in Harrisburg and in Washington, which I never had, and he has arrived at conclusions which, perhaps, I would have arrived at if I had had the same opportunities to do so. He always bases his opinions wisely and well, and if he regards the Legislature and Congress as public disturbances, I cannot but defer to his superior experience. They are disturbances of the public peace, in his view, and a man who thinks so ought to vote that the Legislature should meet only once in two years, or once in ten years, or never meet at all.

But I am not able to see, Mr. Chairman. I am not able to see as far as I have been able to judge any good reason for this change. Perhaps, however, it would be most becoming in me to wait until I hear what arguments can be offered on the other side, upon whom, as I said before, it devolves to show the necessity for such a change as they propose.

Mr. BUCKALEW. Mr. Chairman: The member from Chester (Mr. Darlington) has discussed the question of annual sessions. His amendment, however, relates to the term of service of members of the Legislature. The report of the committee refers to the time when they shall be

chosen. Members of Congress are elected biennially, and yet Congress meets every year. There is no necessary relation between the question of terms of legislative service and the frequency of sessions which they shall hold. When we come to consider a subsequent section of this article, the question whether the Legislature shall meet every year or every second year will be properly before us. It is not before us now. When that question comes up I will listen, with attention and respect, to the member from Chester, but at present I must close my ears to his appeal made in favor of this amendment.

I think, Mr. Chairman, that it would be a good thing to change the duration of membership in the Legislature of our State, and I say this in view of a good deal of reflection upon the subject, and in view of some experience in regard to the practical workings of our existing plan. I think the change expedient, especially in view of our recent arrangement of time, ordered by the Convention, of general elections to be held on the same day every year, that we shall fix the election of members of the Legislature in the odd year, in the years when we will not have federal elections upon our hands. If the clause under consideration, as reported by the committee, shall be agreed to we shall elect Senators and Representatives in the odd years; we will separate our most important State elections altogether from federal elections; will have them determined at different times. I think, sir, this will be very well, upon many grounds which will suggest themselves to gentlemen of the Convention.

Now our elections are some of them over-burdened. We have too many questions to pass upon at the same time. Hence, it comes to pass that the people vote upon State and subordinate officers, not with reference to the merits of the question involved, but with reference to national issues which are precipitated upon us at the same time, and which overwhelm, for the time being, all considerations of State and local affairs. By this change of time, I repeat, we will separate our most important State elections entirely from national issues, and will have them determined upon their own merits, much better and more completely than it is now possible for us to do.

Again, sir, it is very evident that by holding our legislative elections every second year there will be a large saving

of expense and trouble to the people. The expense and the labor incurred in the making of these numerous nominations, and in canvassing for votes which now come upon candidates and upon the people every year, will occur only every second year. It will be to us, in this respect, a relief, and an advantage to some extent, and it will tend to discourage professional politics, especially such as is known in our cities, where trained bands, got up to work by money, are engaged all the time, every year, in what some gentlemen may think to be nefarious work, or at least work which ought to be repeated as seldom as possible.

There is another advantage, and the principal one, to which I will refer. One of the capital evils of our State system, as we have it now administered, is the frequent change of membership in the Legislature, and especially in the House of Representatives. At one session, I recollect, there were seventy-six new members out of one hundred, and very often the number of new undisciplined men in the House is between sixty and seventy. The habit of our people has been to re-elect members but for one term—for a second term. The consequence is, that the grade of ability in the House of Representatives has come to be very low. Intelligence and discipline, acquaintance with public business, and, along with these that legitimate influence which holds public men steady—I mean the expectation of re-election or continuance in public service—all these are wanting, the inevitable result of which is the degradation of public life. Members in that House not trained to high ideas of honor and patriotism and public spirit, it is believed, have sometimes yielded to the influences about them. And why? Why, one reason has been that they have seen before them no prospect of continuance in public service. They have regarded themselves as men of the moment, to serve in a position in which they have been placed but for a few weeks or a few months and then to retire. They have known that no exhibition of capacity, no exhibition of high honor and public spirit would continue beyond the short service to which our Constitution and the habits of our people have brought us.

I think, therefore, that if we are to have annual sessions hereafter—a question entirely distinct from the present one, and to be considered when it comes up—it will be a great advantage indeed that the members of the House of Representatives shall

all of them serve at least two sessions, constituting a short period of time in the rapid progress of modern events. I say, then, without attempting to go into a general argument on this question, that my judgment is clear and decided against the amendment which has been proposed by the gentleman from Chester (Mr. Darlington.) I will stand by this portion of the report of the legislative committee, in the full conviction that it will be one of the most salutary changes which we can propose to the people for insertion in the fundamental law of our State.

MR. CARTER. Mr. Chairman: Without going into the nature of an argument, I would like to present a few points for the consideration of gentlemen, and I might perhaps volunteer to say to the committee, that I think by an exhibition of the reasons that have inevitably tended to form our opinions, that perhaps we can arrive at a determination of this question sooner than by more extended and elaborate argument.

I go against this amendment, and in favor of the proposition of biennial sessions, because it looks in the direction of a favorite principle or view of mine, which is that that people is governed the best which is governed the least. I think that the frequent assemblages of our Legislature at our State Capitol, for the purpose of making laws, has gone on from bad to worse, until the people dread their meeting and draw a long breath of relief when they adjourn. The pulses of the public beat more calmly in apprehension of no anticipated evils. I think that it would be much better, indeed, that biennial sessions should exist, for the reason of the fundamental idea of the less legislation the better.

It is well known that of some twelve or fifteen hundred laws passed for five or six years, not more than about fifty are of a general character. This evil, I presume, will be corrected by this body, and if it be corrected, I apprehend that one session will be amply sufficient every two years to meet the legislative and business requirements. I think we legislate too much entirely, and that we will be great gainers by some restriction placed upon that subject.

The gentleman from Chester (Mr. Darlington) spoke of this as an experiment. I think he so regarded it. He spoke of it as being tried in some States. If I am correctly informed it is in practical operation, and in successful operation in at

least seventeen or eighteen States. It is not experiment. It has been found to work well where it has been tried.

Illinois adopted it. It is to be presumed that she had witnessed the beneficial effects upon the adjoining State of Indiana for a length of time. They adopted it, I believe, with considerable unanimity. I think that wherever it has been tried it has worked well. We have a little experience to guide us. I might say that it so chances that I live near the adjoining State of Maryland. It was adopted by them some five or six years ago, and I have never heard a single dissenting voice, and I have often heard expressions of opinion from all classes of her people, of every political shade. The unanimous verdict is that it is an eminent success.

Now it might be said, in accordance with the suggestion of the minority of the committee, that it is a State of diversified interests; that it might apply to an agricultural State like Illinois, but not to the State of Pennsylvania. I think that argument was answered by the gentleman from Philadelphia, (Mr. J. Price Wetherell,) a man connected with the board of trade, and well posted in the business and manufacturing interests of the country. He has told us that Illinois was, to a large extent, a manufacturing State. There is no State of the Union of so diversified interests as Maryland. It is a great manufacturing State. It is penetrated all through by navigable waters; it is traversed by some of the most important railroads in the country. I notice in an eastern paper that the articles of boots and shoes and leather bring to the city of Baltimore, yearly, the sum of twenty millions of dollars. That State has tried the biennial sessions and they like it. I presume, therefore, that that objection falls to the ground.

It is said that there will a saving of some half million dollars. My friend from Columbia (Mr. Buckalew) has referred to that matter to some extent; but, sir, the saving of half a million in the election is but a small part of the saving. There is an amount of moral wear and tear which cannot be estimated a question of dollars and cents. There will be saved to this community the constant and continual agitation, which I believe is unnecessary.

I am of the opinion that all the legislation required by the best interests of this State can be effected by biennial sessions. But the argument as used by the gentle-

man from Chester, (Mr. Darlington,) and which was referred to also in the minority report, is that the present system has upon it the sanctity of ages; that it has existed so long that it would not be well to disturb it. The gentleman also alleges that there has been no expression of the public to guide us in our action here. Now, sir, there has been no direct expression that I am aware of in that particular point, but there has been that which covers this whole ground.

It is known that the action of that body has been a perfect stench in the nostrils of the people, and this remedial measure, looking toward a reform in that direction, has been called for by the people of the State. I see nothing but good that can result from the institution of biennial sessions, as reported by the committee.

The gentleman from Chester (Mr. Darlington) says the burden is upon those who propose the change; of course the burden is upon them. There must be some good reasons for a change. I admit that there is no reason why we should change a thing because it is old, nor that we should favor its continuance because it is old. But has the Legislature acted in such a way, have we had such beneficial results that the people of Pennsylvania can look with pride upon their legislative body? I am strongly of the conviction that the character of that body will be elevated by the proposed change.

MR. HOWARD. Mr. Chairman: I desire to say a few words upon this subject. In the first place I cannot discover that this question, in any sense whatever, involves the question of biennial sessions. I shall vote to sustain the proposition of the committee, that the members shall be elected for two years, and I shall oppose the proposition for biennial sessions. I agree with very much that has been said here with regard to the manner in which business has been heretofore done at Harrisburg.

It is in the experience and observation of every gentleman who has taken note upon this subject, that very much of the corruption that has been manifested there, and that has grown out of legislation, has been from the fact that so much special legislation has been annually disposed of at Harrisburg.

This Convention proposes to do away, if not altogether in a great measure, with this subject of special legislation. Then, Mr. Chairman, it is the intention of this Convention, and it is the intention of the

people of this Commonwealth, that hereafter the Legislature shall deal in general legislation.

They shall, instead of going there for the passage of private bills, prepared in private offices of lawyers of this Commonwealth, or concocted in offices of railroad corporations, or in other offices, go prepared to discuss general principles and for the passage of general laws. This will require a much higher and better order of talent. I am perfectly willing, and I think the people of the Commonwealth will be satisfied that we shall extend the term in order that we may get better men to take these posts.

Many a man may hesitate to take a nomination for the Assembly when he knows that his first session must be devoted to the interests of the politicians and the log-rollers of his ward or his county, in order that he may be re-nominated and go back for a second session if he is to have one at all.

Undoubtedly we elevate the character of the representative. We place him in a better position by giving him at least two years. What reason can be given why a Senator should have three years and a member of the House be limited to two? Certainly the member of the House participates, in every sense, in just as high a degree in the making of laws as does the Senator. What reason can be given why the members of the House of Representatives of Pennsylvania shall be limited to one year and every year go into a scramble for a re-nomination?

If we mean to give our members some knowledge; if we mean to give them some idea of legislation; if we mean that

they shall have some experience; if we mean to elevate the character of the men and secure such as are able to deal with general principles, then I maintain that we ought to extend the term at least to two years, and this does not involve the question of biennial sessions. I am in favor of annual sessions of the Legislature of this Commonwealth, and I hope that we shall do everything in our power to elevate the character and the dignity of representatives by lengthening their terms.

Mr. BIDDLE. Mr. Chairman: It is so near the hour of adjournment that I hardly feel disposed to begin an argument. I move the committee now rise—

Mr. BROOMALL. I would ask the gentleman to yield to me so that I may make the same motion, in order that he may have the floor when we meet again. I therefore move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

Mr. C. A. BLACK. Mr. President: The committee of the whole has again had referred to it the report of the Committee on the Legislature, and have instructed their chairman to report progress and ask leave to sit again.

Leave was granted to sit again to-morrow.

Mr. DARLINGTON. Mr. President: I move the Convention do now adjourn.

The motion was agreed to.

So the Convention, at one o'clock and fifty-nine minutes, adjourned.

TWENTY-SIXTH DAY.

SATURDAY, January 25, 1873.

The Convention met at twelve M.

PRAYER.

Rev. Mr. CURRY offered prayer, as follows:

We thank Thee, this morning, Almighty Father, for the privilege we have enjoyed, of beholding the light of another sun in his meridian brightness. Make us thankful, we beseech Thee, for all the privileges and for all the mercies we enjoy day by day at Thy hands. Once more we have assembled for the purpose of transacting business pertaining to the interests of this Commonwealth. Be wisdom to us in our ignorance, be strength to us in our weakness. Guide our judgments aright to proper conclusions; and may everything we do be done to the honor of God and the good of the people we represent. We ask Thy blessing to rest upon our Commonwealth. We ask Thy blessing to rest upon all her institutions. We ask Thy blessing, O God, to rest upon the great country to which we belong. Make us God-fearing people; and finally bless us, through Jesus Christ. Amen.

The Journal of yesterday's was read and approved.

INTOXICATING LIQUORS.

Mr. CARTER presented a memorial from citizens of Lancaster county, Pa., and another memorial from citizens of Millersville, in the same county, praying that an amendment may be made to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which were referred to the Committee on Legislation.

Mr. RUSSELL presented a petition from citizens of Addison township, Somerset county, Pa., praying that an amendment may be made to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

INTERNATIONAL WORKINGMEN'S ASSOCIATION.

Mr. HARRY WHITE offered the following resolution, which was read and agreed to:

Resolved, That the petition of section twenty-six of the International Workingmen's association, laid upon the table on Monday last, be taken from the table and referred to the Committee on Legislation.

QUORUM IN COMMITTEES.

Mr. HARRY WHITE. I move to suspend the rules, to introduce the following resolution:

Resolved, That in the standing committees, composed of fifteen members, seven members thereof shall constitute a quorum to do business.

In connection with this resolution, I have a few remarks to make, and for the purpose of making these remarks, I ask the unanimous consent of the Convention. I desire to state that I offer this resolution in obedience to the desire of several members of the Committee on Legislation. The committee hopes to be able to make its report in due time; but we consumed an hour this morning waiting for a quorum. As the committee stands, it takes eight members to constitute a quorum. We have *seven* gentlemen present all the time; but they are unable to take any formal action, because there is not a quorum of members present. The business of this Convention will be delayed, materially, if some rule of this kind is not adopted. There are few committees in this body composed of fifteen members, so that the resolution cannot be very objectionable since it can only be of very limited effect. It is very inconvenient for some of the members of a committee to be always ready for work, and to be delayed by others not being in attendance. It will relieve the question of practical difficulty if this resolution is adopted, for there are always seven of us present in committee. It is in obedience to the wishes of those seven that I present this resolution.

The question being upon the motion to suspend the rules, a division was called for, which resulted: In the affirmative, fifty; in the negative, twenty-seven. Two thirds not voting in the affirmative, the motion was rejected.

ACOUSTIC IMPROVEMENTS.

Mr. JOSEPH BAILY offered the following resolution, which was twice read :

Resolved, That before the Committee on the Hall proceed to incur any expense in the proposed improvements in the acoustic qualities of the Hall, they be instructed to ascertain the probable expense of such change, and report the same to the Convention.

Mr. STANTON. I will state to the Convention that the committee yesterday adopted this very resolution, and decided that the chairman of the committee should ascertain the probable expense that would be incurred, and then report the same to the Convention.

Mr. JOSEPH BAILY. My purpose in offering the resolution is, if possible, to keep the expenditures of the Convention under its own control. If the resolution is adopted it will not interfere with the duties of the committee.

Mr. ADDICKS. I trust the resolution will be adopted.

Mr. BOYD. I wish the gentleman, (Mr. Addicks) had nerve enough to stand up here and do just exactly what is right. In the first place we will have to ascertain, first, whether there is any remedy for the acoustic properties of the hall; secondly, if it is essential, how it is to be remedied; and, thirdly, the cost of that remedy. Before we take any action in the matter we shall be fully informed in relation to it. I trust the gentleman (Mr. Joseph Baily) will withdraw the resolution, or that the Convention will lay it on the table.

Mr. JOHN F. WHITE. I have no doubt, as has been stated by the committee, that they will make this report to the Convention before they incur any expense, but I think we, as a Convention, ought not to create a committee with unlimited power to incur expense connected with the work of the Convention. The resolution heretofore adopted clothed that committee with unlimited power as to the amount of money to be expended. I think it is a bad precedent to establish, and we ought to make our own record right so that we will not hereafter create or authorize any committee to expend money in an unlimited manner.

The question being taken, a division was called, and the resolution was agreed to. Ayes thirty-five; noes twenty-two.

LEAVES OF ABSENCE OF SUBORDINATE OFFICERS.

Mr. CHURCH offered the following resolution, which was laid on the table :

Resolved, That no subordinate officer of this Convention shall hereafter have leave of absence without first obtaining the consent of the chief officer of his department.

RIGHTS OF ACCUSED PERSONS.

Mr. WHERRY offered the following resolution, which was read and referred to the Committee on Declaration of Rights :

Resolved, That the appropriate committee inquire what rights accused persons and criminals may justly be deprived of, and what constitutional provision, if any, is needed to preserve for them their individual rights which the State is bound to respect.

APPORTIONMENT OF ASSEMBLYMEN.

Mr. WM. H. SMITH offered the following resolution, which was read and referred to the Committee on Suffrage and Representation :

Resolved, That the Committee on Suffrage and Representation, or the proper committee, be directed, after the number shall have been determined, to apportion the Senators and Representatives of the State, and also to make a Congressional apportionment.

FRAUDULENT ACTS OF ASSEMBLY.

Mr. CUYLER offered the following resolution, which was read and referred to the Committee on the Judiciary :

Resolved, That the Judiciary Committee be and they are hereby instructed to inquire and report in what way it is practicable to provide in the Constitution a method of judicially ascertaining whether acts of Assembly have been passed by fraud, deceit or misrepresentation practiced upon the Legislature, and that if so passed may be declared null and void.

MARITAL RIGHTS.

Mr. CAREY submitted the following report from the Committee on Industrial Interests and Labor :

The Committee on Industrial Interests and Labor, to which was referred a resolution regarding the respective rights of husband and wife, respectfully suggests that the inquiry and the action demanded do not, in any respect, fall within its province, nor are in any way involved in its proper business, and therefore begs leave

to return the resolution to the Convention for such other and more appropriate reference as may be given to it, and ask to be discharged from its further consideration. Propositions substantially similar having been referred to the Committee on the Declaration of Rights, it would, perhaps, be proper to allow this resolution to take the same direction. Further, the committee prays to be discharged from the consideration of the resolution herewith returned, relative to the manufacture and sale of intoxicating drinks, believing it to come rightly within the sphere of duty assigned to the Committee on Agriculture, Manufactures and Commerce, to which they now suggest its reference.

Mr. MANN. I move that the resolution referred to in the report of the committee, relative to the rights of married people, be referred to the Committee on Legislation, and that the committee be discharged from the further consideration of the same.

The motion was agreed to.

Mr. JOHN N. WHITE. I move that the resolution referred to in the report of the committee, relative to the manufacture and sale of intoxicating liquors be also referred to the Committee on Legislation.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE.

The Convention then went into committee of the whole, Mr. Chas. A. Black in the chair, and entered into the further consideration of the second section of the article reported by the Committee on the Legislature.

ELECTION OF ASSEMBLYMEN.

The CHAIRMAN. When the committee rose yesterday the question pending was an amendment offered by the gentleman from Chester, (Mr. Darlington,) striking out the words "every two years," and inserting "one year," in the first sentence of the second section. The gentleman from Philadelphia (Mr. Biddle) has the floor.

Mr. BIDDLE. It is quite true, Mr. Chairman, that with regard to the mere words in this section under discussion, the question whether sessions of the Legislature shall be held annually or biennially, perhaps is not covered by them; but we are to look at this report as presented as a whole, or at least we are to consider and compare those sections together which bear upon the same general subject matter; and if we take into consideration the third, fourth and the fifth sections of this article, which all relate to the same

general subject matter, it is quite obvious that this question is properly debatable. Nay, further, it was very obvious when this article was launched by the chairman of the committee from which it came that such was the understanding of the committee itself, because, so far as the chairman discussed it at all, he discussed it with reference to this subject.

I propose, therefore, in what I have to say, while I shall endeavor to meet the objections that were yesterday urged against the existing clause, against the existing mode of electing, to say something also upon the fifth section, in regard to the holding of biennial sessions. The change we are asked to effect, Mr. Chairman, is a radical one, and while mere antiquity can never be urged in support of an existing evil, yet we have a right to appeal to that which has been so long recognized, unless valid reasons against it can be shown to exist. Quite as much, sir, may be said in regard to an ill-advised change, as against the abuses of hoary antiquity. Perhaps the argument is not worth a great deal on either side, but it certainly lies upon them, who propose a change so organic as the present, to come provided with very good reasons in favor of it.

If I understand the objections urged yesterday, principally by the distinguished member from Columbia, who is not now here, they arranged themselves under two general heads: One of disadvantage to the elector, the other of disadvantage to the representative. I propose to consider both of them, and to see if they have the value which is attributed to them.

We are told, Mr. Chairman, that annual elections of representatives of the people bring them within that prevalent curse of the American people, too frequent elections, these elections, I suppose, being demoralizing in their tendencies and expensive in their machinery. I can hardly think that after this House, by a very large and a very deliberate vote, has undertaken to give us throughout the State one additional election in regard to municipal officers, we need apprehend that the argument in regard to demoralization will have a great deal of effect. If yearly elections are bad, certainly bi-yearly elections are worse; and yet, by a vote, I think of something like four to one, this House solemnly resolved that it was expedient to hold spring elections. With regard to the question of expense, it is hardly worth looking at. If we are to

have annual elections for any purpose, and it be not the desire of this Convention to so change the Constitution that we shall have no annual elections, the additional expense in regard to the election of representatives will be but small. I pass from that, sir, to what perhaps is the more important objection, the supposed evil effects of these annual elections upon the representative himself. And they resolve themselves also into two: Want of experience and degradation, a gradual decline in virtue, by reason of being elected for a term so short that no duty, essentially legislative, can ever be efficiently performed. The representative, it is said, will apply himself to his own selfish purposes, and, either by improprieties, greater or less, spend the time and use the trust which was delegated to him for the purpose of private emolument.

Mr. Chairman, with regard to the first objection, I think it is greatly magnified. My experience, personally a very limited one, but still the experience of one who has always taken a very deep interest in these subjects, and who has had that experience which every looker-on may gain by careful observation, is not such as the distinguished member from Columbia's experience affords him. It is not my experience that when a public servant so discharges the trust committed to him as to insure the confidence of the community, and, of course, the confidence of his constituency, he is disregarded and left home. Many honorable instances might be referred to of gentlemen now sitting in this very body, but I know of none more appropriate to instance than that of the gentleman from Columbia himself, who, dedicating very considerable powers and very great industry for nearly a life-time to the service of the public, has always, or nearly always, in the course of that life, been honored by this Commonwealth with places of high trust, which he has so discharged as not only to bring honor upon himself, but to reflect honor upon the Commonwealth whose servant he has been.

I need scarcely go further than that. It is not the fact that representatives doing their duty faithfully and fairly are left at home. It is not the fact; and if it were, this subject is to be looked at in the interest, not of the elected, but of the body of the people who elect the representatives. Important as it is—and I grant its importance as fully as will be desired—to have a trained body of public

servants always at the command of the community, it is vastly more important that the community itself should, at frequent intervals of time, assert the fundamental right upon which all representative government reposes, of sending there with fresh instructions, or freshly from their ranks, if they desire the change, those who will carry out and reflect the direct and immediate opinions of the constituency at large.

In regard to what is supposed to be most fatal to the character of the legislator, the perversion of his trust to purposes of private gain and private greed, my experience is not, and I doubt if it be the experience of any one within the sound of my voice, that those who come newest and latest from the people are those who are most greedy to advance their own selfish interests. We had a reference, yesterday, to the official term of representatives to the federal government. I think it was an unfortunate reference; for if I read the daily prints aright, it is not those who are freshest and newest, not those who are youngest in that body, who are supposed to have their hands improperly stained, but those whose term of service has been long. I have no fear of that kind, Mr. Chairman, nor do I believe facts bear out the assertion, that it is those who are last from the people, who are the first and earliest, if there be any in the Legislature, who are those who profane the trust committed to them in the manner that it is attributed to them.

But we are told, Mr. Chairman, that a longer term will give that experience which is most valuable to legislators. Let us see whether this argument has consistency or value. Let us turn for a single moment, and we cannot avoid getting into this discussion somewhat of the fifth section of this article, to this section. It provides, after naming the day for the meeting of the General Assembly, that it shall meet every two years thereafter, unless sooner convened by the Governor.

Now, sir, what possible experience gained by an election for two terms can a legislator have who rushes into office within a few weeks after his election as you have already ordained by your vote, who sits there three or four months and then remains for nearly two years the torpid repository of the legislative power of the State? I want gentlemen who advocate this system as a body, these three or four sections, to tell me how, if we are to have biennial sessions, that is one session

every two years, the representative elected for two years is to acquire a greater legislative experience than the representative elected every year and sitting once a year. One-half of the equation just destroys the other. If the second section is to be weighed and carried out as the gentleman from Columbia proposes that it should be, then it destroys the fifth section. If the fifth section is to be carried out as the gentleman from Philadelphia, (Mr. J. Price Wetherill,) who advocated its passage the other day, and the gentleman from Lancaster, (Mr. Carter,) yesterday desired, then the advantage to be gained from the second section ceases altogether. Biennial sessions mean no more experience than at present. The larger experience by serving two terms instead of one annihilates biennial sessions. This is too plain almost for argument.

I therefore feel, Mr. Chairman, that no sufficient advantages are offered for the change proposed, while the disadvantages, in my opinion, are very considerable. What are they?

First of all, as this bill stands, if you look at the first section, which requires Senators to be elected for four years—but of course for only two sessions—in regard to the smaller and elder, and what is usually regarded as the more conservative body, you actually get less legislative experience by a whole session. You have two sessions instead of three, as at present. There the gentleman from Columbia (Mr. Buckalew) will feel that his argument is turned against himself. And you are not, I repeat, to look at this section in an isolated way. You are to look at this as part of an entire system. But we lose what, perhaps, is of vastly more value. What is the value of representative government at all, Mr. Chairman? What is the meaning of the system under which we are living—under which we have been flourishing ever since we were a community? Why, it is nothing more and nothing less than this: That it is to the people, to the electors that all power belongs; and it is their behests, desires and wishes that are to be carried out; and the moment a system is invented which does not faithfully reflect and faithfully carry out those mandates and those desires, it ceases altogether to be the form of government under which we are living.

Now how are you to reach this? How are you best to obtain the advantages of this system, and to get rid of the dis-

advantages? You cannot, of course, in a large community, do as was formerly done in the small republic of Greece, assemble together in town meeting, all the populace taking part in the discussions. That certainly was the direct method of getting at the popular expression of thought. You therefore, instead, send chosen representatives of the people to discuss what is best for the people at large. Now is there any objection? On the contrary, is there not a great advantage in having what is called the popular body, expressing, in the largest degree, the popular desire. You have the Senate as a check, upon hasty and crude legislation. You have your Executive as a supposed additional check, for I do not suppose that we intend here to take from the Governor the veto power. You have the ordinary forms of debate as an additional check. So far from not wanting—we want—the annual thought, we want the periodic expression of the desires of the people at short intervals, exhibited by the popular branch of the Legislature. No legislation can be valuable that does not embody, to a great extent, the existing sentiment of the electorate body, and I, for one, regard this contemplated change as bad, simply because it removes for too long a period of time, from the elector, his chosen representatives. Do gentlemen reflect that only within a day or two quite an animated discussion arose here as to whether for the poor remnant of five or six weeks, a Legislature, elected, of course, presumed for the old period of time, might misrepresent the sentiment of the people?

That was the argument urged against the term beginning on the first day of January, an argument which certainly found favor with the majority of this Convention. Why it was that between the first Tuesday of November and the first day of January that body, elected less than a year before, might, by unfaithful combination with the Executive, misrepresent the wishes of the State at large. There would be, therefore, it strikes me, a very grave inconsistency in removing the representative two years from the people if there is danger that in six weeks of a term to which he was elected less than a year previously, the trust might be betrayed by him. Gentlemen who voted that way the other day vote in favor of the longer term to-day; but above all, this question of consistency or inconsistency, we must not forget this main fact, that we are all of us here to endeavor,

as I believe we are endeavoring, according to the best of our honest ability and information, to decide upon those points of change that are best for the Commonwealth at large, and I appeal to gentlemen whether it is not more desirable to have the popular body freshly and directly from the people every year, changing, if you please, with the changing opinions of the represented—of the electors. No system is an absolute restriction upon improper or unwise legislation; everything that is human is liable to be perverted, and it is only by repeated change that you can at last achieve that which is best. The people have the right, therefore, to impress upon their representatives their own, fairly changing opinions, that by their action and counter-action their ultimate sober thought may be placed in a permanent shape.

But it is said that a man elected for a short period of time will use that time for purposes of self-advancement. While it is quite true that a good representative would, by experience, become a better one, yet it is equally true and it is a great deal more dangerous to the community represented, that a bad representative becomes a great deal worse by long continuance in office. The balance of disadvantage, let me say, is vastly against continuing for a long term the bad representative. If there be danger to be apprehended from corruption, much more is it to be apprehended from those who are familiar with the arts and tricks of legislation, and who, grown hardy by constant experiment, endeavor to pervert the whole machinery of legislation to their own advantage and to the detriment of their constituency.

But it is said by some gentlemen, who advocate this change, that we have too much legislation. Undoubtedly we have. That is, we have that which ought not to be legislation at all. We have a great deal done by our legislators which ought to be done in an altogether different way, and we are beginning to find it out. A great deal of what is called special legislation could be done with greater propriety by courts and by the municipal bodies which direct the affairs of the smaller districts of the State. That is not, however, to be charged to the shortness of the term for which the legislators are now elected. It is the fault of another part of our systems, for which I hope we will be able to provide a remedy. But with representatives elected for the same terms for which they

are now elected, with a larger body of them, thus bringing them more directly into contact with the constituencies from which they come, with more representatives and smaller constituencies, with some organic change, confining legislation to general and curtailing or putting an end to all special or private legislation, you will reach this difficulty. It is a mistake to charge upon the legislator that which belongs to the system under which he is elected, and under which he is compelled to act. It is the system of legislation that makes the legislator bad, if he be as bad as he is said to be. Lengthened terms may give lengthened ability to do wrong. It is not at the term that we have to strike. It is a misapplication of terms, it strikes me, to look at it in that way. What you want is an expression of the opinions of the people as frequent and varied as they are now, as our own experience has shown us to be well; and you want removed from the operation of legislation, so called, that vast body of subjects which really has no place in it.

One single argument I would like to notice, and then I will leave the subject. It is said that the experience of our sister States, or of a large number of them, points in favor of this change, and I think we were told by my friend from Philadelphia (Mr. John Price Wetherill) a day or two ago, that out of thirty-six States, either seventeen or nineteen—and it is not important which way the figure is—had adopted the proposed change. That fact proves nothing. In most of those States the adoption is quite a recent one—almost as recent as our own will be—if we, as I hope we will not, adopt it. Therefore we gain nothing from the supposed results of such experience. In regard to the State of Ohio, which has been referred to as having interests as diversified as our own, (although it is my opinion that no State of all the States which compose our Union can compare with Pennsylvania, either in mineral, agricultural or manufacturing resources,) what is the experience of Ohio? My friend from Chester (Mr. Darlington) tells us that instead of having annual sessions they have sometimes as many as four sessions a year. And if it be possible, Mr. Chairman, that in a small period of six weeks, when power is just about passing away from the representatives, a combination should be corruptly made with the Executive, by which legislation detrimental to the public may be passed, what will you say of that power which enables

—and you cannot prevent it; it is impossible—a Legislature by connivance with a corrupt Executive to be in permanent session and to ride over every right which the people hold dear.

I shall therefore vote in favor of the amendment proposed by the gentleman from Chester (Mr. Darlington.)

Mr. M'ALLISTER. Mr. Chairman: It has been said that the people have not called for this change in our organic law. With that assertion I take issue—in this, that they have called and are calling most persistently for the suppression of special legislation, and I have rarely, if ever, heard that question mooted except in connection with biennial sessions of our Legislature. When this local legislation is taken away the greater part of the business of our Legislature, judging from the past, will be taken away. It is no exaggeration to say that four-fifths of the time of our Legislature has been taken up with the work of local legislation. A portion of our citizens, in the years that are past, have looked for relief from every grievance to such local legislation, and instead of going to our courts, or resorting to the municipal organization, to which the gentleman from Philadelphia (Mr. Biddle) refers, have gone to the Legislature to secure the passage of some act bearing upon that special cause of complaint. Now it is proposed by the enactment of judicious and well considered general laws to provide for all this species of legislation. It is proposed to turn the mind of this class who have looked to special legislation for relief, as well as the minds of the entire community, to the general laws which are to be enacted, to have them resort to our courts for relief under a judicial construction of those general laws, and when we have accomplished that we will, to a great degree, shorten the time necessary to be spent at Harrisburg. We will have taken away, to a considerable extent, the occupation of the Legislature; and, let me say, that in carrying out the idea of biennial sessions, we will add greatly to the relief of the community. It will be a means of securing better laws—laws more fully considered, from the very fact that relief cannot be had from the Legislature in the interim.

It has been said that Ohio has had several sessions during the two years. When, I ask? That was not stated. It may have been that some time during the war there were emergencies which rendered a special call necessary. The

special purpose must be specified in the call or it cannot be made. It is not proposed to take away that power, but to have biennial sessions for general purposes of legislation.

It has also been said, that although seventeen or nineteen States have this system of biennial sessions now in operation, they are, most of them, inconsiderable States. Let me say to the gentleman from Philadelphia (Mr. Biddle) that Ohio and Indiana and Illinois are among the number, and they are among the most important of the States of this Union. Illinois has surpassed Pennsylvania in the increase of her population during the last decade. Let her not be called an unimportant State.

Again, it is said that these are recent and novel changes. If I mistake not, Illinois, after an experience of twenty or thirty years, continued her system; for Illinois, I believe, had biennial sessions before she adopted the present Constitution. Ohio has had the system in actual operation, certainly since 1850. Let me ask the gentleman from Philadelphia, (Mr. Biddle,) or any other member on this floor, what State in this Union that ever tried the experiment of biennial sessions has changed to annual? I think it will be found, not one. Numerous States have changed from annual sessions to biennial sessions, but not the reverse. This is the test of experience. It is a reason for our action. We should not adhere to the past simply because it is old, but should be guided by the experience of the past for the improvement of the future. I am most heartily in favor, not only of biennial elections, but of biennial sessions, and think such an amendment is necessary for the purpose of carrying out and effecting, in the most beneficial manner, that change for which the people have called and are calling.

Mr. LANDIS. Mr. Chairman: The proposition, as originally submitted by the Committee on the Legislature, was that the election of representatives should be held every two years. So far as that proposition itself is concerned the question of sessions might not arise, and if we look further into the report we will find that that question is distinctly met in the fifth section. But when we remember that the gentleman from Chester (Mr. Darlington) has proposed an amendment, suggesting that the election be held annually, and when we know that he has stated that the effect of it will be to hold

annual sessions, then, sir, we recognize, distinctly, the fact that the question is before us whether we shall have annual or whether we shall have biennial sessions. It has been hinted here, sir, that perhaps time may be lost in the discussion of that question now. In my opinion no time will be lost thereby, because if that question is now clearly and distinctly understood, if the issue is here met in advance in the debate at this time, so that the temper of the Convention is ascertained upon the question, we will have decided, in advance, the fifth section.

I can very well conceive how elections might be held every two years and there be annual sessions, but I cannot conceive how there could be annual elections without there being annual sessions.

Why should we have biennial sessions? If I understand the reason why this Convention has assembled, if I have properly understood why the cry has gone forth from the people, bringing together our representatives, that there may be a system of reform inaugurated, it has been mainly from the fact that the people have been burdened and oppressed by a grievous system of legislation. The cry has gone up from all parts of this Commonwealth. There has been no class of people, there has been no branch of industry, there has been no enterprise within all the boundaries of our State that has not, in some way, or at some time, felt the incubus of special and excessive legislation resting upon it, and weighing it down. Therefore, sir, I recognize that as the one great pressing evil which has called us here, and we will be false to the trust reposed in us, we will be false to our duty, if we do not meet that difficulty fairly and squarely; we have promised that special legislation shall be abolished. Why should it not be? It has been said that the prominent trait of the American character is fondness for speech-making; but the person who made that assertion forgot one thing—the American fondness for legislation.

We surpass all the rest of the civilized world in that respect. You may take, year for year, all the acts of Parliament, all the sections of the French code, all the laws of the other civilized people of the earth, and compare them with our own, and I care not how, whether you measure it em for em, or by weight, avoirdupois, we will surpass them all in excessive legislation. It is looked upon as the grand panacea for every trouble, and has been so

considered in the past. During the last ten years I have no doubt the laws of this State will average at least a thousand pages per year, and if you scan them closely, from beginning to end, you will be of opinion that the general laws would not occupy more than from sixty to a hundred pages.

To remedy these evils, and this excessive special legislation, we desire to institute biennial sessions. If special legislation is done away with, where will exist the necessity for annual sessions? If you do not abolish special legislation the necessity for only biennial sessions will be so much the more pressing, for then this species of legislation would be in a measure limited.

It has been said here that some seventeen States have adopted biennial sessions. It was asked by the gentleman from Philadelphia (Mr. Biddle) why other great States had not abolished the annual system. I think the State of New York was referred to, the State of Massachusetts and other States. The reply to this inquiry might have been, that in those States, special legislation has not been abolished, and hence the supposed necessity for annual sessions. We are further told that the Legislature will not be prepared to furnish the people with general enactments in accordance with the scope, and spirit, and requirements of the organic law, as altered and amended by this Convention.

Those who make this objection place a false estimate upon the character of the citizens of Pennsylvania. They do not grant them that measure of intelligence and that degree of perception as to their wants, which I am sure they possess. The spirit of reform, inaugurated on this floor, will be responded to throughout the State and you will find that alacrity, readiness, intelligence and ability will be displayed in the preparation and framing of such laws as shall be found entirely adequate to the exigencies of the case.

Now, sir, let us try the experiment, if you choose to call it, of biennial sessions. Let us see if we can remove this monster of evil. Let us use the scalpel to excise this diseased excrescence from off the body politic, and you will then have accomplished a grand work in the political hygiene of the State. Why, sir, I regard biennial sessions as the natural ally of the abolition of special legislation. Where the one is deficient the other will strengthen. They are naturally auxilia-

ries, leagued together against one common adversary. Let us therefore take them in the spirit of reform. Let us take them as they are offered here, and send them forth together, and we will find that in the end they will be powerful for the production of good and potent for the accomplishment of reform.

Mr. MINOR. Mr. Chairman: Allusion has been made in the discussion now pending to the State of Ohio. It fell to my lot to reside in that State about fourteen years, and to be engaged in a business which brought me in daily contact with the practical operations of the questions now being agitated, and as this period of time embraces a living under both different systems of government, I feel that I ought, so far as my recollection serves me, communicate the result of my experience to the Convention. This I propose to do in connection with some brief statistics. Up to 1850 the rule in Ohio was that of special legislation—the same as we now have in this State. In 1850 Ohio provided a change; all laws from that time on became general, except upon the subject of public schools, and the laws of that State have continued in that form from 1850 to the present time.

Now, the general laws in force in the State of Ohio in the year 1840 were embraced in a volume of one thousand and twenty-eight pages. The right of special legislation continued down to 1850, as I remarked. From that time onward all special laws that could be changed into a general form were so changed and took the form of general enactments. Then we have before 1850, ten years, and taking ten years after 1850, and coming to 1860, we find the revision of laws of that time embracing all in force in 1860 of a general nature gave one thousand six hundred and forty-six pages, an increase in volume of a little over six hundred pages during a period of twenty years, and it will be observed that during this time there were added whatever was of a general nature from 1840 to 1850, and then between 1850 and 1860 there were added whatever was of a general nature that was new, and also those converted from old special into new general laws. I have not had access to the revision of the year 1850, but my recollection is that that revision gave a volume of about twelve hundred pages. Such are the statistics in the State of Ohio, but to go a little further, I will take up a single year. In the year 1860, after this system of general legislation had been in

force for a period of ten years, the volume, including the laws of that year, contains one hundred and twenty-two pages of general laws, twenty-one pages of local and special, and thirteen pages of resolutions. So that it was found that in the great State of Ohio, when everything, except upon the subject of public schools, must be general, one hundred and twenty-two pages covered everything that was necessary.

Now, I do not know that it is necessary for me to add other facts to these. I remarked that I resided in Ohio for a period of three years, under the special system, and I well recollect that that State was then convulsed from centre to circumference by the same cry we have heard in this State upon the subject of special legislation and the corruption that attended it. The State was becoming corrupt.—There were, however, found men who dared to stand up between the living and the dead, as it were, and stay the plague of corruption that grew out of this special legislation; and, sir, the high name of that State, so far as it is preserved to-day, is largely due to the change that was then wrought.

I well recollect the relief with which we hailed the effect of biennial elections and biennial sessions. It was a matter of congratulation everywhere and of rejoicing; and so far as I know it has continued so from that day to this. It was only last fall that I had occasion to visit the State again, and while there I inquired of members of the bench and bar, and opinions rarely differed upon the subject. The great point for which they desire a new Constitution is that they may improve their judiciary. It is true that there are some who desire annual elections and annual sessions, but the great body of the people, as far as I learned, desired the continuance in the future of a system of government that had been tried so successfully in the past.

But, Mr. Chairman, what are the facts in regard to Pennsylvania? During the last seven years all the general laws of this State are 475 in number. All the special laws for the last seven years, including 1872, make 8,775. Thus it appears that during seven years the entire number of general laws here are less than one-half of what the special laws have been during any one year of the seven. The lowest was in 1866, being 1,096. The highest was in 1867, being 1,392. Thus, then, stands the figures with us as to special and general

legislation. Now, although this volume of special legislation is vast and terrible, and has been the foundation of a great deal of corruption, yet if we look to the State of Ohio, for an example, we will find that nine-tenths of this can be reduced to a compass that is almost nothing compared with what it is at the present time, and so far as we have the light of any experience, then we may believe that it will not be necessary for our Legislature to meet every year in order to make this change.

It was a fact that in Ohio the Governor had occasion, in one or two years, to call, and did call, a special session of the Legislature for the purpose of making transfers from special into a general form of laws, and putting the State in a desirable form of operation as to financial and other matters which were necessary on account of this change, but since that time special sessions have been rare—so rare that during the time of my residence there we were never troubled about them, never knew any evil to result from them, or any difficulty to arise between the Executive and the members of the Legislature. This latter emergency being prevented, in a large degree, by a provision which, I hope, to see in our own Constitution, that the Executive shall state to the members of the Legislature the object and purpose for which they are called together in special session. Then the people are protected, because they know precisely what is to come before the body. I will not detain the Convention longer upon this point. I have endeavored to state these facts, because they seem to be better than mere opinions, and we can draw more enlightenment from them than we can from mere theories. Now, upon one or two other points, in regard to annual and biennial sessions of the Legislature, I will detain the Convention but briefly. How stands the matter of annual sessions with respect to these propositions? It is evident that experience is the most valuable test of every law under which we live. We may theorize in advance, we may use all the care that is possible, and yet nothing is equal to experience. If an annual session of the Legislature is held it will continue, doubtless, from three to four months, and then what time is there left in which a law is to be tried? Only eight or nine months. Now is that long enough for the three or four millions of the people of Pennsylvania to decide and consider whether that law is such as ought to

stand, or such as their interest requires? Whereas, if you have biennial sessions you have them nearly twenty months, at least a period of time ranging from eighteen to twenty months, according to the length of time the Legislature may remain in session in which to determine the effect of laws passed by the Legislature, and to arrange for additional or new legislation if necessary. We are oftener injured by too much than too little legislation. Let me in this connection allude to another fact. Even with a biennial session in the State of Ohio we still found that we had too much legislation. The volumes of laws which had been passed and repealed during one period, not exceeding ten years, amounted to more in pages than those that were in force at the beginning of the decade during which they were passed. That is one of the solid facts in the case even under the biennial system. So that even under the biennial system we had to learn and unlearn, substantially, what was equivalent to the whole system of laws in the State at the beginning of the period. Biennial sessions even do not entirely cure the excessive legislation to which we are subjected. It only restricts and limits the evil, and while not removing it entirely, gives us that which is the better of the two. But further deliberation is of great importance.

When men's works last for a long period of time they are more careful in their preparation. Why does this Convention act with care? It is because we feel that we are speaking and acting and voting for the next quarter of a century, perhaps half a century in all that we say and do. Just in proportion as a man feels that his acts are to last will he be careful. If a legislator acts only for eight months, and feels that what he does may then be changed, he will be less careful. If for two years he will be more careful than for a less period. That principle is of great importance, and ought to be incorporated by us into our system of legislation so that we may have, first, time to test the wisdom of the act, and then the time for carrying it out and determining upon its merits.

But one thought more, and that is this: Reference has been made, as an argument in favor of annual sessions, to the fact that Pennsylvania is a State of great and varied interests—coal and iron and oil it is true. But take the great interests of the State of Pennsylvania—her coal, her iron, her oil,

her lumber and her commerce. Now, sir, I have the honor to represent a section of this State in which one part of this great mineral wealth is found. We are sending forth from our section of the country into the actual wealth of this State, every year, nearly or quite twenty-five million dollars, by the product of oil alone. I apprehend that our experience suggests, we have had more occasion to fear the assembling of the Legislature than we have to look forward to it with pleasure. Oftener have we been compelled to send committees down to Harrisburg to prevent legislation from destroying our interests than we have had to ask protection to our interests. Not, however, so much on account of corruption in the Legislature, as on account of outside combinations and corporations. Again, the very fact, as it strikes me, that these interests are great, that they are tremendous, constitutes one of the strongest arguments why legislation as to these interests should not be too frequent. You cannot do a worse thing toward a great and important interest than frequently to tamper with it or tinker at legislation, which may affect it.

True you may need annual legislation on some points. But, if so, let the Governor call a special session, let him specify in his call the necessity which requires legislative action, and let the Legislature confine its business to the subjects embraced in the call of the Governor. But, as a general rule, let our interest be stable. Let our legislation be stable. Let a man know from one year to another that his arrangements for his business are permanent, because the arrangements of all are permanent.

I will not then dwell longer on this point, but it seems to me, knowing these facts, knowing these principles, that we will attain everything we can expect to, that is desirable, and avoid evils more perfectly by this plan than in any other, by giving us biennial elections and biennial sessions of the Legislature, with the power in the Governor to call annual sessions, or oftener, whenever great emergencies arise.

MR. WALKER. Mr. Chairman: The committee has just listened to the remarks of a gentleman who has for a few months, or for a few years at most, made Pennsylvania his home. I ask you now, Mr. Chairman, to listen for a moment to one who for the fifth generation has made Pennsylvania a home.

I do not accord or agree with; I do not subscribe to the section that is under consideration at all, or at all events not in the words in which it is expressed. Without any disrespect to the committee that has reported it, I think it is a crude article from first to last, very inconsiderately considered and very crudely expressed.

I am in favor of amending our Constitution, but it is only in amending in those particulars where there seems to be an apparent necessity. Who here has heard of any complaint among our people as to annual elections? Or who, as provided in this section, has heard any great complaints as to the issuing of writs for election in cases of vacancies? These are the two provisions that are now before us. I would amend the entire section reported from the committee, and I will read an amendment that I have prepared, in order that my views on this point may be seen:

"The election for members of the General Assembly shall be held on the Tuesday next following the first Monday succeeding the adoption of this Constitution, and annually thereafter. When vacancies occur in either House, the Governor shall issue writs of election to fill such vacancies."

I do not now, Mr. Chairman, offer that, but I read it as the conclusions to which my mind has arrived in listening to the discussion upon this subject. I am not in favor of changing the Constitution unless we are to a certainty to derive some great good; some great advantage from it. Now I see none to be derived from the change here. Let us have our annual elections and change, if you please, from the Speakers of the respective Houses to the Governor the issuing of the writs for vacancies. That is concise, and we are at an elementary work. We are not building up acts of legislation; we are laying the foundation of a government; framing the rules by which it is to be governed.

I was always a whig when that party prevailed in this State. Since then I have been a republican, but I always believed that I was as thorough, and deep, and fixed a democrat as any man that breathes. The first vote I ever cast for President was for the head of the democracy, Andrew Jackson. Thus brought up, thus educated, thus believing, I cannot go for any amendment to this Constitution that is removing further from the people the right to rule. That, in the form of our government, belongs to the people, and the closer

or nearer you can bring it to that source the better for the government.

Gentlemen talk a great deal here about corruption. There will be as much corruption in biennial as in annual elections. There will be as great depravity in our Representatives under that system as under the present, and if the people choose to send Representatives who are corrupt to either the House or the Senate, the fault is theirs. They are the government, and let them meet out an answer for it by placing in power, at the next succeeding election, those who are not corrupt, and who will correct the evils into which their then Representatives have fallen, if they have fallen at all. Being a republican, believing in this government, I never will, unless positively instructed by the electors, take from the people what belongs to them, and enable a man to hold a position a longer time than the very nature and character of our government contemplates that he shall. Bring back to the source, as often as you can, the elective franchise.

If there is corruption in our government the people soon will detect it; the people soon will correct it; the people soon will remedy it. But those of us who are in favor of biennial elections are advocating that those who are elected to power shall hold on a little while longer, in defiance, perhaps, of public sentiment to the position they occupy. As a democrat, as one who believes in this form of government, as one who believes in the people ruling, I will not give my vote for it. Now I care not what statistics the gentleman from the oil region (Mr. Minor) may read. I care not what his experience in Ohio may be. I throw to the winds all these small matters in forming an elementary system of government, and go to the source, regardless of expense. If there was more legislation in Ohio before their amended Constitution and less since, and they are benefited by the change, very well. Let it be so. Our policy may be different. We will, by the amendments which we shall make, and for which we are especially sent here, cut out this special legislation, and then there will not be the necessity for the number of acts or the number of pages referred to by the gentleman from Crawford, (Mr. Minor,) nor the number as detailed by Mr. Jordan in the book that he has placed upon our desks. From that fact gentlemen seem to come to the conclusion that we ought not to have annual elections.

Mr. Chairman and gentlemen, it is not because of special acts of Assembly, or by reason of them, that I am in favor of the annual elections. It is because in all general legislation I want the people, each year, to express their sentiments, not with regard to special, but with regard to general legislation; with regard to those things in which, as a State, we are interested, that will develop our resources, and build us up faster than we have been built, hold us together stronger than we have been heretofore held together, not that we shall migrate from Massachusetts to Ohio, and from Ohio to Illinois, and from Illinois to Pennsylvania, but that we shall plant our feet firm, by birth or otherwise, on Pennsylvania soil, live there and die there; working for the good of the State, not in local legislation, Mr. Chairman, but in general legislation, going to those things that concern us as a State, developing us as a State, building us up, where soon we will be, if we will only correct our legislation in some respects, the Empire State of the Union! It will not be many years before New York must stand in the background, if we will cut out special legislation; if we will say to capitalists abroad, "come here and invest;" if we will say to corporations that may be formed, "you can do business as men do business;" but as long as we keep on our statute books such a law as we have with regard to money, as long as we keep on our statute books the special laws with regard to corporations which we have there; as long as we drive legitimate capital of Pennsylvanians out of Pennsylvania, we will be tied down, hampered and crippled, until we will destroy—if it can be destroyed—the vital energies of our noble State!

Now, Mr. Chairman, I do not wish to detain the committee any length of time. I only speak as I feel directed to speak, and, I trust, to the point, showing that though I believe in the people ruling, I am not here as a republican, or as a whig or as a democrat, but I am here as a man, to work for Pennsylvania, not following in the footsteps of Illinois or Indiana—certainly not following in the footsteps of that State that has disgraced her Constitution by putting therein an oath to be taken by Representatives—which we, by this bill now under consideration, are asked to place in our fundamental law, and oath that can only be justified by going back to the days of Calvin, an oath that can only be sustained by those who

believe in total depravity, and by none others; for no man who feels as a man, who acts as a man, who is a man, either as an elector or as one elected, can think of such an oath without feeling his manhood insulted. The elector says, according to this report, I am voting for a rogue, and the elected permits himself to be voted for as a rogue; and when he comes to take the oath he swears that he will not be a rogue any longer. [Laughter.]

Now, Mr. Chairman, you have been too long about that house on Capitol Hill, I have been there too long, too, not to know that oaths by members of the Legislature, are like custom house oaths, easily taken and easily broken. [Laughter.] We are a democracy. We must keep the people pure, not swear them to be pure. We must teach them from infancy up to be honest, and then we need not put on our statute book this disgraceful clause, much less place it in a elementary law, such as we are framing here.

Mr. HARRY WHITE. Mr. Chairman: I do not wish to detain the committee at this late hour. I merely want to submit a few observations.

Mr. LANDIS. Mr. Chairman: I move the committee rise, report progress, so that the gentleman may have the floor when we sit again.

The motion was agreed to.

IN CONVENTION.

Mr. CHARLES A. BLACK. Mr. President: The committee of the whole have had referred to them the report of the Committee on the Legislature, and have instructed their chairman to report progress, and ask leave to sit again.

The report of the committee was accepted, and leave granted thereto to sit again next Monday.

Mr. STANTON. Mr. President: I move we adjourn.

Mr. CUYLER. Mr. President: I ask leave to offer a resolution for adjournment until three o'clock Monday afternoon, in order to give the committee time to meet in the forenoon. [No! no!]

The PRESIDENT. Unanimous consent not being given, the resolution cannot be received.

Mr. HARRY WHITE. Mr. President: I move the rules be suspended for the purpose of hearing the resolution read.

Mr. DARLINGTON. Mr. President:—There has been a motion made to adjourn.

The PRESIDENT. The Chair has not heard such a motion.

Mr. HARRY WHITE. I move the hour of adjournment be postponed.

Mr. STANTON. Mr. President: I move the Convention do now adjourn.

The motion was agreed to.

So the Convention, at one o'clock and fifty-eight minutes, adjourned until Monday at ten o'clock A. M.

TWENTY-SEVENTH DAY.

MONDAY, January 27, 1873.

The Convention met at ten o'clock A. M.

PRAYER.

Prayer was offered by Rev. Mr. Curry, as follows:

Almighty Father, once more we come into Thy presence for the purpose of transacting business pertaining to the interests of this Commonwealth. As we enter upon the duties of another week, we earnestly pray Thee, this Monday morning, to be with us in our deliberations.

Be in our thoughts; be in our acts. May everything we do or say be done and said with an eye single to Thy glory, and for the interest of those whom we represent. We pray Thee to forgive us all wherein we have sinned in the past; wherein we have erred in any respect; wherein we have violated Thy holy law; and do Thou grant to prepare each one of us to enjoy the promised light that now is, and that which is to come.

We ask Thy especial blessing to be with us as a Convention. Guide us by Thy unerring counsel through all coming time, and in Eternity receive each and every one of us, for the sake of Jesus Christ our Lord. Amen.

JOURNAL.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

Mr. BIDDLE. Mr. President: If it be in order, I would move that George M. Dallas have leave of absence for a few days, in consequence of affliction in his family.

Leave was granted.

JUDICIARY.

Mr. CLARK offered the following, which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of adopting the following provisions, relative to the judiciary powers of the Commonwealth.

JUDICIAL DEPARTMENT.

The judicial power of this Commonwealth shall be vested in the Supreme Court, circuit court, courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, registers' court and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the Legislature may from time to time establish.

SUPREME COURT.

The Supreme Court shall consist of seven judges, one of whom shall be chief justice, and they shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties. Four of the judges shall constitute a quorum, and the concurrence of four be necessary to a decision. They shall be elected for a term of fifteen years, and shall be ineligible for re-election.

The jurisdiction of the Supreme Court shall extend over the State; the original jurisdiction of the Supreme Court shall embrace all cases relating to the revenue, in which the Commonwealth is a party, *mandamus*, *quo warranto*, as to all officers whose jurisdiction extends throughout the State, and *habeas corpus*; the appellate jurisdiction by appeal, *certiorari* or writ of error in all the cases following, viz:

1. From the circuit courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace.

2. From the court of common pleas, orphans' court, or registers' court, where the matter in controversy shall exceed one thousand dollars in value.

3. All cases which involve the constitutionality of any law of this State or of the United States.

4. All cases from the circuit court, in its appellate jurisdiction, in which the judges of the said court shall not have been unanimous in the judgment entered, or in which two of the judges of the said general circuit courts, before whom the cause was heard, may allow a writ of error to remove the same into the Supreme Court,

and if such allowance be made, a writ of error may issue out of the Supreme Court to the said circuit courts, and may be proceeded in as other cases.

For the election of the Supreme judges the State shall be divided into three districts, of as nearly equal population as practicable, to be known as the Eastern, Middle and Western districts, and, until otherwise provided by law, the districts shall be as follows:

Eastern district to consist of the counties of Chester, Delaware, Philadelphia, Montgomery, Berks, Bucks, Lehigh, Northampton, Carbon, Monroe, Pike, Wayne, Susquehanna, Wyoming and Luzerne.

Middle district to consist of the counties of Lancaster, York, Adams, Franklin, Fulton, Huntingdon, Mifflin, Juniata, Perry, Cumberland, Dauphin, Lebanon, Schuylkill, Northumberland, Snyder, Union, Centre, Clinton, Lycoming, Montour, Columbia, Sullivan, Bradford, Tioga, Potter, Cameron, Blair and Bedford.

Western district to consist of the counties of Somerset, Fayette, Greene, Washington, Allegheny, Westmoreland, Cambria, Indiana, Armstrong, Butler, Beaver, Lawrence, Mercer, Venango, Clarion, Jefferson, Clearfield, Elk, Forest, Crawford, Erie, Warren and McKean.

The several judges of the Supreme Court, in commission at the time of the adoption of this amended Constitution, shall hold their offices under their said commissions during the terms for which they were elected, respectively. At the next general election after the adoption of this amended Constitution, and every fifteen years thereafter, one person shall be elected to the office of Supreme judge by the qualified voters of the State at large.

At the same general election one person shall be elected to the said office, by the qualified voters of the Middle district, to serve for a term of fourteen years only, and one person to the same office by the qualified voters of the Eastern district, to serve for nine years only. At the general election in the year one thousand eight hundred and seventy-eight, one person shall be elected to the said office by the qualified voters of the Western district, to serve for six years only. At the general election in the year one thousand eight hundred and eighty-two, and every fifteen years thereafter, two persons shall be elected to the said office, by the qualified voters of said Eastern district, each voter voting for one only,

to serve for the term of fifteen years. At the general election in the year one thousand eight hundred and eighty-four, and every fifteen years thereafter, two persons shall be elected to the said office by the qualified voters of the Western district, each voter voting for one only, to serve a like term of fifteen years. At the general election in the year one thousand eight hundred and eighty-seven, and every fifteen years thereafter, two persons shall be elected to the said office by the qualified voters of the Middle district, each voter voting for one only, to serve for a term of fifteen years.

The judge oldest in commission shall be the chief justice, and in the event of commissions bearing even date, the right shall be determined by lot. All vacancies in the office of the judges of the Supreme Court, occurring by death, resignation or otherwise, shall be filled for the unexpired term by appointment of the remaining judges of the said court, and the person so appointed shall be chosen from the class of voters who voted for, and from the district represented by the person whose office has become vacant.

No person shall be eligible to the office of judge of the Supreme Court unless he be at least thirty-five years of age, and a citizen of the United States, and has resided in and been in regular practice in the courts of this State for ten years. The judges shall be commissioned by the Governor, and shall reside in the district in which they are elected.

CIRCUIT COURTS.

The Legislature shall, at its first session after this amended Constitution shall be adopted, create the several counties of this Commonwealth into ten judicial circuits, each circuit to consist of contiguous and compact territory, and to be as nearly equal in population as may be practicable, and the said several circuits shall be numbered, beginning in the eastern portion of the State, and the first, second, third, fourth and fifth circuits shall constitute the Eastern general circuit; and the sixth, seventh, eighth, ninth and tenth circuits shall constitute the Western general circuit.

At the next general election after the Legislature shall have created the said judicial circuits, and every twelve years thereafter, five judges shall be elected in each of the said general circuits, by the qualified voters thereof, each voter voting for three only, and the judges so chosen

shall be commissioned by the Governor, and shall serve for a term of twelve years, if they shall so long behave themselves well, and shall receive such salary as may be provided by law.

The judges of each general circuit, when sitting in *banc*, shall have and exercise appellate jurisdiction within said general circuit in all civil cases, which cannot be carried by direct appeal, *certiorari* or writ of error to the Supreme Court, and like jurisdiction in such criminal cases as may be conferred by law, and the judgment of said court upon appeal, *certiorari* or writ of error shall be conclusive as a court of last resort, unless removed to the Supreme Court under the several provisions hereinbefore mentioned. Three of the said judges shall constitute a quorum, and the concurrence of three be necessary to a decision.

The Legislature shall, at its first session after the adoption hereof, by appropriate legislation, create such sub-districts as may be deemed necessary, and shall designate the terms of said courts, and the times and places where they shall be held. All vacancies occurring by death, resignation or otherwise in the said office shall be supplied as provided in case of a vacancy in the Supreme Court.

For the purpose of original jurisdiction the said judges shall be assigned, under such regulations as the Legislature may provide, each to his proper circuit, and such terms of the circuit court of original jurisdiction shall be held throughout the several counties composing the circuit, by the proper judge thereof, as the Legislature shall provide; and the said circuit courts shall have original jurisdiction of all civil cases at law or in equity, in which the subject matter in controversy exceeds the value of five hundred dollars. The Legislature may also provide for the removal of causes from the court of common pleas to the circuit courts, under such rules and in such manner as may be deemed expedient, and shall provide such other enactments as shall carry into effect the provisions herein contained relative to the circuit courts.

COURTS OF COMMON PLEAS, &C.

The courts of common pleas, orphans' courts, registers' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, shall possess the same powers, and exercise the same jurisdiction as they now pos-

sess and exercise until otherwise provided by law.

The Legislature shall, at its first session after the adoption of this amended Constitution, divide the State into judicial districts, and every county having a population of twenty-five thousand and upwards shall be a separate judicial district. No county shall constitute more than one district, nor shall more than two counties be embraced in any one district. Each judicial district so constituted shall have one law judge, and no more, for every twenty-five thousand of population, to be ascertained from the last federal census; but districts of more than one county may be created, having less than twenty-five thousand, in which case such districts shall be entitled to one law judge.

At the next general election after the Legislature shall have created the said districts, and every ten years thereafter, judges of the courts of common pleas, orphans' court, registers' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, shall be elected by the qualified voters of the said district, respectively, in such numbers as the said district shall be entitled, as aforesaid: *Provided nevertheless*, That the judges of the said several courts, in commission at the time of the adopting of this amended Constitution, shall hold their said offices, under their said commissions, during the terms for which they were elected, respectively, if they so long behave themselves well, in the new districts so created, in which they actually reside, respectively: *And provided further*, That in the election of the said judges in districts where two or more judges are to be chosen, at the same election, the vote shall be restricted as follows: Where judges to the number of two are to be elected, each voter shall vote for one only; where judges to the number of three or four are to be elected, each voter shall vote for two only; where judges to the number of five or six are to be chosen, each voter shall vote for three only, and in the same ratio for any number to which any district shall be entitled. And the said judges shall be commissioned by the Governor, and hold their office for a term of ten years. When any vacancy shall occur in the said office by death, resignation or otherwise, the Governor shall appoint some suitable person, to serve for the unexpired term, and such appointment shall be made from the class

of voters who voted for the person whose office has thus become vacant.

MILITARY SERVICE.

Mr. DARLINGTON offered a memorial from Birmingham monthly meeting of the Society of Friends, asking that they may be excused from military service.

The memorial was referred to the Committee on Militia.

DEATH PENALTY.

Mr. DARLINGTON also presented a petition from the same meeting, asking for the extinction of the death penalty, which was referred to the Committee on Legislation.

PROHIBITION.

Mr. DARLINGTON also presented a petition from the same meeting, asking for the enactment of a law preventing the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

SEVENTH DAY OF THE WEEK.

Mr. RUSSELL offered the following resolution, which was read and referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Declaration of Rights be requested to inquire into the propriety of inserting a clause in the Declaration of Rights by which those citizens of the Commonwealth who conscientiously believe that the seventh day of the week is the true Sabbath, and observe it as such, shall be relieved from the penalty imposed by the act of the twenty-seventh of April, 1794.

QUORUM OF COMMITTEES.

Mr. HARRY WHITE. Mr. President: On Saturday I had the honor of introducing a resolution in relation to the quorum of committees. It was in the nature of a rule, and had to lie over one day. I move the Convention now proceed to consider that resolution.

The PRESIDENT. The resolution will be read for information.

The CLERK read as follows:

Resolved, That in standing committees composed of fifteen members, seven members thereof shall constitute a quorum to do business.

The question being, shall the Convention proceed to a second reading of the resolution, it was not agreed to.

SESSIONS OF CONVENTION.

Mr. CUYLER. Mr. President: I ask leave, at this time, to submit a resolution relating to the sessions of this body.

The CLERK read as follows:

Resolved, That hereafter the daily sessions of this Convention shall be from twelve until three o'clock.

Upon the question of proceeding to a second reading of the resolution, a division was called, which resulted: Affirmative, thirty-four; negative, thirty-one.

So the resolution was again read.

Mr. CUYLER. Mr. President: I ask leave to say a single word in support of this resolution. I belong to one of the hardest working committees of this Convention—the Committee on the Judiciary. Our customary hour of meeting is ten o'clock in the morning. Our labor is great and it is faithfully performed. I believe we will progress far more rapidly if opportunity is afforded for the committees to meet and prepare the business, and that a session of three hours each day for the Convention itself is abundant for all the business which has come before it. It is, therefore, in the interest of committees, and with a view of expediting business in the Convention, that I present this resolution. If the Convention meets at two o'clock the committees will have no time for the proper discharge of their duties.

Mr. STANTON. Mr. President: I agree, in part, with my colleague, (Mr. Cuyler,) but at the present time the committees have not yet reported a sufficient amount of work to the Convention to occupy their time for three hours. Our sessions have been from twelve o'clock to two, and we have discussed one hour and a half every day as to when we shall adjourn, so that we have absolutely worked but one-half an hour each day. Therefore I move to strike out "three" and insert "two," until the Convention has more work before it. Then I will be willing to meet at twelve and continue in session until six.

I agree with what the gentleman has said, with regard to committees. I was to have met a committee this morning at half-past nine. The committee did not meet at all. We were not able to do anything, and it is impossible to do any work in committee before ten o'clock. I hope the gentleman will accept my modification, so as to meet at twelve and adjourn at two.

Mr. CUYLER. Mr. President: I would be most happy to accept the modification of the gentleman from Philadelphia, (Mr. Stanton,) but it must be manifest to him that our debates might well occupy all the time until three o'clock. We have spent

a number of days upon the question of the sessions of the Legislature, and we are yet far from a conclusion, and we can spend three hours profitably in Convention and two hours in committees. If at any time we desire to adjourn earlier we can do so by a special resolution, but, as a general rule, I think we should sit from twelve to three.

Mr. D. N. WHITE. Mr. President: If the gentlemen will consider the question they will see that we have now before us more work than this Convention can do if we sit five hours a day. The gentleman from Philadelphia (Mr. Simpson) says that we have no business before us. We have one of the most extensive subjects now under consideration that can come before us during the entire session, and if we debate it for two weeks we will not have arrived at a conclusion in reference thereto. We have before us the question of how many members shall constitute the House, and how frequently it shall meet. We have also the question of apportionment, and other important questions, which will excite a great deal of debate before us, and if we are only to remain in session for two hours we shall be here until next fall without doing anything. It seems to me that the committees that are meeting from time to time will have ample opportunity to arrange their several sections by the time the Convention is through with the pending debate upon the Legislature.

Mr. NEWLIN. Mr. President: Permit me to say that, as I understand the resolution offered by my colleague, (Mr. Cuyler,) that the proposition is to meet at twelve o'clock and sit until three. It is therefore not open to the objection just stated by the gentleman from Allegheny, (Mr. D. N. White,) that we will only sit two hours a day. There is a practical difficulty in meeting at ten o'clock in the morning. As we all know, we have twenty-seven committees; some of those committees have their meeting in the afternoon at a reasonably early hour. Some of those committees are composed of fifteen members, and four, or five, or six, are upon two committees, each of which has been in the habit of meeting in the afternoon. Others are upon committees that have been meeting at ten o'clock in the morning. There are some committees of this body that meet and very readily transact all their business in one hour in the morning, being in session from ten o'clock until eleven, or from

eleven to twelve, or from ten to twelve, and we should leave the afternoon meetings open to those other committees.

As it is now, Mr. President, when a gentleman is on two committees or more he will have to give his whole twenty-four hours to the business of this Convention, that is to say, he will have to leave his home at an early hour in the morning in order to get here at ten o'clock, and then he will have to attend a committee meeting in the afternoon, and a further committee meeting in the evening.

Those committee meetings which would occupy, say an hour if they take place in the evening, take just enough of time out of the evening to destroy the whole usefulness of that evening; whereas, if that one hour were devoted to business in the morning before the session of the Convention commences, evening sessions of committees would be entirely done away with.

Mr. SIMPSON. Mr. President: I trust the Convention will not repeal the resolution it adopted last week, to commence the sessions at ten o'clock and adjourn at two. We have business before us that will occupy us for sometime—the subject of the Legislature. We have had two days' sessions upon it, and have scarcely made a movement in advance, and one of the difficulties I see arising, out of the fact that the sessions are but two hours per day, is that each day when the same question comes up before us the arguments of the preceeding day have, in a measure, to be gone over again.

There are committee rooms enough for the committees to meet in the afternoon. Four hours of Convention work, commencing at ten o'clock and adjourning at two, will allow the gentlemen from Philadelphia to go to their offices and meet their clients in the morning before ten o'clock, and meet here at ten. The gentlemen from the country, who board in the city, will have time to get their breakfasts and come down at a reasonable hour, and at two o'clock go to their dinners, and meet their committees in the afternoon. I am convinced that four hours a day will expedite business twice as much as three hours a day, and therefore shall vote against any amendment of the present order.

Mr. M'ALLISTER. Mr. President: I was opposed to the change from twelve o'clock. It seemed to me that until the principal committees had reported it would have been better to have allowed the rule to have remained as it was—from twelve

till two—but the change was made, and the two committees, of which I am a member, each numbering fifteen, changed their time of meeting, one of them to meet at four o'clock in the afternoon, and the other at seven and a-half o'clock in the evening. That can be done by any of the committees, yet I am satisfied, Mr. President, that we are proposing to spend too much time in Convention, by meeting at ten o'clock, and sitting in Convention until three. That is objectionable in this: That it deprives a large portion of members from the country, who are accustomed to have their breakfast at about seven or eight, of getting dinner until four or five. That fact, in itself, is objectionable, and I think has been the principal cause of opposition to changing the afternoon hour, and keeping us in Convention beyond two o'clock.

I move so to amend the pending resolution, so that we shall meet at eleven o'clock and adjourn at two o'clock. This will give us three hours session, and will allow the committees to meet in the morning and also in the afternoon, and if any of them choose to meet in the evening they can do so, dispensing with the morning hour. If it be in order, I then offer this amendment: "Meet at eleven o'clock A. M. and adjourn at two o'clock P. M."

Upon this amendment a division was ordered, and being taken resulted: Affirmative, fifty-three; negative, twenty-four.

So the amendment was agreed to.

The question recurring upon the resolution of Mr. Cuyler, as amended, a division was ordered, which, being taken, resulted: Affirmative, fifty-five; negative, eighteen. So the resolution, as amended, was agreed to.

CHICAGO PUBLIC LIBRARY.

The PRESIDENT. The Chair has received a communication from the Chicago public library, which the Clerk will read.

The CLERK read as follows:

CHICAGO PUBLIC LIBRARY, }
CHICAGO, Jan. 24, 1873. }

To the President of the Constitutional Convention of Pennsylvania:

SIR:—I have had some correspondence with the Chief Clerk of your Convention respecting a copy of the proceedings of the Convention, including debates, &c., when they are printed and bound, which I hope may result in our obtaining a copy. Now I desire to obtain, for present use, the

daily reports as they are printed. Our room, being located in the same building with the law institute, is visited by a class of men who are interested in all such Conventions, and who would be highly gratified to see the daily proceedings of the Convention as the Convention progresses. We will be glad to pay all expenses connected with obtaining them, if they can be had.

Very respectfully and truly yours,
R. B. WICKERSHAM.

Secretary.

The communication was laid upon the table.

Mr. NEWLIN. Mr. President: If it is in order, I would move that the State Printer be directed to furnish the library with a copy of the proceedings of this Convention, in sheets, as they are printed.

Mr. HAY. Mr. President: I desire to call the attention of the gentleman, and of the Convention, to the fact that a resolution of that kind was passed about a week ago, and the Clerk directed to send a copy to the Chicago library.

Mr. NEWLIN. Then I withdraw my motion.

THE LEGISLATURE.

The Convention, as in committee of the whole, (Mr. Chas. A. Black in the chair,) proceeded to the further consideration of the report of the Committee on Legislature.

The committee then resumed the consideration of the report of the Committee on Legislature.

Mr. HARRY WHITE. Mr. Chairman: I believe I have the floor, but I see the gentleman from Monongahela City (Mr. Hazzard) addressing the Chair. I yield, therefore, to him.

Mr. HAZZARD. Mr. Chairman: The question which has thus far been discussed in the course of this debate, the question of biennial sessions, does not naturally arise upon this question of election. Yet it seems to be persisted in that the debate shall go in that direction. I am very much in favor of biennial sessions, and if that question is involved in that under consideration, I wish to say a few words in support of my preference.

In the first place we have been told that the election should not be removed from the people who have been in frequent exercise of this right. I do say it was because if we vote for a member of the Legislature once a year, we express all the preference we can express, even if we exercise the manipulation of the vote twice.

But again, if tradition be true, and a person has more liberty in proportion to the number of times he votes, then I am very much afraid that some gentlemen of this city and of other large cities come to be very patriotic because they exercise the right to vote some two or three times a day, I am told. But it cannot be that the oftener we exercise this franchise the more liberty we may have, so that I don't see very much in that argument. But there is an argument which has weight with the most of those who live in the country, and earn their living by small means, and that is the economy of the thing. I do not know, I shall speak somewhat at random if I say so, but I believe that there is a saving of half a million dollars in this thing. We shall save some one hundred thousand dollars in the pay of members and attachées about the capitol. We propose to pay them twelve hundred dollars a year; now we pay them one thousand dollars; so that we save, in the salary alone, some ten thousand dollars. Then we save in printing some sixty thousand and odd dollars. We save in pasters and folders, and pages, and the other attachées about the Capitol, and I don't know how much more besides, in the cost of holding elections all over the country.

The gentleman from Philadelphia (Mr. Simpson) told us the other day how much it cost to hold elections in the city of Philadelphia. It was enormous—a great deal more than it is in the country; but it costs the country a very large amount. I have not the data here so that I can mention before this Convention the exact figures of this cost, but it is considerable, and there is no necessity for it. Now in the article of saving in the members' pay, the saving of printing, the saving in the payment of attachées, and in the holding of elections, we will accomplish an aggregate saving of perhaps half a million of dollars. We are told that this is a small matter. Well, I don't know how matters may be estimated in this Convention, but we in the country, who are accustomed to frugality, would consider it a considerable amount. So that, upon the score of economy, it seems to me that we need not elect the Legislature but once in every two years. The exigencies of the case will not require them more frequent election, and the truth of the business is that if we take from the Legislature the passing of these enormous amounts of special legislation there will not be over a dozen gen-

eral laws to be passed at a session. Will there, Mr. Chairman? Or will some of the members here teach me how many general laws will have to be passed during the first or second year after the adoption of this Constitution. Perhaps not over a dozen or two dozen, and that work will not be greater than we are about here in this Convention at this time. It will not take more deliberation, it will not take more time to pass the general laws that may be necessary for the use of the great Commonwealth of Pennsylvania than it will for our deliberations, if we properly digest and properly pass this Constitution with the provisions that we expect to put in it.

I have been told by a former member of the Legislature that I am not correct in this view; that if this session goes through we will not afford the Legislature time sufficient to perform the necessary legislation for the Commonwealth. Then let them sit nine months in the year they are to assemble, if need be, or let them even extend the session beyond that period. After this Constitution is adopted let them meet and go on until they consummate such general laws as may be requisite for the general benefit of the State. What is to hinder them from continuing their session until they accomplish their work? We give them one thousand two hundred a year to perform the necessary legislation, and if the exigencies and necessities of the case demand that they shall have a longer session let them extend it until they get their work done.

But again, Mr. Chairman: Biennial sessions will, in a measure, dispense with the services of distinguished patriotic individuals who assemble, they tell me, in the lobby. I have not had the honor to represent this State in the Legislature, but I am told that there is what is called the third house. Now if this proposed change takes place, the immaculate service of these individuals will no doubt be dispensed with, and they will be like the country bricklayers, eating up in the winter what they earn in the summer. It may be that these persons will have no location at Harrisburg, and that may turn their great talents into some other channel, and they will leave the Legislature free to give all their attention to their legitimate duties, for these general laws which they are to pass must be drawn up with great care. Great pains must be taken in their preparation—more, perhaps,

than we take when we put these articles in the Constitution.

For one, I was glad when we, the other day, referred the verbal corrections to be made in the section then under consideration to the whole committee, rather than that it should go to one of the standing committees, for much would have been overlooked by the smaller committee that could not escape the attention of the whole House. The meaning of the different sections of this Constitution would not be clearly and unmistakably explained, but much of it would be left to the courts to understand and interpret. Although the old Constitution of 1838 was drawn with a great deal of attention to its verbal construction and correctness, yet the Supreme Court, up to within the last two or three years, has been occupied nearly all the time in telling us what they meant to say in that Constitution. You recollect that with regard to elections the Constitution declared that a person must live ten days immediately preceding the election in the district where he offers to vote, and a law was passed by the Pennsylvania Legislature—and I have often wondered why it was so—that a man might move out of his district, live ten days in another district, and then go back into his old district to vote, and this had to be corrected in the Supreme Court. Hence, the necessity is apparent that the legislative enactments to carry into effect this Constitution be carefully and maturely framed.

Again, it seems to me to be necessary that a longer period be allowed between the sessions of the Legislature, in order that the people may have time to consider the result of the action of their law-makers. The people desire to try and sift the laws that are to give expression and effect to the Constitution to be here prepared. The people desire to weigh these laws, to see whether they were wisely enacted and should remain on the statute books of the Commonwealth, or whether they ought to be repealed. The Legislature must pass the general laws which are to regulate and control us, and these laws must be wisely drawn to subserve all the varied interests of Pennsylvania. If the people have but one year to properly digest these laws, to experience their benefits or spy out all their disadvantages and improprieties, if there is but one year given for this purpose, it seems to me that there will not be time sufficient afforded to test these acts, and

that the next Legislature afterward elected cannot be properly instructed on that subject.

You know, Mr. Chairman, that the people in the country are accustomed to abide by the old laws. We do not like innovations. Our old road law used to be so framed that our farmers could do down to the road and stay there vehemently leaning upon the handles of their shovels, and try, in what possible way, they could do the least to work out the taxes, and wait, perhaps, for a little boy to come down the street with a jug of cold water that the men could retire behind a neighboring fence corner and recuperate the energies they had expended in leaning upon their hoes. A law was passed that this tax should be paid in cash, and I tell you that our old farmers looked with much surprise and indignation at the publican coming along to ask for his money. Why, it was an outrage upon them; and they said "shall we pay cash for what we might work out upon the roads?" But after a while, when a gentleman would hitch up his horse to his carriage on Sunday morning and go down to the country church upon a road made on the cash principle, he began to grow conservative. He found out that perhaps the cash system was a great deal better than the lazy system, and the improvement carried with it its own argument. When the farmer loaded his Conestoga wagon with grist and went to mill over a firm and solid road-bed, made by cash, he learned to appreciate the system that gave him honest equivalent, and he who at the first change was ready to repeal the new law, when he learned its advantages, was, by the time the assembling of the Legislature was again reached, in no respect willing to go back to his old slovenly way of making a road.

So it ought to be in the State with all our laws. There ought to be time for these laws to be considered and appreciated or discountenanced, and there is no reason that I have heard—and I beg pardon if this seems to be irreverent or not respectful to those who have talked upon this subject—but I cannot but think that there has been no reason given and no exigency imagined that would demand yearly sessions. All these special laws are to be swept out of existence. We will so frame and adjust our Constitution that not one-third of the legislation will be necessary that we have now without taking into account the special legislation,

and what need can there then be for more than biennial sessions? Then, too, it seems that there will be an end to the vocation of these lobbyists, if there is any such thing. I do not know whether there is any such thing or not. They tell us that they don't go there for any sinister motives, and the members of the Legislature say that they are all honorable men, so it must be that it is so. But if so, their vocation will be gone.

But it is said that the varied interests of Pennsylvania require yearly elections. Is that borne out? Here is a railroad that wants to be constructed—let it be constructed under the general law, and if the general railroad law is not sufficient, let us make it sufficient. Take the law of boroughs. I believe I could amend it in some respects, and I believe that the Legislature that will meet after the adoption of this Constitution will provide all that is necessary, aided by the benefit of past experience, showing what the people need in this borough and that borough all over the State, for years of successful operation under its workings. The first Legislature that meets after this Constitution is ratified can put all the provisions into that borough law that will be necessary for ten or fifteen years to come. And so with all other laws, and why incur this expense? Is there not intelligence in Pennsylvania to so pass these general laws that they may suit all these varied interests of the Commonwealth—agricultural, manufacturing and mining? Certainly it can be done, and we can save the expense of this extra session, and we can give the laws a chance to be tried to see whether they are proper or not.

ANNUAL SESSIONS UNTIL 1876.

Mr. COCHRAN. Mr. Chairman: I move to amend the amendment, as follows:

By inserting after the word "annual" the words, "until the year 1876, and every two years thereafter."

Mr. COCHRAN. Mr. Chairman: I have listened to this discussion with considerable interest. My own mind, from the first, has been fixed in favor of biennial sessions, and I shall not undertake to recapitulate the arguments which sustain that view. They have been presented here by several gentlemen. The gentleman from Washington (Mr. Hazzard) has touched upon one this morning which has weight in my mind and has had, and that is the subject of economy. I believe that one great trouble in our country is our rapid growth in extravagance and waste, with

regard to the administration of all our public affairs, and, if the subject seemed to be large enough to make the allusion appropriate, I would say that I believe the history of the world has proved that in all free governments the decline in public virtue and public liberty has been coincident with the increase of public expenditure and lavish waste of public money. And now, sir, for that reason and many others, I am in favor of the adoption of the plan of biennial sessions of the Legislature, and I am in favor of restricting them to biennial sessions as closely as it is proper that they should be restricted, and of leaving as few gaps and openings as possible for the admission of the evil of extra sessions.

I am not in favor of the idea, which has been thrown out here by some, of biennial elections and annual sessions. If the latter view is adopted, and we are to have annual sessions, then I go for annual elections, and I may say that I go for them very much on the principle stated by my friend from Erie, (Mr. Walker,) who spoke on Saturday, and I believe with him that the right course is to bring the representative in as close contact as possible with the constituent. But I believe also, sir, that the people of this State, at least throughout the interior, as far as I am acquainted with them, are in favor of the adoption of biennial sessions of the Legislature; that they have had such experience with our Legislatures that the approach of the annual session is viewed with apprehension, an apprehension which has been growing and increasing, year by year, for fifteen years last, at least in the history of this State.

Now I have proposed an amendment here, not as a compromise, because the two propositions of annual and biennial sessions cannot be compromised, but I propose that annual elections shall be continued until the year 1876, and that thereafter the elections shall take place at intervals of two years, and my idea in making that proposition is simply this: I make it in this practical point of view, that one, two, three, four of the first Legislatures which may meet after the adoption of this Constitution will necessarily have thrown upon them an unusual amount of work requisite to adapt the legislation to the principles and to the measures which shall be presented in the Constitution. For that reason, in order to give them time to mature general laws, laws which will operate throughout the Common-

wealth with equality and with justice, fitted and adapted to suit all the circumstances of the people, these Legislatures should have an opportunity of meeting annually. They should have an opportunity, after a tentative experience of the operation of an act of Assembly, which they may have passed one year, to amend and conform it to suit the circumstances which another year may indicate to be proper. They should have an opportunity to correct defects and errors, and to mature and perfect the measure which they originally presented for the consideration of the people for the regulation of the public affairs. Therefore it is, sir, that, in this practical point of view, I have proposed a temporary election annually for four years until the year 1876, when all institutions of our government shall have had a century existence, and to commence a new century with the new plan of electing legislators biennially.

I am not one of those, sir—having been brought up in the same school as the gentleman from Erie, (Mr. Walker,) his political life and my own having been coincident, except that I was not old enough to vote, and if I had been I would not have gone with him in voting for Andrew Jackson, for I was an Adams boy—but I have been brought up in that conservative school which does not think that change for the sake of change is an improvement, and brought up also in that conservative school which believes that change, when accompanied by improvement, is right and proper. For that reason, believing that the public sentiment would be obeyed, believing that biennial sessions of the Legislature after the machinery shall have been gotten into perfect working order, will meet all the wants and requirements of the business needs of this Commonwealth, believing, further, that it is a measure of sound and judicious economy in regard to the consideration of dollars and cents—which is a matter that I think ought not to be overlooked—I have offered this amendment, believing that it will meet all these requirements, and hoping it will meet the approbation of the committee, and will be adopted as a modification of the other propositions.

MR. GOWEN. Mr. Chairman: It seems to me that the debate has taken a much wider range than is justified by the text of the section under consideration. The object of that section was simply to provide that elections should be held biennially, and it has been argued as if the amend-

ment were intended to provide for annual sessions. Now it must be evident that if the elections are annual, the sessions should be annual, otherwise a member might be elected without any opportunity of serving. But it by no means follows that if the elections are biennial sessions must be biennial, for a member can hold his office for two years and sit at annual sessions of the Legislature. Therefore it seems to me that it would have been better to have let this question of annual sessions of the Legislature be postponed until the fifth section is under consideration. But as it follows that if you agree that the election shall be annual the sessions must be annual, it really comes up before this committee now and must in some way be met.

I do not desire to trespass upon the time of the Convention at all, but it seems to me that most of the evils which have been referred to by the several gentlemen who have addressed the House are the effect rather than the cause of our troubles, and that the root of the difficulty, which we now want to cure, lies deeper than anything which has been adverted to heretofore. The great evil in this Commonwealth is, first, that we are governed too much; and, second, that a vast number of our young men are trained up with no other occupation or profession in life than that of a professional politician. The day is past in this Commonwealth, I regret to say, when young men, who had not the means to support themselves, were wont to learn some trade. The trade unions, which have flourished in this Commonwealth, have really made it almost impossible that a young man born in this State can learn a trade, for I understand that they will not permit their employers to have more than a limited number of apprentices. The consequence is, that the young men of this country grow up without learning any occupation, and are taught to consider that while it is undignified to labor for the support of themselves and their families in any honest occupation, it is perfectly dignified to enter into a shop, turn out a woman from behind the counter and take her place. It therefore follows that the American youth, who are brought up without any occupation and without any trade, have nothing to do except either to go into a store, enter the service of a railroad or other corporation, or become professional politicians, which a great many of them do. The opportunity

heretofore has been offered every year to each one of these gentlemen to be elected to some position.

I understand that the great argument in favor of increasing the presidential term to six years is that thereby instead of having one election every four years we have one every six years. Now let me suppose, for one moment, that instead of having one election in this Commonwealth every year we had one every six years, what would become of the trade of the professed politician and office seeker? He might wait for the first election and then try to secure some office. If he failed in doing so, and the future showed no chance for him, during the succeeding six years the probabilities are that he would retire from political life and accept some honest employment. And, I venture to say, that having once enjoyed the sense of independence which results from earning his bread without being under any obligations to the public, he would not be in the ranks of office seekers at the succeeding election.

We will accomplish the greatest possible reform if we can bring about a state of things whereby the office shall seek the man, and not the man the office. It seems to me, therefore, that one of these reforms will be brought about by removing from this very class of people the frequent opportunity of being elected to an office. Now we have an election every year. If we have one every two years it decreases the opportunities offered to this class of people one-half. Many a man will wait in hope for one year, who would retire in despair if the time were lengthened to two, and, it seems to me, that the section, as it came from the committee, requiring that we shall have biennial elections, will go far to cure one of the evils under which we labor, and let us bring up this question of annual sessions afterward. The greatest argument that I have heard in favor of annual sessions is, that if you don't have annual sessions the members of the Legislature can continue in session by adjournments, and really hold three or four sessions during the two years. A great deal can be said in favor of annual sessions and a great deal against it; but I apprehend that much more can be said in favor of annual sessions than can be said in favor of annual elections. Now, with reference to the amendment of the gentleman from York, (Mr. Cochran,) I think that instead of amending this section, in order to give to the first or second Legislature the opportunity of continuing

in session for a greater length of time, it would be better to let the election remain as it is in this section, and to increase the pay of the members who serve for the first two years, which would accomplish the same object, and relieve us from the frequency of elections. If the gentlemen first elected to the Legislature have to sit nine or ten months, in order to pass the general laws which they will be required to do, their compensation might be increased sufficient to pay them for their extra services without incurring the cost, and turmoil, and trouble of an annual election.

Mr. HARRY WHITE. Mr. Chairman: I don't want to intrude myself upon the attention of this Convention, nor do I desire to do so at any extended length of time. At the instance of one or two friends about me knowing the employment to some extent of my life, for the last few years, I add a word to what has been said, in behalf of the proposition as it emanates from the committee. I thank the gentleman who has just taken his seat for getting out of the common rut of argument upon this subject. I say this with all deference to those gentlemen who have preceded him upon the same side of the question. But, Mr. Chairman, it occurs to me that there is a philosophy in this matter, which is above the mere clap-trap which we hear from time to time, the abuse uttered against the members of the Legislature of Pennsylvania.

There is a fundamental question at stake. There must be some fundamental change before that necessary confidence between the people and the law-making power is re-established.

I listened, with great patience and pleasure, to the eloquent remarks of the distinguished gentleman from Erie (Mr. Walker) when he uttered the eulogium upon Pennsylvania. I, too, am a Pennsylvanian. I, as a member of this Convention, would prefer to stand by her original land mark, with all her historical associations about me, rather than make changes and incorporate seeming reforms, merely because such changes are found in the Constitutions of our neighboring States. Only those changes are required by the people, and only those changes should be made, which the experience of the past few years has demonstrated to be actually necessary.

The distinguished gentleman from Erie, (Mr. Walker,) and other gentlemen upon

the other side, have gone upon the assumption that it is dangerous to have biennial sessions of the Legislature, because in this government of the people, the people, through their representatives, must be annually heard. When the distinguished gentleman, and others who have advocated the same doctrine, attended the councils at Harrisburg times were different. I am not one of those who believe that human nature has deteriorated; that human nature has degenerated.

I think we have as much virtue now as we had in those days when the venerable gentleman represented his constituency in the councils of the State. But, sir, the practices and the habits of legislators have entirely changed. In those days we were but in the infancy of the republic. The people were jealous of the one man power. Contests were had in popular assemblies over the exercise of the veto power. Every student of American history re-calls the interesting contest in the Senate of his country, and in the Constitutional conventional conventions of this State over the proper and the improper exercise of the veto power. A large and popular party of the country denied the propriety of clothing any Executive with the veto power. Times have changed, and, singular to say, we read in the papers of the day, and we hear from the lips of flippant talkers that the ultimate reliance of the people is in the exercise of the veto power. People have lost confidence in their representatives. You seat yourself at your breakfast table and pick up the morning paper, and you discover, possibly, notice of the introduction of some bill which vitally affects some locality of this State or elsewhere. The appeal is instantly made to the Executive to interpose the veto power and save them from a ruthless wrong.

Mr. Chairman all these results have an instructive lesson to this Convention. My friend, the gentleman from Philadelphia, (Mr. Gowen,) has spoken correctly when he remarks that we want such changes made in our organic law as will cause the employment of the mere politician to be no longer profitable. The frequency of elections invites men to enter into the avocation of politicians. The time was, when it was a laudable ambition for a boy to look forward to the day when his advent into public life would be signalized by an election to the Legislature. Those times have gone by. A

distinguished friend of mine, a colleague in the Senate, not many years ago, paid a visit to the sister Commonwealth of Connecticut. He made bold to call upon the party in charge of the rooms of the Legislative hall, and asked the privilege of an entrance there, premising his request with the remark: "I am a member of the Pennsylvania Legislature, and I ask the courtesy of the privilege of inspecting your hall." The party looked at him, as he told me, with some degree of concern and distrust, remarking at the same time: "Sir, in Connecticut the reputation of a member of the Pennsylvania Legislature is not very high," apprehensive, possibly, that the presence of this honorable representative of the people of Pennsylvania might be dangerous to the security of some of the personal property in the building. These things pass for popular jokes. They are not respectable, they are not encouraging to the people in increasing their confidence in the law-making power.

Then, sir, we want to inaugurate in this Convention an entire reform; to probe to the root of this matter as far as possible, making it impossible that the employment of the legislator shall be used as a means of sustenance and support.

The gentleman who is announced as a candidate for the Legislature in his locality is earnestly supported by some active politician, who has in view, not a great popular reform, but the prospect of an easy position in Harrisburg, as a means of accumulating a little addition to his personal estate. It has been well said that the American people are crazy after office. An honorable enterprise, requiring the exercise of muscle and intelligence, and a little capital, is offered to a citizen; he will disdain all in that line when an opportunity of \$500, as a paster and folder in Harrisburg, is held out to him. Why, Mr. Chairman, it so happens, when the Legislature annually meets, the political caucus is held and after it is organized the most popular position that any member can have is the chairman of a committee. It is an evidence that he occupies a position of influence, and will be enabled thereby to accommodate some friendly constituent, who has been active in his behalf, by helping him to the position of assistant door-keeper or assistant sergeant-at-arms.

Mr. Chairman, the less frequent meeting of the Legislature will, in this respect, in my mind, effect a radical change. The head of the family—the ward politi-

cian—will cease to find the employment he is now engaged in profitable to him, and will turn his own industry to some account and be of some service to the State.

I do not wish to add anything to what has been said as to the necessity of the enactments which will be required as the consequence of these prohibitions upon legislation, which we hope to present to this Convention from the Committee on Legislation.

I do not hope, however, that the State will be relieved from all iniquitous legislation when the opportunity for the passage of special laws will have ceased to exist, when we shall have placed in the Constitution those wholesome restraints against special and local privileges which the people of the Commonwealth seem to cry aloud against.

Greater iniquities have been perpetrated upon the Commonwealth by the passage of general laws to effect special purposes than were ever effected by the passage of a mere special law. It was but last week, sir, that my attention was called to a general law—a supplement to a law known as the act of 1836, giving the orphans' court jurisdiction of particular matters—which was, in its practical effect, intended to overrule a solemn decree of the court of last resort in this State—all done under the specious guise of legislation for the benefit of the people at large. Make the restrictions which are contemplated to be placed by this Convention in the Constitution as stringent as you please, opportunity for injustice, opportunity for imposition, opportunity for discriminating legislation, will still be presented to the people.

These considerations, discussively uttered here, are uttered in behalf of less frequent sessions of the Legislature. Some people answer them by saying we are a great State. Illinois may have them, Ohio may have them, Indiana may have them, seventeen of the States of the Union may have them, but they have not the varied interests that Pennsylvania has. She has her forty-five hundred miles of railroad, she has her collieries, her mining interests, her agricultural interests, her four millions of population, all requiring attention. It must be obvious to gentlemen who reflect for a moment upon this question, that these interests can safely be entrusted to the regulations of such general statutes as one Legislature can enact, which it will be found

necessary to enact at the first meeting after the adoption of this Constitution. We have no public works in Pennsylvania. The States to which I have made reference have public works. Their public officers are connected with the management of their public works.

Pennsylvania has long since divorced herself from her Portage railroad, from her system of canals. In this plain old State we trust to private enterprise as a legitimate and proper means of developing our resources. The argument of the variety of our interests, the argument of the versatility of our soil, and of the habits or interests of our people, does not, to my mind, make against the argument in favor of virtue and the substantial reform which will be effected by making our elections less frequent, and the opportunity for the dispensation of patronage less frequent also.

Mr. Chairman, I have nothing to add to what has been said by the honorable gentleman from Columbia, (Mr. Buckalew,) whom I have always been glad to esteem as my friend, in his utterances in behalf of the two years term. If you decide in favor of annual elections it will be proper for you to consider the propriety of extending the term of the members to represent you to two years.

I will not grow tedious by repeating the arguments which have been uttered by himself and other gentlemen in favor of giving some character of independence, or some character of dignity to the office of representative of the people in the more popular branch of the Assembly. The two questions are inseparably interwoven. It may be said that this discussion is premature, but if you are in favor of biennial elections you must be in favor of the clause as reported from the committee. If you are not in favor of biennial elections it is improper for you to consider the propriety of extending their term to two years.

I do not desire to extend further my observations upon this subject at this time. I think it is proper for us to consider this subject, in its length and breadth, when the report of the Committee on Legislation is presented, and I hope that this Convention will not delay too long over this section, for I apprehend that it is entirely proper that the sections on the Legislature and legislation must ultimately be considered together; and I hope that after this day's discussion upon this question we will postpone it until both

those questions can be considered together; and in rising at this time to give my support to the report of this Committee on the Legislature, I believe I am discharging here a solemn duty, and aiding, not in an imaginary reform, but in practically doing that which the people, the majority of our constituents, expect us to do. I do it, not because Illinois, not because Ohio has done it, but because as a Pennsylvanian I would extend a hand to raise that which is low in our Commonwealth, and upon that which is dark I would cast light.

MR. BROOMALLI. Mr. President: I am sorry to be compelled to differ from my colleague (Mr. Darlington) upon this question. I have so long looked up to his opinions with deference that it is with some hesitation that I now dissent, and only the reflection to which he called my attention, that upon this particular matter I must have had more experience than he, has enabled me to hold my opinion against him until this time.

I am opposed, therefore, to the amendment cutting down the terms to one year, and I am also opposed to the qualification of it offered this morning by the gentleman from York (Mr. Cochran.) The question of biennial terms is only this far connected with that of biennial sessions. If we have biennial sessions we must have biennial terms. If we have biennial terms we need not, necessarily, have biennial sessions. The two questions run together and I do not wonder that gentlemen have found it difficult to separate them in the discussion.

Now I am one of those who are in favor of biennial terms, wholly, without regard to the question of biennial sessions. If we have annual sessions I am still in favor of biennial terms. If we have biennial terms then every gentleman here is in favor of biennial sessions.

I propose to state, in brief, my reasons in favor of this. In the first place, every gentlemen here will agree with me that we will be enabled to get a better class of men if the term should be two years instead of one. It is notorious that the class of men offering themselves for three years in the Senate is—not honest, not, probably, naturally better—but older and more experienced; and therefore I infer that lengthening the term to two years will improve the class of men offering themselves as members of the House.

Again, every one familiar with the Pennsylvania Legislature must see that the House is, all the time, a house of

novices; that at every session of the Legislature more than half—sometimes three-fourths—are new men. Now, it may be, that legislation is a business that requires no training. It would seem that the people of the United States think so, judging from the frequency with which they change legislators; but it is singular if it should prove to be so.

It is singular that every other business requires years to enable a man to be at all proficient, and yet that legislation should be taken up intuitively without any training whatever. Now I do not believe this. I believe that legislation, to be well done, should be done by experienced men and not by apprentices; and if the question before us was between biennial terms and a still longer term, I think I could be induced to vote for the long term upon that ground.

Now I am not one of those who place much confidence in this almost universal denunciation of the Pennsylvania Legislature, in point of honesty and uprightness. I admit that I have been in places in my life time where I would not acknowledge that I had been a member of a Pennsylvania Legislature unless closely pressed upon the question; but it was not that I united in the sentiment that is entertained with respect to that body. I do not believe that the members of the Legislature are elected for their dishonesty; I do not believe that the people habitually blunder in their choice; do not select men who are as honest as themselves for the performance of this duty.

I have been somewhat shocked and somewhat startled at the disclosures made upon this floor of the doings, in a political way, of the city of Philadelphia. I can only say, with respect to that, that if the gentlemen here confess against themselves we outsiders must take their confession as true; but outside of the city of Philadelphia certainly the men chosen for members of the Legislature have the ordinary honesty of the good men of their vicinity. The reason that the reputation of the Legislature of Pennsylvania has become bad is, to my mind, just this: There has arisen in the Legislature of Pennsylvania, or rather hovering around it and over it, a body called "the third house," and that third house does not change its members every year. The novice, coming, as I did twenty years ago, to the Legislature, with no legislative experience, finds himself confronted by men who have been there twenty years, and

who have passed all that time in learning and practicing the art of managing men.

I do not believe that the Legislature of Pennsylvania is to be bought, or that it ever has been bought. But I believe that a class of men has arisen around that Legislature who have lent their whole efforts towards improving themselves in the single science of managing men. I know I have been managed unconsciously by these men, not only at Harrisburg, but at Washington. Let me say here, that, with the light of what legislative experience I have had, of some eight or ten years, I have never seen a measure passed that I believed to have been passed by corrupt means applied to the members of the Legislature. I have seen measures passed by corrupt means. But the means were not applied to the members of the Legislature. They have been applied to a class of men where it counts greatly more than if applied to them. It is applied to the men who, while they seem servants and petitioners, are really masters and managers of Legislatures.

A man goes to one of these bodies and he is surrounded by influences that mould his opinions. A particular measure is wanted, and a particular man's vote is needed upon that measure. The first effort of the "third house" is to find somebody in whom that man has confidence, sometimes two or three, if he is worth the employment of two or three. These men are instructed—no they do not need instruction, they are old hands in the business, but they talk the measure up—not too much, because that might raise a suspicion, but just enough to impress the legislator in its favor, and in this way the minds of the members are controlled and moulded. It is not the men who are elected, except in very rare instances, and probably, after what has been said upon this floor, I might except the case of Philadelphia—it is not the members that are elected who are bought, but the members who have passed twenty years in the "third house," learning how to mould the opinions of members that are elected.

Mr. Chairman, there would be a cure for that, if people would adopt it, namely: To make the term ten years, or repudiate the heresy of "rotation in office." Then the members of the first house and of the second would be equal to those of the third, with whom they must come in contact.

Do you suppose these members of the "third house" are known? You, Mr.

Chairman, know better. Some man with some little crotchet in his head about some little bill, in some little town of the State, is probably the chief one, and you think he thinks of nothing else but his little turnpike road up in his little corner of the State, while he is managing you, moulding you, and he is paid, it may be, thousands of dollars for doing it. This is the way things are done, and not in the purchasing of members. Therefore, by extending the term to two years you will get twice as much experience in the lower house, and extending the term in the Senate correspondingly to four years, you will get one-third more experience there; but you will also get an additional amount of experience in this way; a better class of men will offer themselves—men with whom professional politicians will not want to bring themselves in conflict, and hence the chances of the professional politicians for these offices will be smaller, and better men will run less risk of being defeated by political tricks. Therefore I am in favor of biennial terms, in order to improve the character of the legislative body, and enable them the better to compete with the men who will surround them, who are paid to surround them, who will make their influence felt, to a greater or less extent, and who really do the damage, and really have sunk the reputation of the Legislature of Pennsylvania to the depths where it is to-day.

But I am in favor of biennial terms, as I said before, if we resolve upon annual sessions. It will be seen from my argument in favor of biennial terms that I am. I am also in favor of biennial sessions, and I might as well give my reason for it here, inasmuch as the two questions have been connected, so as to save the trouble of speaking again upon that subject. Now my colleague (Mr. Darlington) was not so very far wrong when, in his speech the other day, he attributed to me the notion that legislation is a nuisance anyhow. It is not exactly a nuisance, but it is always a nuisance unless it is a necessity. It is a necessary evil, and, being a necessary evil, I want just as little of it as possible. Biennial sessions will produce less of it than annual sessions, and therefore I am in favor of biennial sessions.

I am opposed to the amendment offered this morning by the gentleman from York (Mr. Cochran) to postpone it four years; first, because it is not necessary at this place. We might have biennial terms

and annual sessions, and the proper place for that amendment would be when the question of annual sessions shall come up. But I am opposed to the amendment there also, because I am opposed to annual sessions. Every gentleman present knows that I speak the truth when I say that in the State of Pennsylvania, and in every other State, there is a lightening up of public spirits upon the adjournment of the legislative body. There is a relief. There is a fear while the Legislature is in session that some mischief will be done. Now I know that by lessening the amount of special legislation we will, to some extent, after a while, lessen the necessity for legislation. I may as well say here that, in my judgment, more mischief may be done by general laws than by special laws. But special laws are bad enough, and the people are determined to get rid of them. Let us then have general laws well digested. Let us have them enacted by men who have had some experience in legislation, and I think that we will see that the changes we have made will be for the better. I am for the report of the committee on this point without modification.

Mr. MANTOR. Mr. Chairman: When I took a seat in this body I had promised myself that I would take very little part in the discussion of the questions that would come before the body, and as we proceed, from day to day, I am still of the opinion that I ought to stick to a good resolution. It has been suggested that we make short speeches, and I agree with the idea; not to make extended speeches; not to trouble the House with any long discussion of questions, but to give our expressions in relation to the subjects before us.

On this subject let me say that I am aware that there are sitting with us in this body four gentlemen who had the honor to assist in framing, or rather revising, the last Constitution of this State, the present organic law of this Commonwealth. I am as well aware, also, that there are many things that will be required of us; changes, sir, to be brought about in the organic structure that will meet with opposition on the part of gentlemen in this body. Knowing these facts, I wonder not, sir, that the gentleman from Chester, (Mr. Darlington,) who offered this amendment, should stick so closely to the law and the principle that he had the honor to assist in constructing. I wonder not that he would stick so closely to this measure, because when we come to look to the four

hundred resolutions that have been presented before this body one would naturally conclude that we are to tear that Constitution all to pieces, and not leave a single vestige of it. I presume my friend is almost ready to exclaim: "There is not a rose-bud left on the spot to show where the garden has been."

But one of the objections that I have in my own mind, in relation to this question before the House, is this: While I am in favor of biennial sessions and of biennial elections, the question that has revolved itself in my mind has been this: That after this body shall have passed upon this Constitution, and it has been presented to the people of this Commonwealth, and their decision has been received, how it is that any legislative body, assembled in the city of Harrisburg, will be prepared to give to the people of this Commonwealth, in any one year, the necessary laws to carry out the provisions of the Constitution after its adoption by the people.

I would say that in looking over the Constitutions of the several States that admit of biennial sessions, I find some fifteen or more that so limit the sessions of their legislative bodies. Gentlemen who are, perhaps, more familiar with the subject than I am, state that there are seventeen States so situated. These are mostly western and south-western States, States which were ushered into this Union by the enterprise and the energy of men who have emigrated thither from almost every State in this Union. I find, in looking over these several Constitutions, a great variety of opinions existing among the gentlemen who framed these different Constitutions. We have in this Union some three or four States in which the Legislatures hold sessions from thirty to forty-five days of annual sessions. I find that we have three or four other States that restrict their legislative sessions to sixty days. I find, further, in looking over the best information that I could secure, that some of the New England States, especially Massachusetts, hold annual sessions, and complete legislation in a very short time. Massachusetts sometimes finishes the work of her Legislature in from three to four weeks. New Hampshire has been known to get through with her legislative proceedings in an equally brief period; also the State of Vermont in from three to four weeks.

But, Mr. Chairman, I have said that I was in favor of biennial elections and biennial sessions of the Legislature. One is

quite sure to follow the other, for we have only one or two States that have biennial elections and annual sessions. One of those States is the State of Texas, which provides in article one, section four, that "the members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law," similar to the amendment offered by the gentleman from York (Mr. Cochran) this morning. But I take it that this will not meet the wants that are now urgent in this Commonwealth. We cannot cure the evils of annual sessions by such a thing as this. One of these evils has been the passage of laws by our Legislature at one session, and perhaps annulling them at another period. So many special laws have been enacted that the people hardly know when a law is passed what is to be the next proceeding.

I am in favor of biennial sessions, and I repeat it for another reason. In looking over the Constitutions of the several States of this Union I cannot find an instance of any State that has adopted this plan desirous to abandon it. Ohio, Indiana, Michigan and Illinois, these four States, comprising each it itself vast commercial wealth, long since adopted biennial sessions of their Legislature, and the system works well. They are growing rich year after year, and there is but little complaint about the Legislature passing obnoxious laws, or laws which are oppressive to the people. I live in a county which borders directly upon the State of Ohio. I am conversant with the operation of its plan of biennial legislative sessions, and am thrown every day almost in constant intercourse and business communication with gentlemen who live in that State, and I hear only the most approved expressions from those gentlemen in favor of biennial sessions. And I accord directly with the sentiment which was uttered here last Saturday by my colleague (Mr. Minor) when he advocated the meeting of the Legislature every other year.

I think, sir, as it has been argued here, that this proposed change, if perfected, will bring better men to office. It will, I think, change in many respects the status of the Legislature. Designing men who shall seek place will be criticised more closely. Better men will be selected for of-

fice, almost every law passed will be more carefully examined, and if a designing man secures the passage of an ill-advised law, he will receive, to a much larger extent than at present, the severe and searching criticism of his constituents. Such has been the exact result in the States that have adopted biennial sessions. The argument of the distinguished member from Columbia (Mr. Buckalew) on Friday last was most conclusive. He said that one of the capital evils of our present system was due to the constant changes of membership in the Legislature. He might have added another, and that is that the class of men who are aggregated into the third house, that we have heard about this morning, a class of political slysters and hangers-on, who come to Harrisburg with their pockets full of money to contaminate the Legislature of this Commonwealth.

Another advantage of biennial elections is this: It will save the expense of two elections, and will also save much time and labor that must necessarily be spent in political canvasses if we should elect representatives every year. The fact is, we are hardly out of one canvass before we are brought into another, and business therefore is disturbed, the quiet of every county is disturbed, and I am of the opinion that it will do much toward taking away the eternal jargon that we now have in society every time we have an election. I know not what the wishes of the constituents of other members may be on this point, but of this one thing I do know: Very many of my constituents are in favor of biennial elections and sessions, and desire me to respect their wishes. I have received and am receiving letters in regard to the necessary changes required to be made in this Constitution, and nearly every letter I receive speaks of this one change particularly. I have talked with many about the matter, and all seem to approve it. The class of legislators we may have, or the amount or number of special or private acts that a Legislature may pass when it shall meet, is not the question before this body. In proper time I believe the Convention will take care of the evil of special legislation. Neither is the form of the oath that is required to be taken by the Legislature the question before this body. The committee have this matter in charge, and will evidently report in due time so that we may have an opportunity of giving expression to our views upon that subject.

With all due respect to gentlemen who have argued this question in advance, I cannot, however, help but think, sir, that they have got the cart before the horse, but it is excusable in anxiety sometime to be heard. Therefore I accord to them all candor, and am glad of the attention that the Convention paid to their several arguments.

In conclusion I would say that in all the investigations I have made on this subject, I have found that the States which have adopted this plan of biennial sessions of the Legislature would not return to the annual system. The general expression of the States, wherein it has been experimentally tried and tested, is that legislation has been greatly facilitated, the expenses greatly reduced, and that the standard of the Legislature has been advanced, all of which are among the high reforms demanded in this State, and all of which I think will be brought about by adopting and placing in our Constitution biennial sessions of the Legislature and biennial elections.

Mr. D. N. WHITE. Mr. Chairman: If a stranger had come into this assembly during the past few days, who was endeavoring to ascertain the nature of free institutions, he would have naturally decided that free institutions are a failure. Frequency of elections, frequency of appeals to the people, have been denounced as dangerous. Elections have been traduced as bringing corruption upon the people and upon their representatives. The frequent appeal of the people to the ballot-box, bringing the representatives and the people close together, has been held up here as dangerous to the welfare of the State; and the Legislature of the State of Pennsylvania has been held up as a by-word, and a scorn, and a hissing. Now, Mr. Chairman, I have more respect for our institutions, I have more respect for the people of a free government, I have more respect for the law-making power of the State, than to stand here and hear these insinuations made without uttering my protest. Nothing too hard can be said that has not been said against the Legislature of this State. I candidly confess that there has been some corruption in the Legislature. I admit that, but how does it come? From what source has this corruption come? The Legislature did not corrupt itself. If the temptation had not been presented there would have been no fall. But, sir, there are men, high in station, holding immense powers,

surrounded with everything that heart can wish, who deliberately and officially set themselves to work every session to corrupt the legislators of the people, and when men talk about the virtue of this body, and of its high and noble character, recollect, gentlemen, that we have not been subjected to the temptations to which members of the Legislature are subjected every year. No sooner does the Legislature assemble than there come up to that body men who are the paid officials of immense corporations, who open their rooms, grandly furnished, and who are there button-holing members, watching legislation, and, no doubt, corrupting those who can be corrupted.

A distinguished man, who is now at the head of one of the largest railroads in the United States, when I doubted that there was as much corruption in the Legislature as has been asserted, said he to me: "I know there is." "How do you know it, sir?" "I have taken money there myself to corrupt the Legislature." Says I to him: "How do you know that the members of the Legislature received the money?" "I know that they received it." Now, Mr. Chairman, you must recollect that all men are not above temptation, and when you send to the Legislature honest, but unsophisticated, men, frequently they are met on the threshold by every temptation presented to their cupidity, and to their passions, which can be brought to bear to corrupt them for the purposes of some men. And no wonder some of them fall. But, sir, there are as honest men in that Legislature as ever existed in this world—men who have gone through the ordeal for years, and have come out with their garments unscathed in the midst of this fiery temptation. I am astonished that we have not had worse laws, that under the bad influences that surround the law-makers that we have escaped as well as we have.

Now what is the source of all this trouble? It is not in annual sessions. Annual sessions do not corrupt the members. Annual elections are no harm. It is in the power you have granted the Legislature in your Constitution to give large franchises to individuals and to corporations. Men come up there that are not satisfied with general laws. They want special privileges. They find that the Legislature is not willing to grant special privileges, and then they put to work all their machinery, and, by bribery, by trickery, by rushing a bill through the Legislature

without reading it, or without printing it, taking advantage of the ignorance of members, they get laws passed which are a disgrace to the statute books. But take away special legislation and you cut up corruption by the root. Men are not going to pay for general laws which everybody can have. They are not going to pay for a law which will benefit A, B and C. How was it in the State of Ohio? Previous to the passage of their new Constitution the Legislature of Ohio just stood in the same position precisely as that of Pennsylvania. It had the same reputation, but from the time that that Constitution was adopted there has never been a single suspicion existing in regard to the Ohio Legislature. Men don't go to buy, and they don't go to work with their lobby to gain general laws.

One great reason why I am in favor of annual sessions is the very fact that I believe this Convention will take away that special legislation, and the great difficulty of passing general laws in a State, so multi-form in its interests and so varied in its character as the State of Pennsylvania. Here we have a mighty metropolis, the fifth or sixth city in the world, with vast and varied interests. All the time something is coming up that needs legislation for this city. Then we have our territories, stretching from the tide water to the valley of the Mississippi, covered with iron, and coal, and oil, and interests will be continually arising which will demand the watchful care of the Legislature. Now, gentlemen who have been in the Legislature, know how difficult it is to pass a general law. Gentlemen say it is because they won't attend to it. But you undertake to pass a general law through a body of one hundred, or whatever you make the number of the General Assembly, through two bodies, and then to the Governor, that will harmonize a majority of the interests of the State. You will find that it takes sometimes months to pass one law. It has to go to a committee. That committee may discuss it for some weeks. It goes back to the House—say that it originates there—and is discussed in committee of the whole, it is discussed on second reading, laid over on third reading, and almost impossible to get at under the rules. Then, after you get through with it, it goes to the Senate, and has to go through the same operation there. Finally it goes to a committee on conference, and they refer it, and at last it has to pass the ordeal of the Governor. Now I will

venture the prognostigation that the very first session of your Legislature, under the Constitution that abolishes special laws, you will find that it will take months upon months to pass a tax bill in this State, and probably it will need amendment every year for several years before you can bring it to anything like a perfect system. The State of Ohio has only, after twelve or fifteen years of continuous labor, brought her tax laws to anything like perfection.

Then, again, there is the apportionment bill. Every gentleman who has been upon the Committee of Ways and Means knows that from the very commencement of the session that large committee of twenty-one men meets regularly for months, receiving deputations from every part of the State, representing her varied interests; deputations in reference to her large charities that she dispenses so liberally come up to be heard before the Committee of Ways and Means, and that committee finds it a herculean labor every year to get through with the annual appropriations. We receive in this State some seven millions of money in taxes. We have a large Sinking Fund. We have a large debt, and it is essential that the Legislature keeps its eye upon all these varied interests. If you have biennial sessions you will have to pass that appropriation bill two years ahead, when you cannot know what means may be demanded in that time. Why, here, the last winter a part of the Insane asylum at Harrisburg burned down. Suppose the Legislature was not to meet until next year, is that institution to lay there without help until then? Is there to be no helping hand to restore the part which was destroyed? Are these poor insane persons to be there without proper ventilation, without proper water or arrangements which were destroyed by that fire? Immediately after the Legislature met, as you see by the proceedings, a bill was passed to remedy this defect. Suppose it was two years, what are you to do? The occasions of this kind, in a great State like Pennsylvania, with her great interests, will continually arise, demanding the watchful care of the Legislature.

Again: I believe in the people. I believe in a frequent recurrence to the people at the ballot-box. I believe that the nearer the Legislature is to the appointing power the better. I am willing to trust the people of this great State to elect their representatives every year, and also to

have them elected to meet yearly. I agree with everything said by the gentleman who spoke a moment ago in favor of experience in legislation. I know that a gentleman who has been in the Legislature the second year is far more efficient than the first year, and the third year still more efficient, and I am in favor of the people re-electing a man as often as they choose. I think they ought to re-elect him as long as he is honest.

The two years' term removes it from the people longer than I like; but it would be better to elect them for two years and have annual sessions than to have biennial sessions. Believing, Mr. Chairman, that biennial sessions in our State would work disastrously, believing that the interests of this State require an annual meeting of the Legislature to watch over the vast interests of her industry and commerce, and to keep careful guard over our officers at Harrisburg; for there is no more virtue in a man because he is Governor than he is a legislator. Why everybody recollects that, in the history of England, judges on the bench were bribed; and I say that the source and strength of a free government is in the people who compose that government. For these reasons I am in favor of annual sessions and annual elections.

MR. J. W. F. WHITE. Mr. Chairman: I feel reluctant to throw myself upon the indulgence of the committee, because I know there is a feeling among a great many members to pass over this section and take up the question of biennial sessions, or the subsequent section; but my own judgment is that we had better talk over the matter pretty fully on this occasion, for I confess that I can hardly sever the two questions of biennial terms and biennial sessions; at least the arguments that bear in favor of biennial terms, to me seem to sustain biennial sessions. The committee so understood it, and have so reported their article. I think, therefore, we would, probably, save time by discussing the whole subject at this time.

Three months ago if any person had asked me how I stood on the question of annual or biennial sessions, I would have answered that I was in favor of biennial sessions, and, of course, I should have said biennial elections. I felt, like the great body of the people of this State, that some reform in our Legislature, and in the method of legislation in this State, was necessary, and taking it for granted that

biennial sessions constituted one measure of reform, I was in favor of that measure.

But my reflections and study, when preparing myself for my duties as a member of this Convention, looking over this subject calmly and dispassionately, in all its bearings, brought me to the conclusion that after all annual elections and annual sessions were best.

I have listened very attentively to the arguments that have been adduced here in favor of the section before us; but all that I have heard has not changed that conviction of my mind. I wish to express my thoughts very briefly on one or two points that have not been very fully discussed, and shall pass over briefly or, perhaps, without any notice, some of the arguments made in favor of annual elections, because I think they have been sufficiently answered already.

My great objection to biennial elections and biennial sessions is that the measure tends to strengthen the bands of power, and to restrict the power of the people. Before I enter upon that point, pardon me for one or two remarks in another direction. It has been argued, all round, that biennial elections will save expense to the State and the people. How? The honorable gentleman from Columbia (Mr. Buckalew) proposes that in alternate years we shall elect members of the Legislature and the other years elect members of Congress. Will we not therefore have annual elections? Certainly, we will; and the State will be subject to all the expenses of annual elections, just the same as they are now. There is, therefore, *no force in that argument.*

It has been argued that we ought to have men of more experience in the Legislature. Yet this very article proposes to take from the Senate some of its experience. It is proposed every two years to turn out one-half the Senate—to have but two sessions of the Senate in four years. That is the plan before us. Under our present Constitution we have three sessions of the Senate in three years—one-third of the members going out annually.

It does strike me, sir, that, as a matter of reform, this is reforming backwards. Why this is simply taking from the Senate the element of experience it now has, for it is only having two sessions in four years, and turning the half of the members out every two years, so that at every session of the Senate one-half of the members go out. For myself, I believe in the old plan; let the Senate be always consti-

uted of two-thirds old members and one-third new.

In reference to the House, as was very ably and forcibly presented by the gentleman from Philadelphia, (Mr. Biddle,) if we had only biennial sessions, and elect only every two years, of course the members of the House would have no more experience than they have now. The argument here is that new members of a Legislature are likely to be corrupt, and that there is danger to the people from the election and admission of so many new members at once. But, sir, in my experience and observation of the past, and in my reading of the current and passing events, not only in our own State but in Congress, and in other State Legislatures, I have been forced to this conviction—that there is more danger to be apprehended from the “old stagers” than from the new members who come up fresh from the people. I do not mean to particularize, but the daily papers give us daily evidence that those who are most easily approached and most easily “influenced”—I believe that is the word used among those who understand all about Legislatures—

Mr. MANN. “Convinced.”

Mr. J. W. F. WHITE. “Convinced.” Well there are various terms employed. As I was saying we all know that those who have been longest in the Legislature are those that are most frequently “convinced” and most easily “influenced.” Now, sir, this whole argument is a distrust of the people. For one, I am willing to trust the people to elect their representatives; else how under the Heavens are we to save ourselves from corruption? Are we to say to the people: “You are not to be trusted to elect your representatives annually. We, in Convention, have adopted a most excellent device to save ourselves from the evils of special legislation, and improper legislation, by saying that you, the people, shall not elect your representatives every year; you are not to be trusted with that power.” That is the argument; that is what it all resolves itself into. If bad men are elected, who elected them? How come bad men into the Legislature but by the election of the people. Hence, the argument is a clear thrust at the people, and an attempt to take the power now in the hands of the people from them, and placing it in the hands of the officers, strengthening the hands of power by limiting the powers of the people. I have no

such distrust of the people. I have never been a member of the Legislature of this State, but I have watched its measures pretty closely, and I have known a number of gentlemen that belonged to either branch of that body, and as a member of this Convention and as a citizen of the State of Pennsylvania I enter my protest against this wholesale abuse of the Legislature of my State. I believe this unqualified abuse to be unjust. I believe it to be unreasonable. I have known members of that Legislature who were as honorable men, and as true and honest as any man to be found in Pennsylvania. I believe there never has been a session of that Legislature that did not find men there as true, and as honest, and as incorruptible, and as honorable as the best citizen of Pennsylvania. There may have been there also some bad men. It is scarcely to be expected that all would be good where there are so many; some men have been better than others. But on this question of ruinous legislation I assert this: That the legislation of our own State of Pennsylvania in the last twenty years has not been worse than it was in any previous period of twenty years. That may be deemed a very reckless assertion; but let me call the attention of gentlemen to a few facts. I go even farther than that. I say that the Legislature of Pennsylvania is not more corrupt now than it was when first organized under the Constitution of 1776. If gentlemen will take the trouble to refer back to the legislation under the first Constitution of this State, and especially to the report of the council of censors, taking the first six or eight years of our legislation, they will find that the Legislature passed worse laws than have ever been passed since.

They have passed laws directly and flagrantly in violation of the then Constitution. They passed laws especially for the benefit of individuals. They passed laws appropriating money to their officers and others directly in the face of the Constitution. Coming down further, everybody that has read the history of this State knows that years ago, when we were incuring our present indebtedness, that the legislation in reference to our public improvements and private improvements was shameful. Why, sir, there could not be a little turnpike opened anywhere, or a little stock company organized, but the State took stock in it, and after a while made appropriations of money to the scheme. Everybody who

knows anything about the subject at all knows that such bills were passed by the hundred, and if the annual statutes be examined they will be found filled with laws worse than any that have been passed within the last twenty-five or thirty years.

I refer to these things merely to show that this wholesale, sweeping, unqualified abuse of the Legislature of Pennsylvania of the last few years is unjust and unreasonable. It is a disgrace to us as a Convention and as a people. I do not deny that there have been some things improper; that is not my point; I am speaking of the general drift of legislation and the general character of the legislation of the State.

I will say, further; if members will refer to the volumes of our annual statutes, they will at all times find a vast amount of local and special legislation there, and so far as the special legislation of the last ten years is concerned, I make this assertion: That the mass of local and special legislation found on our statute books for that period is in proportion to the business and necessities of our State; is less than it was fifty years ago. Why, what has our State grown up to? Look at our varied interests; at the immense resources of Pennsylvania, all of which have been developed within the last few years—all of which have required more or less legislation. On some points, it is true, there has been improvident and injurious legislation; I freely admit that; and on those points I hope we will prevent similar legislation for the future, by proper constitutional restrictions. But, on that point, let me say this: That whatever constitutional restrictions we may impose, there will inevitably be, in this State, a necessity always for a good deal of local legislation. This hue and cry throughout the State about taking away from the Legislature all power to pass local laws will, I believe, if literally carried out, be far more productive of mischief than if we impose proper restrictions, leaving still with the Legislature the power to pass necessary local laws. Why, sir, look at the position we are in. Look at this great city of Philadelphia, with its varied industries; look at the anthracite coal region, the bituminous coal region, the oil region, and the other mineral regions of Pennsylvania, with their totally different wants and their distinct peculiarities. There will be more or less local legislation required for each of these. If

you simply pass general laws to apply to all alike, I greatly fear that the general laws will be found to work more oppression and injury in many localities of the State than if you merely restrict the Legislature in the matter of special legislation, without absolutely taking all the power of local legislation. We must not only limit this power, but the mode of passing bills; and when we do that I think we shall have guarded, as far as we possibly can, against injurious legislation.

But, as I have said, my great objection to biennial sessions is that that plan takes the power out of the hands of the people and strengthens the bands of power. It gives more power to the officers, and it removes them farther from the people. It becomes a restriction upon the powers of the people.

Consider it for a moment. If our Legislature should not meet for two years, the officers of our State, all of whom are liable to impeachment, all of whom are accountable to the Legislature for their conduct, will then have free run for two years, unless the Governor should choose to call a special session of the Legislature. Not only is the Governor himself accountable to the people, through their representatives in General Assembly met, but all the heads of departments, all the judges of the Commonwealth, and other officers who are now called upon annually to give to the Legislature an account of their stewardship. I desire these representatives to meet in regular session and hear what these officers have to say, if anything, and to look after all matters of that kind, and whenever they find anything wrong in any department, to apply the remedy and call the guilty to account.

Again, sir, I am in favor of having elections annually, because I want the representative, when he comes home from Harrisburg, to give, immediately, an account of himself to his constituents. We all know how it is at this time. When a member gets home in the spring of the year, he comes up again, say in the course of a month or two at farthest, for re-nomination and re-election. He must render an account of his stewardship. He is made to feel his immediate responsibility, and during the time he is at Harrisburg he feels that as soon as he reaches home he will be called to an account.

I want our representatives ever to feel that responsibility—to feel always that they must speedily account for their actions. Everybody knows that the more

remote the day of account or reckoning, the less it is feared and the less influence it exerts. When a representative knows that he cannot be brought to an account at the ballot-box for two years, he will hope and believe that the people will forget and forgive by that time any faults or errors he may have committed. But knowing and feeling his immediate accountability, he will be more careful and prudent.

Again, if a representative act improperly, if he has been an unfaithful servant, the people have power, under the system of annual elections, to turn him out at the end of one year. Why should an unfaithful servant have a two years' lease of power? Why should not the people have power to discharge him from further service if they desire to do so? I want the people to preserve that power. My reading of history has impressed upon my mind this great lesson, that the people must always rely for the defence and security of their rights and liberties upon the popular assembly; it is the people's bulwark—their great reliance—their only sure safeguard. History tells us that all encroachments have come from the Executive or from the judiciary, and nearly always the judiciary has sustained the encroachments of the Executive. This is the experience of all people in all countries. To the immediate representatives of the people, those who come up annually fresh from among themselves, knowing their feelings and their views, and reflecting the latest expression of their will, must we ever look for protection from oppression and for the redress of grievances. If there ever comes a struggle in this State, as some have expected, between the people and the vast monopolies and corporations existing all around us, the people must look to their representatives for defence and protection. If any exigencies arise in our country in any way; if any encroachments be made by the Executive or the judiciary, the only reliance of the people must be their representatives—the legislative Assembly. Therefore, sir, I want that Assembly to come up annually from the people, expressing their views and their wishes, and I want the people to possess the power, if any of their representatives should prove false to their duty, speedily to remove them.

The Legislature has great power for good or evil. It may remove judges, may impeach all officers, no matter how high, may call upon all, even the Governor of

the State, to answer for the manner in which they have performed their duties. Some gentlemen have argued as if the only province of the Legislature was the passage of statutes. But, sir, if I know anything of the history of Pennsylvania, and of the other States of this Union, they have a great deal more to do than simply pass statutes. They have many other duties to perform of great interest to the people. They have to watch over every department of the government, and over the whole of the industrial interests of the people throughout the State, to protect those interests, to disseminate knowledge on these various subjects, and otherwise promote and advance the material prosperity of the Commonwealth. With annual elections and annual sessions, the Legislature will more surely represent the public sentiment, and be a more true exponent of the popular will.

It is impossible for us to tell what may happen in any two years. The Legislature, elected for a term of two years, might not, in the second year, represent the will of the community at all. I want the House of Representatives to be as fresh from the people as circumstances will permit. I want the people to retain within their own hands the power of correcting, speedily, by a new election, any wrongs or mistakes on the part of their representatives. I am therefore opposed to placing any clause into this new Constitution—a reform Constitution, as it is hoped to be—which would greatly strengthen the hands of power and restrict, correspondingly, the power of the people. I shall vote for no such section.

Mr. NEWLIN. Mr. Chairman: I am in favor of biennial elections and annual sessions. And inasmuch as this topic has been discussed at considerable length, I do not propose to weary the Convention with any remarks on those questions which have been already touched upon.

It strikes me, however, sir, that there are some considerations which have not yet received any attention at the hands of the Convention upon this point. In regard to statistics, it seems to me that arguing from statistics on general principles, which go to the bottom of society, it is impossible to reach any conclusion which is satisfactory to our minds. Statistics are of value only when the cases are exactly parallel, and for the reason which has already been several times stated to the Convention, of the difference between thi

State and other States in its varied interests, it seems to me that the parallel is not complete.

In regard to the Constitutions of the western States I have but one remark to make. The States of Ohio, Illinois and Indiana have been principally relied upon in favor of biennial sessions. I am told by persons who are well informed, and who have a practical knowledge of the workings of the biennial system in those three States, that in the State of Ohio it is almost entirely evaded by the Legislature adjourning from winter to winter and holding adjourned sessions of a biennial Legislature. That in the States of Indiana and Illinois it has been the subject of very great complaint; that laws of a general nature should be altered, and the people have to wait for two years in order to procure amendments and changes which are absolutely necessary, which amendments are not in any one case of sufficient moment to induce the Governor to call an extra session. As to the other, to the great bulk of the Constitutions of the western States, it seems to me that continually referring to what might be called the constitutional statutes of those immature Commonwealths for guidance here is, to say the least, inconsiderate. We have had here for two hundred years a free government, and until the last ten or fifteen years there has been no talk whatever about biennial sessions, and the desire which is frequently expressed for biennial sessions is co-incidental with the complaint of abuses perpetrated by the Legislature through special legislation.

Therefore I take it that the principal argument and the chief reason why biennial sessions are called, for and desired by the people, is because the Legislature now has the power to pass special laws, which are pernicious in their effects. But if this abuse is remedied by the power being taken away from the Legislature to pass such laws, I can see no reason why the power to remedy defects in the general laws should be put off for two years. Aside from that reason I have another one, which goes further and deeper than this one; another reason why I am unwilling to record any vote in favor of a restriction on the Legislature, as to the frequency of its sessions.

It seems to me, sir, that after a Convention has assembled, and, with the lights that it has before it, has placed all the restrictions that can possibly be devised upon the Legislature against abuses

in the transaction of its duties, that after having done that, if we put ourselves on the record as being of the opinion that the Legislature still remains necessarily an instrument of evil, we acknowledge to all the world that it is not in the power of the people to elect honest representatives.

I am not prepared to put myself on the record with such an admission as that. If we have to come to that pass, that it will become impossible to elect honest representatives, then, sir, we shall have reached a point where we will require more radical changes and more radical remedies than those proposed by the report of the Committee on the Legislature. I know of no more ample means; I know of no more effectual method of debauching the public sentiment, than for such a body as this to openly avow to the whole world that no matter what is or may be done in the way of reform, it is in the nature of things impossible to elect a Legislature which shall honestly represent the wishes of the people.

MR. ANDREW REED. I am in favor of the amendment of the gentleman from Chester, that we shall have annual elections, and especially am I in favor of having annual elections if we are to have annual sessions. I am in favor of that, first, because it has been the settled policy of this Commonwealth, as it has been formed, up to the present time, and I have heard no such sufficient reason on this floor why we should change. I am in favor of making the representative immediately and directly responsible to his constituents. If he goes to the Legislature and violates the people's will, the people can turn him out. If he does well there, and truthfully represents the people's wishes, he can be re-elected. There is a wholesome check.

The reasons urged by the gentlemen who desire biennial sessions and biennial elections are: First, that it would save the expense of an annual election; second, that it would improve the quality of the Legislature; and, third, that if we have biennial elections these hundreds of thousands of young men who are now crowding the political arena, desirous of serving their country, not to say a number of old men who are in the same category, would immediately cease to crowd that arena, and would immediately retire to the shades of private life.

In reference to the first reason urged, I cannot see its force. We do not save the cost of an election. We must have an election every year. We have county offi-

cers to elect every year. We have county commissioners, and sheriffs, and others to elect every year, and the expense that will be saved to the State will be but a very few dollars, if any be saved to the State at all. If we are to have biennial sessions, as the gentleman from Philadelphia (Mr. Biddle) has explained, we would have just the same qualification for one session every two years as if we had the usual annual sessions and annual elections. The gentleman from Delaware (Mr. Broomall) states that new members, members fresh from the people, are more easily "fixed up," as he appears to acknowledge he had been, while he was in the Legislature. I cannot conceive that to be so, however. He (Mr. Broomall) said in his argument that if we would but keep them there ten years we would entirely remedy this difficulty in the Legislature. Let us look at the Legislature as it now stands. There are some members there who have been there for ten years. Are they pure? Are they beyond all suspicion? No, sir. "Knowledge is power," and the more experience men have in Legislatures the more ready are they to pass bills through influences, perhaps, not always good. This knowledge, when a person has evil in his mind, only aids him the better to work out the evil. There is another thing which ought to have some weight: That is that we are governed too much. There is a wide-spread feeling, in which I confess I concur, that there is altogether too much legislation.

I came here, however, with my mind made up in favor of biennial sessions. I had always felt relieved when the Legislature adjourned, on account of the mass of legislation which that body was always producing, confirming the conviction more and more every year that we were too much governed. But for that very reason the more I thought about the matter the more I came to favor annual elections. Why, the gentleman from Indiana, (Mr. Harry White,) who has argued in favor of biennial sessions, has gone so far as to state that even at this session there has been an endeavor to pass a general law with a merely special purpose. I am not one of those who believe that when we restrict the Legislature in the matter of special legislation we thereby inaugurate a political millennium. Legislators will be there, as is instanced by the gentleman from Indiana, (Mr. Harry White,) who will propose and pass general laws having special or local objects mainly in view. And

when all is done by them that they deem necessary they will go home, and then for two years the interests of the State must suffer, and these general laws referred to will remain upon the statute books and cannot be repealed.

I am in favor of annual elections and annual sessions, because the people are by these means enabled to retain the power to repeal obnoxious laws without unnecessary delay. But if there was this virtue that has been alleged by the advocates of biennial elections and biennial sessions, in this long term for Legislatures, why it requires the concurrence of both branches of the Legislature, as well as of the Governor, to pass any law. And while we will have then in the popular branch of the Assembly the expression of the people's will, fresh, every election, we have in the Senate a conservative element that can put a check upon this hasty and crude legislation. Hence, the evils supposed to come from the crude notions of the popular branch of the Assembly can be corrected there, and we will have the benefit of both. In the popular branch we will have the will of the people, and in the Senate we will have conservative element.

I am, for these reasons, in favor of annual elections and annual sessions.

MR. BARTHOLOMEW. MR. Chairman: I desire, before I make any remarks on this question—and I do not propose to make many—to understand exactly the position of the question; and therefore I will ask the Clerk to read the amendment first offered, and the amendment to the amendment.

THE CLERK. The amendment offered by Mr. Darlington is to strike out the words "*every two years*," and insert "*annually*." Mr. Cochran moved to amend that, by inserting after the word "*annually*," the words "*until the year one thousand eight hundred and seventy-six, and every two years thereafter*."

MR. BARTHOLOMEW. MR. Chairman: I am decidedly in favor of annual elections and annual sessions. I do not speak upon this question because I have discovered a truth. It has been well said that when one fancies he has discovered a truth he is irresistibly impelled to make it known. But I rather speak upon this question, impelled thereto by the example of many worthy gentlemen around me. In doing this I propose to give my exact views upon those questions at issue, as nearly as I can find words to fit them.

There is a strange idea prevailing in

this body, which has received expression from several members, that I cannot understand, and that is that instead of forming an organic law for the people of this Commonwealth, collectively, and in their social, citizen condition, as parts of the government, they are aiming the provisions of this organic law at the individual life of the people of this Commonwealth, and are endeavoring to purify and restore morals which, it appears, have been lost, and are not now in possession of the people, who, consequently, are no better than they ought to be.

Now I undertake to say that if the four gospels could not prevent the people of this Commonwealth from being dishonest, no Constitution this Convention can make will do it. There is nothing in that. We have to start with the square and fair idea—and which must be realized by all—that is, that this is a government of the people, for the people and by the people; that the government itself is based upon the virtue and intelligence of the people. It may be that we are not as virtuous as our fathers were. I have some doubts upon that subject. To be sure we break out in occasional phrases of self-laudation and self-praise, as that we do not hang witches, which our fathers did; but we forget that our fathers hung other people who richly deserved to be hung, and we hang nobody. We also forget, when we read the story and controversy of Hudibras and Ralph, and laugh at their peculiarities, that they were the representatives of classes of men who, with all their odd notions, gave birth to liberty of conscience, and started upon its march a civilization that will only end with the circumference of the earth. We forget, when we talk of the bigot and the zealot, and the persecuting Early churchman that be in those bigoted and persecuting days, saved civilization from the ruins of Rome, and started it upon its grand march over the globe.

Now, sir, if the virtue of the people is lost, this government is lost. We must fix this organic law for the people, as an honest people. They did not send us here to restrict and limit them, and to cry out against them as a Commonwealth of thieves. That is not their position. We must take them as they are. We must take the presumption that they are honest; and we have only to frame this organic law in such shape that the work of the State can go forward prosperously for the people.

What are the arguments against this proposition? The first one is one of economy—that it saves the Commonwealth five hundred thousand dollars. Well, if that is a good argument, why not postpone the election for three years? Why not for four years, or for five years? If it is economy that you refer to and will have, why not postpone the election for ten years? There is not a particle of reason in the argument of economy. No economy can be applied to that branch of the public service, if it be necessary for the well being of the Commonwealth. There is no difficulty whatever about the payment of the expenses of this Commonwealth. Why, the message of the Governor, who was inaugurated the other day, tells us that the excess of the income over the expenditures of the Commonwealth is so great that there must be a reduction of taxation; that the flow of money into the Treasury is superabundant, and there must therefore be a restriction on taxation. Hence, I say the economical view of this question has no practical force. If the same views of the necessity of economy were entertained in regard to other matters, they would lead to peculiar and to disastrous results. Who would say that the common schools of Pennsylvania ought, from motives of economy, be limited to one month in the year? We do not want that sort of economy in Pennsylvania.

The next proposition urged in favor of these biennial elections and sessions is, that they will restrict special legislation. How? I undertake to say that no man on this floor has given a satisfactory reason for this. Wherein can it restrict legislation—a biennial term with annual sessions, or a biennial term with a biennial session? The only difficulty that I can see is, that it will make worse that legislation which is already bad. Nothing else. The same interests, the same motives, that now take people to Harrisburg will take them again. The crowd will, however, be doubled biennially, gathering fast and faster as they reach the Capitol, and there will be the special legislation, in some form or another, and all the other objectionable features that are now observed, but in a worse form, by reason of the fact that greater haste and hurry will be involved with only one session in two years. I have understood, and I believe, and I certainly hope, that this subject of special legislation is to be reached in another and a better way; that it is not to be affected

by the term of the members of the Legislature. There should be restrictions placed upon the power of the Legislature on that subject. If that restriction is placed upon it then the argument, so far as biennial sessions is concerned, falls to the ground; there is nothing in it. I undertake to say that with biennial sessions you will have as much special legislation as ever, if the power remains, as it is now, in the Legislature. The same causes, the same interests and the same motives eventuate in the same result.

But I have an objection to this proposition that is far beyond this; a proposition that has been well considered and stated by the gentleman from Allegheny, (Mr. White,) a proposition that it does seem to me strikes at the very root of this whole proceeding. This government is a government of the people; it is *their* government. They must have the power of expression, some avenue whereby to conduct their power into and to impress their ideas upon the various departments of this, their own government; some avenue that is open, and free, and easy of access; and whatever might be my views upon almost every other office or position in the Commonwealth, the office of legislator I hold to be that which, above all others, should be in direct contact with, and in the direct control of the people. There should be there an avenue always open to the people, whereby the people may give expression to their views and wishes at all times, and in the easiest possible manner.

After the revolutionary war many of the States adopted the plan of biennial sessions, and for a number of years biennial sessions in those States which were known as the most aristocratic was the rule. But the people themselves complained of this rule, and broke down that very policy, and inaugurated the policy and practice of annual sessions, which has prevailed until within the last five years. This question of biennial sessions, as presented here, is one of recent growth, and it will be well for members to look into it carefully before they vote to impose it upon the people of Pennsylvania. We would seem to be going backward in making that sort of change.

Therefore, I say that this, being the legitimate channel for the expression of the people's will, it should be left under their control. The jealousy of this people has always been exercised as against the governing class. They desire to have control of those who govern them and to hold

them to a strict accountability. This has been their line of conduct from the beginning of our history. Now if you take from the people this annual power which they possess to elect their representatives, to elect those who shall represent directly their views in the law-making body, you restrict the people's power, and you give a power to a governing class as against the governed, which is antagonistic to the institutions of our country.

As to the matter of getting better men under the biennial practice, I cannot understand that argument. How is it possible that better men will be chosen to the Legislature under the biennial system than under the annual system? What reason is there to suppose, if the motive and the inducement still are opened; if the power still remains for special legislation; if there be still a motive which will attract the corrupt, why shall we expect better men under the one system than under the other? I cannot understand it. I have not yet heard an argument that induces me to believe it. If there are corrupt means used whereby men are elected to the Legislature, so long as the power is there vested whereby money gains may be acquired, so long will bad men be there. The great duty of this Convention is to strike at the motive which induces men to go there for any such purpose. If that motive be special legislation, strike it down. But so far as the annual session of the Legislature is concerned, I cannot see wherein that matter can affect it. I cannot see how the mere fact of whether men be elected annually or biennially can affect the question at all. I have been taught, and I believe, that those who come fresh from the people are pure. That idea comes nearer to a true democracy; it is the constant change of the people's choice; the constant expression of the people's views placed, as they thus are, in direct contact with the government that gives the government the stamp of democracy; but if you have men there who are free from this control of the people, they soon become, as the gentleman from Delaware (Mr. Broomall) says, "artists" in legislation; they become skilled men—men who look upon law-making as a sort of life-business.

This is not what a people want. They want their ideas impressed upon the government, and they want them freshly impressed. It is their great right, their great safeguard. Why, look at it. During the last war how frequently was the very attitude of the national government affected

by the expression of the will of the people of Pennsylvania and a few other States? The Legislature of a people gives it its expression, and that, too, throughout the whole length and breadth of the land.

The business of this Commonwealth certainly requires that this body should be in session nearly all the time. Take any county in this State, where there is a great activity of business, and you will find her board of commissioners constantly in session; the business of the county requires it. How much more, then, does the Commonwealth require the constant care and labor of her one hundred and thirty-three Representatives and Senators? Certainly they *should* meet in session annually at the very least, and not defer the business of the people to the second year, which will always be a year behind time.

There are many reasons that gentlemen suggest, and they suggest themselves to me, also, with some force. For instance, you leave the question of emergency to the Executive to call the Legislature together. I do not like that idea. I do not believe in this one man power. I recollect an experience in this State when there was a financial crisis, when there was an absolute necessity for a stay law being passed through the Legislature, and if that law had not been passed on the very day that it was, and approved by the Governor, at least five men within my knowledge would have gone to irretrievable ruin. Shall we leave such a question as that to the judgment of an Executive? Shall he say that it is not necessary that the Legislature should convene for the purpose of taking such a question into consideration. The Governor might be against it or he might be in favor of it. He might work ruin to hundreds of men.

It has been well said by our Supreme Court that the common law of our land grows with the necessity and the circumstances and the situation of men; that it is a thing of constant growth. Now let us see; we have able men upon this floor. I do not want them to invoke the common law too much. Take my friend from York, (Mr. J. S. Black,) and without an express statute defining what the law upon the subject is, I am inclined to think that he would have the common law against my client; and therefore it is necessary that we should restrict and limit and declare what the law of the land is; and it is necessary for that purpose, not to wait two years, but to have it annually. We want it. The business of the State

requires it. Pennsylvania is no longer a bantling; she is no longer a child; she is in her manhood. Two years is an era of great time and great improvement to this Commonwealth. We have seen in the development of a single interest, the oil interest or of the railroad interest, in two years time, matters of such importance that without legislation she would have been crippled.

Now, I take it, that whilst corporations should be restricted, and whilst it is the purpose and object of this Convention to throw barriers between them and the people, yet there are some things that we must take into consideration, among which is the fact that legislation for them is necessary and requisite; that without legislation at times there would be a discrimination against corporations of Pennsylvania and in favor of those of the neighboring States. Whilst we would guard, we must also protect where it is just and proper. Our own interests need protection; we cannot wait for two years. But it may be that upon the instant something is required, whereby they may have free power to contend with others, to bring within our borders that commerce which leads to prosperity.

Gentlemen, I have stated my views briefly, with my reasons therefor. I believe that the people should have control of this branch of the government; that it should be within their hands, that those who exercised that right should be immediately and directly amenable to them, so that they could either say "well done thou good and faithful servant," or retire him from public life. It is the avenue through which they have their expression. It is the way they affect, not only the government of the Commonwealth, but the national government of the country, and it is proper that this should remain open and free to them, and that they should have an annual session and an annual election.

Mr. LEAR. Mr. President: This subject has probably been discussed at sufficient length to satisfy the members of this Convention; but in consequence of there being, quite recently, a considerable amount of talk in this neighborhood, and all in favor of the subject of annual elections, and therefore necessarily in favor of annual sessions of the Legislature, it seems to me that it becomes us to say something with regard to the reasons which have recently been given in favor of this particular amendment.

The gentleman from Allegheny who first spoke, (Mr. D. N. White,) and the gentleman from Allegheny who followed him, (Mr. J. W. F. White,) seemed to differ in their reasons why it was not necessary to have biennial sessions. One of them says that the reason is that we ought to have general laws, and, therefore, by having general legislation and dispensing with special legislation, we shall require annual sessions. The other gentleman (Mr. J. W. F. White) says, and, I think, with a great deal more reason, that we never can dispense with special legislation. We can, I have no doubt, Mr. Chairman, dispense with a great deal of special legislation by general laws, referring those subjects, probably, to different jurisdictions; but the time never will come, in Pennsylvania, when we can do without special legislation. This State is too large and too varied in its interests ever to get along without special legislation; but it is not necessary that the special legislation of Pennsylvania should bear the proportion to the general legislation of the State of fifteen to one, as it now does. We have about sixteen hundred pages of legislation in our statute books annually, and of those sixteen hundred about one hundred are general laws. That proportion is too great.

But what I rose more particularly to speak of, in reference to this argument, is this appealing to the virtue, the intelligence and the infallibility of an election by the people. I am tired of hearing the welfare and the interests of the "dear people" talked about in this Convention. Every member who does his duty in framing an organic law must not appeal to the dear people, for if he does his duty in making a Constitution for the people of Pennsylvania will have been done for him forever. We have to meet questions here and we must meet them boldly, and we may consider that our duty at this stage of our proceedings will be in defiance of the wishes of the people; and this Constitution will be weakened, and many things left out that ought to be put in, and something put in that ought to be left out, on account of the members of this Convention believing that if those things are not left out, or if these are put in, the people will not sanction it.

I have before me a copy of the *Pittsburg Commercial*, which says all that this Convention has done so far is "tinkering," and the "people will reject the new Constitution if the rest is so done." Let the

Pittsburg Commercial and the members of this Convention, who appear to be courting the wishes of the dear people, take into consideration that the legislation which created this Convention did not authorize us to propose amendments for the people to adopt, but the act of 1871 provided that they should have submitted to them, these people of Pennsylvania, where the source of all our power is. I admit that they should have submitted to them the question, shall we have a Convention to amend the Constitution? And the people responded to that in the affirmative, by a majority of over two hundred thousand, saying that we shall have a Convention. For what? To amend the Constitution; and they delegated that power, which is inherent in them, to this Convention. Now let us meet that responsibility like men, and take hold of this matter, and take care of these "dear people," which it is our duty to do, and not stand here and flatter them to their injury.

In the very first section of this article which we have adopted, or which we propose to submit to the people, I do not know which course will be pursued hereafter, we have provided that the legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Now that is where the legislative power of this State has been, it is where it will be, and we have had ruled in Pennsylvania that all legislative power exists by virtue of that which is not curtailed and restricted by the terms of that instrument itself. While that is so, why are we talking about any further provisions in this Constitution? Why should we provide for anything if we are not afraid of the people and their immediate representatives, who have talked about here to-day as not being competent to take care of their own interests.

It is by reason of the confidence that the people have in their representatives, and because they believe they are doing right, that a government is strong, and it is on that account, and I suppose it will be conceded, that a republican government, which has the confidence of the people, is the strongest government upon the face of the earth. But when we talk about this frequent surrendering of power to the people, as the gentleman from Chester (Mr. Darlington) did when he offered this amendment, we mean, in Pennsylvania, the surrendering of power into the hands of a few

people who make politics their trade. That business has now become one of the industries of this State, and one of the industries of the nation. People are brought up and bred to it; and let me say to the gentlemen who are in favor of annual elections and annual sessions, that the people look upon the Legislature as the great sore of the Commonwealth. I do not mean to speak with disrespect of any representative of that body, for there are respectable members of the Legislature, but there are as arrant scoundrels in it as ever disgraced the name of this great Commonwealth. The people of Pennsylvania, when they said, by a majority of hundreds of thousands, that they will, hereafter, elect their State Treasurer themselves instead of submitting it to the Legislature, said they did not believe in the honesty of the Pennsylvania Legislature. Is it possible, Mr. Chairman, that the members of the Senate and House were not as competent to decide who should be the custodian of the people's money as the people themselves? Had they not better opportunities for knowing? It had become a fact so notorious that that was a subject of purchase and sale in the Pennsylvania Legislature, that the people rose up in their strength and, as I have already said, asserted, by a majority of hundreds of thousands, that they would take the power away from the Legislature and place it in their own hands.

Now, sir, what I have to say in reference to this action is, that the people regard this body, of which so much has been said upon the floor of this Convention for a few days past, as being a body of their own creation; is really a body above them, and is the creation of these politicians, who are ambitious and anxious to serve their fellow-citizens by making nominations in secret places, in caucusses, in State and county conventions; and the representatives of these people are serving the State of Pennsylvania in the Senate and House at Harrisburg to-day, and not the representatives of the people of this State. These are the people whose representatives are serving the State of Pennsylvania in the Senate and House of Representatives at Harrisburg, not the representatives of the whole people of the State. Let me say to those gentlemen who are appealing for the interest, and the comfort, and the intelligence of the people of this Commonwealth, that the people themselves regard the Pennsylvania Legislature as a great sore upon

the body politic, as a sort of disease, one of the necessary evils, to be sure, but one that we ought to have as little of as possible. Now it is true that every human being during the state of his progress through life is liable to diseases. Some of them, as the whooping cough, and the measles, and the small pox we can have but once, and if these diseases were repeated one year after another on the human system, they would be fatal to its strength, and its vigor, and it would languish and sink under their repeated attacks. But here is the Pennsylvania Legislature, an annual infliction, a disease that comes every year to be inflicted upon the people of this State, and if this Commonwealth of Pennsylvania ever loses its principles, and the rights of the citizens of Pennsylvania should perish, when the coroner's inquest comes to sit upon its defunct body, the verdict will be, died of an over dose of legislation.

Now I say that while I admit what the first gentleman from Allegheny (Mr. D. N. White) said, that there are members of the Legislature who are bought, I believe what the other gentleman (Mr. J. W. F. White) said, that there are many of them who are upright men; and the first gentleman from Allegheny says that this Convention has not been tempted, as the Legislature is tempted at Harrisburg, by these men, these buyers who go there with full purses. I have been told, although I have never been there—I did, I believe, look in once and see the Pennsylvania Legislature—but when a United States Senator is to be elected, or a State Treasurer chosen, or some other great thing is to be done which has money in it, in the language of the members of that institution, each man has an agent at Harrisburg and each agent has a grocery in his room, and the members of the Legislature are invited to this room, and the agent links his hand into the loop of his elbow and says: "What do you want; what is your price?" Just as he goes into the cattle market at West Philadelphia to ask the price of a steer or a hog, does the agent say to the members of the Legislature, "what do you want." I understand that that is the very language that is used to these men. They do this unblushingly.

Now, sir, other gentlemen may afford, on this floor, to say that this Convention is degrading the name of Pennsylvania. Why, sir, the name of Pennsylvania for the last few years has been degraded in the eyes of the virtuous, honest, intelli-

gent men of Pennsylvania, and of all the other states, by this exhibition of the Legislature of Pennsylvania. Therefore I say that having been treated to this corruption, to this sight of a sale of its members, annually, for the last thirty or forty years, and even, I believe, since the time that we were an organized State, however many years it may be, having been treated to this exhibition by the members of the Pennsylvania Legislature, let us have it less frequently. I do not pretend that biennial sessions of the Legislature will purify that body and make it as pure as the public desire. I do not pretend that these men who are dishonest can ever be made honest by a Constitution. The Constitution cannot do that. It is not in the power of things, and we can only say that you are not required, gentlemen, by the will of the people of Pennsylvania, whose delegates we are, you are not required, gentlemen, annually to assemble at Harrisburg for the purpose of affording this exhibition to the people of this State. I say it is demoralizing; it is, to a great extent, pernicious. I say it is demoralizing. The conduct of certain members of the Legislature who control many of its acts, and who are sometimes made to be a majority of that body, is such as we ought not, when we come here to frame an organic law, to be afraid to meet the responsibility of denouncing. It is when people have confidence in their government that a republican form of government is strong; but when they learn to distrust, it is the weakest kind of a government. It then becomes weak from the mere necessity and inherent qualities of it, and falls apart of its own weight.

It is because I want the people to have confidence in the government, and believe that it is doing something towards it, in the way of purifying its legislation, and so strengthening the government in that direction, that I am in favor of biennial sessions. I know what the people of our county, and probably of our district—although I don't know whether I represent a district or not, and I won't therefore say anything except about the county—I know very well that these tired people do not want to have this power taken out of their own hands every year. They are willing to have as little of it as possible, and as little of the Legislature as possible.

These are some of my reasons, and I would not have spoken upon this subject at all, but I got so tired of hearing this

cry of surrendering these powers into the hands of the people, for this is a power that never has been in the hands of the people themselves. I say to the gentleman from Philadelphia (Mr. Biddle) that the people of this city have as little to do with the making of the members of the Legislature from this city as we in Bucks county have. It is the same thing throughout this Commonwealth. It is done by a few men, who make it their business. There may be a larger number of these men in the cities than in the country, but it is done by a class everywhere; and when the nominations are made by a few men, then the people take down the dose, sugared over by the name of party, even though in the process of deglutition they make many wry faces. We have been so accustomed to accept a party ticket that the people cannot get away from it, and I believe it will always be so, and hence that we cannot regenerate or purify the people. I thought, a few days ago, in hearing an argument upon another proposition, that the mission of this Convention was not to make a Constitution so much as to regenerate the people, which is beyond the power and scope of any of our duties, as I understand it.

Mr. GOWEN. Mr. Chairman: We are told that over the entrance to certain regions, which I earnestly trust will never be explored by any of the members of this Convention, there is inscribed the following: "Who enters here leaves hope behind." I think it would be well if we would inscribe over the door of this hall the following words: "Who enters here can never be President of the United States." [Laughter.] I have made a calculation, and, taking the average age of the members of this Convention to be about thirty, and assuming that political ambition will be dead at seventy, there remains then but forty years within which any of us can be called to occupy that high position I have assumed that before that time the length of the term of the President of the United States will be much enlarged, and I have assumed that within that time some citizen occupying that high position will so well conduct himself that he will be elected to a second term. I therefore come to the conclusion that within these forty years it is utterly impossible that any more than five members of this Convention can be elected to be President of the United States. And I am in favor of selecting these five by lot, and permitting them to make all the elo-

quent appeals to the good sense of the great people of this great Commonwealth. [Laughter.]

I merely want to say, Mr. Chairman, that I shall perform my duty as my conscience dictates it to be done, with an equanimity undisturbed by any threats of popular displeasure. I care more for the welfare of the people than I do for their votes, and I hope God may give me grace to keep the resolution I have formed, that they shall never have an opportunity of testifying, either for or against me, by their votes. I do not believe that we should be frightened out of our propriety by the threats of the displeasure of the people, and I shall pursue my course undisturbed by any such threats, well satisfied and firmly convinced that if my course in this Convention is not such as to command the respect of the people, I shall not be guilty of the baseness of beseeching it, and that whatever may be written upon my tomb, the epitaph "here lies a demagogue" shall never be there inscribed.

MR. MANN. Mr. Chairman: If a mere expression of the opinion that the people of Pennsylvania desire to reform certain things and do not desire certain other things to be done is a threat, then I shall persist in making threats here as long as I occupy a seat on this floor. Gentlemen this morning seemed to be very sensitive as to allusions to the sentiment of the people, and I have been gravely taken to task by a public paper of this city for making threats in advance, because I ventured to refer to the wishes of the people.

Why, Mr. Chairman, I supposed that this Convention itself was the creature of the wishes of the people. I came here myself with that expectation, that this Convention was called at the wish of the people, and that it is the creature of the people of the State of Pennsylvania, bound by every principle of honor and integrity to reflect their wishes so far as they may be known. If that is making threats, for one I propose to continue making them. I came here with the understanding and purpose, so far as in me lies, to reflect the wishes of the people of the Senatorial district which I have, in part, the honor to represent, and I will give no vote, if in my place here, that does not reflect their wishes so far as I understand them.

And, sir, because of this desire to reflect the wishes of the people of that district, and the people of the entire State of Pennsylvania, I shall vote against the pending

amendment, and in favor of the amendment of the gentleman from Chester, (Mr. Darlington,) because I believe that it is not the wish of the people of Pennsylvania to make changes in the machinery of their government. I believe that they desire to adhere to the form of government and to the machinery of government as it has come down to us from our fathers and that all these changes which indicate a purpose to make radical revolutions in the machinery of government are wrong in spirit and purpose, and for that reason I shall oppose this pending amendment.

I believe that it is the desire of the people of this State that we shall reform existing evils, and just so far as it is necessary to accomplish that purpose they will consent to changes and no further; that all changes that are proposed to be made are necessary for the purpose of eradicating existing evils will be not satisfactory to the people, and therefore ought not to be adopted by this Convention. Now what are the evils that have been talked of in connection with this question of biennial and annual sessions? For that is the point of view from which we have to regard it. What evils are to be remedied by this change, this very great change, which amounts, in fact, to a revolution in the political machinery of this State? What evils are alleged, by those who advocate biennial elections, to exist and to need eradication? Simply special legislation and too much legislation. If there has been any other named I have not heard it.

Biennial elections are certainly not necessary to prevent special legislation, nor will it, in any material manner, affect special legislation. If not necessary then for that purpose, the argument falls to the ground, and has no force whatever. It is very easy to prevent special legislation, or certainly all *improper* special legislation, without touching elections in any one way or another, and therefore this is not the proper way of correcting that evil. That evil is unquestionably a great evil, and one which, I presume, this Convention will eradicate, or failing to do so, it will have failed to discharge the duty which the people expect it to discharge.

The other objection is that of too much legislation. The argument of the gentleman from Montgomery, (Mr. ———,) if it has any force at all, is against all legislation, for he says: "Give us just as little legislation as you can." That argument would seem to dispense with all legislation.

If the Legislature of Pennsylvania has been so injurious and pernicious a body, and has so disgraced the State as some gentlemen seem to think, let us, on the principle of the gentleman from Montgomery, (Mr. ———,) abolish it altogether. That would appear to be his remedy for the existing evils. The question of special legislation will doubtless be severely dealt with here, so that that point, so far as it relates to biennial sessions, will be removed from the arguments in favor of that plan.

The great objection to biennial elections is so well stated by the gentleman from Allegheny county (Mr. ———) that I do not propose to add to it except to state, that to my mind, it is a very great objection to this biennial scheme; that it will take away from the people the power to express their sentiments upon any great question that may arise. Take, for instance, the case of a Senator of the United States. The term of office of the honorable John Scott extends to March, 1875. Should this Convention, in its wisdom, submit a new Constitution to the State, in time to be voted for at the next election, and this amendment adopting biennial sessions should prevail, then the members of the Legislature who will vote on the question of who shall fill the vacancy caused by the expiration of Mr. Scott's term will be elected at that election which adopts the Constitution, and you will have presented the peculiar spectacle of a Legislature elected in 1873 voting into the office of United States Senator a man who cannot take his seat before March, 1875. Are gentlemen prepared to take away from the people the power of expressing their sentiments? It looks almost like it, judging from the illustration I have given as to the election of a United States Senator. Just think of it; a Legislature elected in 1873 deciding upon the election of the United States Senator who takes his seat, in Washington, in 1875! Under this state of affairs you will see occurring in relation to Pennsylvania what has occurred in Ohio, and other States, under this system of biennial elections; you will have a United States Senator who will hold his seat for six years in disregard of the wishes of the people, as is no doubt the case with the people of Ohio, whose Senator does not represent the wishes of the people of that State, and never did for any longer period than six months. Under similar circumstances the same thing will occur in any

State, and no matter what provision you may make with regard to the first election of representatives, this thing will occur in the history of Pennsylvania, that a Senator will be elected two years before he takes his seat, and consequently when he does take his seat he will not represent the people of Pennsylvania.

Another argument in favor of biennial elections is, that we shall secure a better class of representatives. That is an argument which one gentleman makes. Another gentleman follows it up, and for illustration, refers to some other features of the system and cites instances of great blessings coming from the system in other places, and what great good short sessions are effecting, for example, in New England. That reference to New England was most unfortunate, for in that section of the country they have annual elections and very large delegations in their legislative bodies; besides which, in their Legislatures they have men of the highest grade of intelligence, capacity and experience. In the Legislature of Massachusetts they educate the men who are to sit in the national cabinet in the future time. It scarcely ever occurs that there is not found in the Legislature of Massachusetts some such name as Adams, and Hoar, and Boutwell, and men of equal capacity. The reference to New England was, therefore, most unfortunate. If we look to New England for an example of what should be done, we shall find there no talk of going into biennial sessions. They understand too well there the privilege of having power and holding it in their own hands, rather than permitting men to hold office for two years.

But the chief and most serious objection to this is, that it proposes an entire change in the machinery of the government of Pennsylvania. The people do not desire such a change; they have no expectation that it will be made, and it will excite opposition against the work of this Convention in every direction.

Now, a single word as to how much may be trusted to the Legislature. As I said a moment ago, the Legislature of Pennsylvania, bad as it is, took the initiatory steps for the calling of this Convention, which, it has been said, was called by a great popular vote. I deny the charge that the people of Pennsylvania—a majority of the voters I mean—has called this Convention, or by any act of theirs expressed any approbation of it. There was less than a majority of the people of

Pennsylvania voting on this question, so that the calling of this Convention was due to this much abused and despised Legislature of Pennsylvania.

When the first proposition to call the Convention was submitted to the Legislature, the opponents of the measure triumphantly rose and asked what petitions had come from the people asking for such a Convention. There had not been a word uttered in favor of any such Convention by any State Convention of either political party when the Legislature first broached the idea.

Mr. KAINE. I move that the committee rise, report progress and ask leave to sit again.

The question being upon the motion, it was agreed to.

So the committee rose.

IN CONVENTION.

Mr. BLACK. Mr. President: The committee of the whole has had under consideration the report of the Committee on Legislature; they have instructed me to report progress, and ask leave to sit again.

Leave was granted.

Mr. J. R. READ moved that the Convention do now adjourn, which was agreed to.

So the Convention, at one o'clock and fifty-three minutes, adjourned to to-morrow morning at eleven o'clock.

TWENTY-EIGHTH DAY.

TUESDAY, *January 23, 1873.*

The Convention met at eleven o'clock A. M.

Rev. JAMES W. CURRY offered prayer, as follows:

We acknowledge Thee, O God, to be the giver of all good. We acknowledge also that in Thee we live, move and have our continual being. We are dependent creatures, depending upon Thee for even the very breath we breathe. Therefore we would not presume to come into Thy presence this morning with any merits of our own, or depending upon anything which we have done or merited, but we come in the all prevailing name of Jesus, Thine only well beloved Son; and for His sake alone we beseech Thee to forgive us all the ingratitude of our hearts. Make us thankful for the privileges we enjoy this day. Make us thankful that we live in a land of Bibles. Make us thankful, O God, that we live in a land of liberty, where it is our privilege to worship Thee according to the dictates of our own consciences; none daring to molest us or make us afraid. Make us thankful also, we beseech Thee, for all the temporal and spiritual blessings Thou art bestowing upon us from day to day. To this end we beseech Thee, our Father and our God, to bless the Chief Executive of our nation. Bless the Congress of the United States. Bless the judiciary of the United States. Bless the various Governors of the United States of America; and especially, O God, bless the Chief Executive of our own Commonwealth, entering upon his new duties, a stranger, perhaps, to many things. Help him to decide rightly and justly. Help him, O God, to perform his duties with fidelity to Thee and the people whom he represents. We ask Thy blessing now upon us as a Convention. Be with us in our deliberations, and finally save us through Jesus Christ, our Lord. Amen.

The Journal of yesterday was then read and approved.

INTOXICATING LIQUORS.

Mr. TURRELL presented a petition from the citizens of Susquehanna county, praying for a prohibitory clause in the Constitution against the sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

IN COMMITTEE OF THE WHOLE.

The Convention then went into committee of the whole, Mr. Chas. A. Black in the chair, and entered into the further consideration of the second section of the article reported by the Committee on Legislature.

THE LEGISLATIVE ARTICLE.

The CHAIRMAN. When the committee rose yesterday, the question pending was on the amendment of the gentleman from Chester, (Mr. Darlington,) striking out the words, "every two years," and inserting the word "annually;" and the amendment to that amendment, offered by the gentleman from York, (Mr. Cochran,) inserting after the word "annually" the words, "until the year 1876, and every two years thereafter."

Mr. MANN. Mr. Chairman: It seems to me, though I do not know how it may strike others, that it is not good taste for the members elected to this Convention to spend their time in reviling the Representatives elected to another body. This Convention owes its origin to the same source that gives rise to the Legislative body at Harrisburg. I do not understand, under these circumstances, how one body is to be composed of wise, pure and honorable gentlemen, and the other precisely the reverse. I have studied no school of philosophy that has taught me to believe that such a thing is possible. I therefore clearly entertain the conviction that it is not good taste for the members of this Convention to indulge in such remarks as have been uttered upon this floor. I feel that such remarks have been entirely uncalled for, and that it will be time enough for us to assert them when

our work here is concluded. It has been two and a-half months since this Convention was called in session, and I ask any delegate upon this floor what result has been accomplished, up to this time, of which he can feel proud. The Legislature of Pennsylvania is composed of the representatives of the people of the State, and I say, in the face of the declarations that have been made upon this floor, that it has ever reflected the wishes of the people of the State, and has ever shown a great interest and great willingness to represent the wishes of the people. A few years ago the Legislature itself, by its own action, seeing the corruption likely to grow out of legislating on so many subjects in the same bill, submitted an amendment which prohibits this log-rolling business, and required that the nature of every bill should be clearly expressed in its title. The representatives of the people submitted that as a reformatory measure, and it originated entirely within the legislative body itself. A short time afterwards they presented another amendment to the people, which was designed to subserve the interests of the people and correct abuses in the legislative body. It prohibited the passage, by the Legislature, of any act granting power and privileges where the authority to grant such power or privileges has been or may hereafter be conferred on the courts of this Commonwealth. It was to strip itself of this great power, but they did it in the interest of the people whom they represented; and in 1871, seeing the improper influences which had been brought to bear in the selection of a Treasurer of this Commonwealth, they suggested another amendment to the people, and stripped itself again of even greater power—that of selecting a person to fill the important office of State Treasurer. And here, Mr. Chairman, I desire to correct the gentleman who spoke yesterday, when he said that the people of this State took this power out of the hands of the Legislature. On the contrary, the people of the State did nothing of the kind. I had the honor to be a member of the Legislature in 1871, and notwithstanding all that has been said upon this floor, I say now that I held it to be an honor, and I hold it so yet. As far as I can

now remember, not a single petition was presented to the Legislature asking that they should purge themselves of that corrupting influence. It originated there, in the Legislature itself, and received nearly the unanimous vote of both Houses of that body. Nearly every Senator and Representative was in favor of getting rid of this corrupt influence. The people, it is true, supported this reform amendment, but its origin was in the Legislature; and, as I said yesterday, this reform Convention that is now holding its sessions in this city, was given to the people by legislative action. There were no petitions sent up to the Legislature, asking for its creation, but it was the result of the honesty and integrity of the members of the Legislature themselves that originated this movement and called this Convention into being. Now, I repeat, that there can be no possible good in getting up an animosity or rivalry between this Convention and the Legislature of the State. But there can be a great deal of harm accomplished. It will be exceedingly unfortunate if the members of the Legislature should become opposed to the work of the Convention, as no possible good can arise out of it, nor is there any possible necessity for any such animosity and unfriendly feeling. This Convention can do all its work in the most perfect manner, and without any such antagonism. I noticed in a morning paper of yesterday a card from a member of the present Legislature who is looked upon by a great many people as a reformer, and he says in that card that the Legislature of Pennsylvania is anxious to reform certain election abuses. Why should this Convention not then act in harmony with that body? The evils which we are called upon to reform, I take it from what I have heard from the general public, mainly relate to special legislation and of impure or fraudulent elections. I think I have stated the three evils that called this Convention into being. I ask any delegate upon this floor if these three evils cannot be entirely eradicated, root and branch, without creating any antagonism to the Legislature of the State? If they can, let us do it. Let us do our work in the most effective manner that it can be done. There is nothing in the way of doing it, and there

is not the slightest occasion for disparaging another body of equal importance and of equal dignity.

Now the question before the Convention at this time is, shall the members of the Legislature be elected yearly or biennially? One of the amendments proposed to the section, as reported by the committee, is that the people shall have this privilege for four years, and then it shall be taken away from them, and elect every two years. I am opposed to this amendment for the reasons stated yesterday, that it will cause a revolution in the machinery of government. The only arguments that have been made in favor of these amendments are, that other States have tried this plan successfully, and that it will tend to lessen the legislation of this State. I submit to the Convention, this State has been able to manage its own affairs after an experience of many years. It has been able to set examples, rather than to follow them; and I hope it is capable of setting an example now. I have heard that this Convention is able to present to the people of Pennsylvania a Constitution that shall not follow the example of any other State, but that shall be an example for all the other States for fifty years to come. No evil has been presented here growing out of annual sessions. All the evils that have been pointed to, are not the outgrowth of annual sessions. The objections to biennial sessions have been so fully and so thoroughly stated, that it is not worth while to take up the time of the Convention in repeating them. It has been said upon this floor, and it has not been denied, that in Ohio, notwithstanding they hold biennial elections, they have had annual sessions, and some of the members of this Convention, in advocating biennial elections, have also advocated annual sessions. The people of Pennsylvania will not be content that members elected this fall shall legislate for them for two years to come. It was ascertained a few days ago, that if the Legislature should attempt to assemble after the election of the new Legislature, for the purpose of legislating for a single month upon some important question, that it would be the source of great danger to the public peace. If, then, it is unsafe to allow the Legislature to misrepresent the people for a sin-

gle month, how much more objectionable would it be to allow them to misrepresent the people for an entire year. The argument is irresistible. Again, it is always objectionable to make great changes, unless the arguments in their favor are clear and unquestionable. Better, by far, allow old practices to remain as they are, unless there is a clear and unquestioned feeling, on the part of the community, that they ought to be changed. Make no changes, unless the changes are for the better, I think, is one of the soundest doctrines which any Legislature can adopt. I have urged my views at length before the committee, and submit: Whether, with all the views that have been brought to bear in favor of the proposition, such arguments have been given as to satisfy any reasonable mind? If they have not, the amendment to the amendment clearly ought to be voted down, and the amendment sustained.

Mr. SIMPSON. Mr. Chairman: Without desiring to detract from the force of the argument of my colleague from the First district, I desire to say to the Convention and to the committee, that I shall vote for biennial elections, and against the pending amendment, for the reasons so well stated by the gentleman from Columbia, by the gentleman from Indiana, and by the gentleman from Philadelphia, (Mr. Gowen,) who have addressed the Convention, and for a reason that has not been stated upon the floor of this Convention, up to this hour. It is in explanation of my views, that I take the floor now, and desire to say to the committee, that in addition to the reasons presented so strongly and forcibly by these three gentlemen, I shall vote against the amendments, because in our practical experience in the Congress of the United States, annual sessions have proved really beneficial. Members of this Convention have argued against annual sessions and annual elections, because of the varied interests of our State. How is it then with the United States? From the foundation of the government, the members of the lower house of Congress have been elected biennially, and to this hour, not a word of objection, not a word of unfriendly comment has been heard, and no argument has been adduced in favor of annual elections for the members of that branch of

Congress. It is a system that has worked perfectly satisfactory, so far as I am able to perceive, throughout the entire country, and are not the interests of the United States quite as varied and quite as extensive as those of our own Commonwealth? The interests of the general government include not only those of our own Commonwealth, but those within the whole country, from Maine, on the north, to Texas, on the south, and from the Atlantic to the Pacific. Interests that we have not dreamed of in our own Commonwealth, are represented upon the floor of the Congress of the United States. For these reasons, Mr. Chairman, I shall vote against both the amendments which have been offered to this section, and in favor of the proposition as it came from the Committee on the Legislature.

Mr. BOYD. Mr. Chairman: I shall vote for biennial elections, and I shall follow that vote up by voting for biennial sessions. I will do so because I believe there is standing between the people and the Legislature a body of men known as politicians, and notwithstanding gentlemen fresh from the House of Representatives tell us that there is no guile in that body, and that there is no corruption there, I believe there is. And I believe with him, the greatest, grandest and noblest Roman of us all, my friend (Mr. J. S. Black) in the corner here, when he declared, a few short months ago, to the people of the United States, that corruption was like a tidal wave sweeping over the country, and was up to the very feet of the judiciary. I believe that if reformation is to begin anywhere by this body it is in the Legislature. Why should gentlemen forget that it has been said the Legislature of Pennsylvania, for the paltry sum of \$50,000, created the Credit Mobilier corporation, which was refused to be done by the Legislature of New York for less than \$200,000 and over, by the Legislature of New Jersey for less than \$150,000? But when they got over to the Legislature of Pennsylvania, it was done for the insignificant sum of \$50,000, and then it was transported to Maine, and it ran its slimy course over the entire Union. Aye, sir, from Maine to the Pacific it has corrupted men in the highest walks of life, as well as those in the lowest, until we

are told by the investigations that are now going on that this country has been robbed of over \$100,000,000. If that is not glory enough for the gentlemen who are in favor of such Legislatures as that and as we have had of late years, it seems to me that their ambition would be difficult to satisfy.

I believe, sir, that if we have biennial sessions one-half of Othello's occupation will be gone; that the third house cannot subsist unless they are annually fed at the crib of State. I am in favor of the people acting directly upon this matter, in such a way that they should get rid of these barnacles that have been hanging about them, festering, until our State has become a by-word and a reproach. It is said that we should have the people near us; that these dear people are such that we should have them constantly in our embrace. Why, sir, no man ever found fault with electing a President of the United States every four years. That has worked well and we have had no revolution. The gentleman from Potter, (Mr. Mann,) the veteran from the interior, tells us that if we change these sessions from annual into biennial sessions of the Legislature it will work a revolution. If it is a revolution it will be a peaceable and happy one, a revolution in the right direction. If it is wise to elect members of the Legislature annually is it not equally wise to elect a President of the United States every year? If it is wise to elect annually, why is it not wise to elect United States Senators every year? Why not elect members of Congress annually? Why not elect our Governor annually, and why not bring it down to every office that is held?

But our friends on the other side say they are fond of frequently embracing the dear people. Well, if gentlemen are so fond of it we are affording them a magnificent opportunity of doing so, for the reason that if a man is elected biennially there is a year to educate and train him for his duties, and it certainly meets the objection that is urged here that he will be going to the Legislature green and inexperienced if these frequent changes are made. By electing a man every two years you then have one year for his training. Take the speeches that we have heard here, all of which will be faithfully reported and put in print, and read them to these men after their election, and it will

give them a mighty schooling and training. They will tell them how they should devote their time and service to the dear people; how they ought to love them and how they ought to embrace them. Why, sir, they will come fresher from the people in that way than if they are elected in October and go there in January.

I regret exceedingly that my friend from Philadelphia, (Mr. Biddle,) and I must diverge upon this point, and that I am under the necessity of voting differently from him on this occasion, because I consider him sound, solid and square. I admired his address; it won my heart, but not my head; and when I consider his declarations of love and affection for the people, I could appreciate it, because I know that he lives in this metropolis, in this proud city of the State of Pennsylvania, where you have intelligence, intellect, culture, refinement, and everything that is calculated to adorn. I can readily see how such a constituency will elect members of the Legislature in the future, as they have in the past, that he would love to admire and love to behold when he would chance to visit the Legislature and look upon the representatives from this city; he would, in beholding them, with folded arms declare: "Thank God that I am a Pennsylvanian; proud that I am an American citizen, to have such representatives representing the proud and noble city of Philadelphia [laughter] as we have here upon this floor." Why, sir, he must remember that he should not be selfish in this matter. We of the rural districts can enjoy no such ecstasy, for we select men from their farms, who have never learned the art and mystery of presenting the fine, sleek appearance in the Legislature that the gentlemen from this city do who feed, fatten and dress so magnificently on \$600 or \$800 a year. I do not wonder that he should be eloquent against the innovation of such a pleasure, and so I presume it will be the same way with other gentlemen who have like constituencies.

No, sir. There has been nothing urged here that has done aught but confirm the conviction with which I came into this body, that if a reformation is needed anywhere it is in the Legislature. These gentlemen who oppose this reformation do not suggest even what reformation is needed. I presume that if we elect the

Legislature annually, and have annual sessions, that our Legislature will be in the future as it has been in the past, and therefore the effect will be that there is no occasion for reformation in that body. I am perfectly aware that they say that there is to be reform in the legislation of that body, but how that reform is to be accomplished, and in what way it is to be brought about has never been even suggested or pointed out. Indeed I am a little apprehensive that my friend from Chester (Mr. Darlington) is here opposed to every reform or change in the Constitution. He seems to conceive the idea that, because he was in the last Convention and helped to build that Constitution, the Constitution under which we are now living is the rock of ages, and he fancies that it is that rock of ages that you find in the hymn books, "Rock of ages, rock of ages, &c." He appears thus far to be against any change, for he has voted against everything like a change from the beginning of our session up to the present moment. It seems to him that there is nothing to be done in the way of reformation. Why, sir, if we vote here that there are to be annual sessions of the Legislature, what are we to reform? What is there to reform? Surely the next most important thing is that of the judiciary, and if there be no reformation needed in the Legislature surely there will be none in the judiciary, even though it be true, as my friend from York (Mr. T. S. Black) says, that the tidal wave of corruption has reached to the very feet of the judiciary. It would seem to me that we can wait a while, until it gets at least knee-deep, before it will need reformation.

Now, sir, I admit the importance of the question that we have been considering here. In my humble judgment it is the turning point of the action of this body. I draw a line, and I think I see it distinctly that if we vote for annual sessions, those who vote in that way mean that there shall be no reform, and those of us who vote for biennial sessions, for removing the lobby—the third house—from Harrisburg and restricting their occupation, will be fairly entitled to the claim of reformers in this body. Why, when last week the first proposition was submitted to this body and considered by it—I mean,

sir, the able report presented here by the gentleman from Centre, (Mr. M'Allister,) chairman of the Committee on Suffrage, when that report recommended that we should have a spring election not only because it was a time honored institution throughout the State, but because it was the desire of that committee that the spring elections, at least, should be removed from the slum and the mire of politics; even that proposition was opposed, and who was the leader of the opposition? My friend, General Darlington, [laughter,] from Chester county. He marshalled the gallant band—though small it was—in opposition to that time honored election. He wanted all the elections to be held in the fall. He thought there were too many elections. Now he wants annual elections when we ask for biennial.

Well, they fought gallantly. He is a veteran, able, equal to any emergency, but he went down, down, and I rejoice to say by a vote that was crushing, overwhelming. And here I find that the same gentleman takes command of the forces in opposition to the second section that we are considering, and I find that he has about the same number of troops, the same men in his army. True, they have been re-uniformed and re-equipped, but they come in here like hobbling militia, infirm, and with more or less of the invalid corps among them, and they are now battling here upon this proposition of the Committee on Legislature. Is it envy, is it jealousy, is it because that report has not emanated from the right quarter? Why, surely we must be above all considerations of that kind. Why this criticism about grammar? Some gentleman talk here about grammar; do they expect us to stop and parse the indicative mood and present tense? When a question of such vital moment and importance is to be acted upon by this committee let us not decide first what we mean to do and then parse and fritter away our time and waste our strength in considerations of that kind. I prefer a vote, and if that vote shall be in favor of annual sessions, then I am prepared to vote for an adjournment *sine die*, for if there is no occasion for a reform in the Legislature there is no occasion for a reform elsewhere, and therefore it is that I

shall vote for biennial elections and for biennial sessions; and furthermore, I shall, if any gentleman moves to that effect, vote for an increase of the number of legislators, so that men who go there and tempt these saints—for that is what we are told. The gentleman from Allegheny (Mr. D. N. White) was in the Legislature, and he states they were tempted; that rich corporations, presidents of great railroads come there with bags of gold and tempt them to swerve from their duty and buy their votes—they will have too many saints to buy.

I am not going to stop to discuss the question whether the seducer or the seduced is the greater sinner, no more than I shall discuss the question whether the thief or the receiver is the greatest criminal. All I know is, that both evils exist, and I furthermore know that they will be deferred to every two years instead of every one year. Furthermore, I know that the occupation of these men will be gone, and then the people will have free access to their members of the Legislature, and all legitimate legislation can be accomplished without the instrumentality of these intermediate men.

I doubt not, sir, that there have been men there who have offered large sums of money for legislation. The atmosphere is filled with it. The minds of the people of the State are thoroughly imbued with it, and they expect a change. What account can we render to our people when we go home and say that the Legislature, which has been regarded as corrupt, and as needing reformation more than anything in the State, has been actually fastened upon them for the future, by continuing annual sessions and annual elections, so that it of necessity follows that they shall have the same legislation in the future as in the past.

I maintain that this is the pivot upon which this matter is to turn, as to whether we are to be successful in our reformation. I care not about expense, because, as I have already intimated, I shall vote for an increase of the number of members of the Legislature, although the committee has not recommended it. I shall do so because it is a notorious fact that in the eastern States, where they have legislative bodies, large in number, we never hear of Legislatures being

bought and sold. We do not hear of an eastern Senator being bought through the Legislature, as we have heard of them being bought through the Pennsylvania Legislature. Why? Because, if our number of representatives is doubled, you will see, sir, that the amount of money required to go around to that additional number will become exceedingly thin before it reaches the last one, and will hardly be adequate to gobble up a body of such a size; and therefore, as another safeguard and protection, I shall vote for an increased number of the members of the Legislature. And more, I shall vote for a large increase of pay over and above that reported by the committee, because it is the plain duty of the people who ask their public servants to serve them to pay them a competence sufficient for the support of themselves and their families while they are in the discharge of their public duty. If you do not, it is a tacit invitation that they shall steal the balance of their livelihood, and I am in favor of no such measure as would tempt men or induce them to swerve from their high trust.

Mr. HAY. Mr. Chairman: It is not my purpose to lengthen the discussion upon this subject. It has already continued, it seems to me, long enough for all practical purposes, and the minds of the members must be pretty well made up by this time, if they were not before, how they propose to vote, and I dislike, for one, very much, to see the discussion of any subject continued here, after a substantial agreement has been reached; but, as two of my colleagues from the county which I, in part, represent, yesterday announced themselves in favor of annual elections and annual sessions of the Legislature, I deem it my duty, as representing, in part, the same district, to say that the members from that district are not agreed upon that question. Of my own mind, I am firmly convinced that it is necessary for us to have biennial elections of members of the Legislature, and biennial sessions also; as that question has been discussed in connection with the other, I also will express my opinion upon it.

I believe this is one of those questions which has been argued by the people themselves, and I believe that it is one of the things which was most clearly and

most decidedly in their own view, when this Convention was called and the members elected. I believe that the people of my own section of the State, and I believe also that a majority of the thoughtful, intelligent citizens of this Commonwealth, when they voted to call this Convention, and to elect members, did so with the firm determination that this should be one of the reforms that they desired to be accomplished. I believe that they had that clearly in view when this Convention was called; and I do not think that we can properly disregard the will of the people upon this or any other subject. I do not believe in pandering to any feelings of sentiment, but I do believe that if we can ascertain what the will of the people is, it is our duty, as representatives of them, to endeavor to see it carried into effect. I have no idea that we can, by sitting here any length of time, discover universal panaceas for governmental ills. I have no such belief; but I do believe that it is our main duty here, not to make discoveries or inventions, but to put into the form of wise constitutional provisions, the will of the people upon these subjects. So far as I have been able to ascertain that will, it is in favor of biennial sessions, and also biennial elections. I do not know of any subject upon which it has seemed to me that the people were more united than the lessening of the number of the sessions of the Legislature.

It is not necessary to recapitulate any of the arguments that have been argued here, either for or against the amendment. It seems to me that there can be hardly anything more said on the subject, and I only desire to give my own views in consequence of the action of my colleagues upon this question. For myself, I am in favor both of biennial elections and biennial sessions of the Legislature, with certain restrictions, which I will presently mention.

Mr. TEMPLE. Mr. Chairman: My friend from Montgomery (Mr. Boyd) and myself agree as to what should be the result of the action of the Convention upon this question, but I cannot agree with his reasoning upon it.

I do not believe that it should be the object of this Convention to pass any unnecessary criticism upon the Legislature of Pennsylvania. I do not think it be-

comes the dignity of this body to do that. If there are not good and sufficient reasons why the present Constitution of Pennsylvania should be changed in that direction, we should leave it as it is. The argument of the gentleman from Montgomery (Mr. Boyd) is based entirely upon the fact of the present corruption of the Legislature. He seems to think that they are so, because a certain class of people in Pennsylvania are easy of access, and ready to be purchased at any time that the politicians may think proper to approach them. Now, if the reformations which are expected by the people from this body, are inaugurated; if other reformations in reference both to the Legislature and to the judiciary, and to other branches of our government take place, then the very arguments used by gentlemen here in favor of these biennial sessions, I think, fall to the ground, for the reason that, if there is a reformation which takes place, which will lead to the selection of honest representatives of the people, then there is no fear, in my judgment, of separating the Legislature too far from the people. Why should there be a fear of electing honest and competent persons in 1876, who should hold their positions, as legislators, for the term of two years? If they are honest and incorruptible, there is no necessity of warning them against the approaches of these politicians. If they are corrupt, if they are dishonest men, they will seek out the "third house," as it has been called here by certain gentlemen, and they will not wait to be sought for by the persons composing that "third house."

Therefore you will see that it altogether depends upon the honesty and competency of persons who are selected for the Legislature. If we select honest and competent men to represent us in the Legislature of Pennsylvania—and by saying this, I cast no reflection upon the present Legislature or the Legislatures which have existed heretofore—if we elect honest and competent men, what possible reason can there be given why these persons should not be elected for a term of two years? Some persons say they are separated so far from the people that there might be great and important questions arising within the two years, and it would demand the election of another

Legislature to meet the exigencies of the occasion. We all know that if such a great exigency as this should arise it is within the power, and I trust this Convention will leave it in the power, of the Governor to convene an extra session of the Legislature, whenever he may deem it proper, giving the reason for the assembling of the same.

Therefore, you can see that those gentlemen who are in favor of biennial elections and of annual sessions of the Legislature, have no real good substantial ground to base their arguments upon. Why should we not place it in the Constitution, that if we have biennial election we shall have biennial sessions of the Legislature, giving to the Governor, however, the high privilege of calling extra sessions when he may deem it necessary for the public good, setting out, in his proclamation, the reasons for calling such extra session; and I would have it go so far as to give a specification of all laws or enactments to be passed upon by that extra session.

Now, Mr. Chairman, another question arises, which is as to whether biennial sessions of the Legislature will remove any further from the people either house of the Legislature; whether that great "bulwark," as my friend from Montgomery (Mr. Boyd) called it—the "third house" of Legislature, will be removed from the Capitol at Harrisburg. No amount of lobbying can ever reach the ideas and the votes of an honest and incorruptible legislator. If a man is honest no man would ever approach him. As the gentleman from Allegheny (Mr. D. N. White) said the other day, if a man is honest and competent, the very moment the head of a railroad corporation went to him with his bag of gold, and said I want you to do something that is against the interests of the people of this State—he would have been spurned; and the very fact that he did not do it, the very fact that he gave it his *quasi* consent or approval, is sufficient to condemn him in the eyes of honest men, and place him in the very category of the man who offered him the bag of gold. It lies deeper than the question as to whether we shall have biennial sessions of the Legislature. It rests with the people, after all, this great fundamental princi-

ple which we are discussing rests with the people of this Commonwealth, as to whether it is going to do good or harm if adopted as part of this Constitution. If the people are sure that they are electing honest and competent men to the Legislature they cannot fear any ill, or any ill-advised legislation.

As I said in the first place, I am in favor of this proposition for another reason which I intended to have mentioned, but it has been so well said by my colleague from Philadelphia (Mr. Simpson) that I deem it unnecessary to mention it at this time. I think the people look to us for a change in this direction. Some gentlemen on the floor say that it has never been called for by the people. I think that a very grave mistake for any gentleman to make, Mr. Chairman, for the people of this Commonwealth have discussed it. They have said that they have had too much legislation. Some gentlemen say it is as easy for persons interested in legislation to go to Harrisburg under the new system as it has been under the old. I know that is the case; it is a notorious fact that certain persons are engaged in Harrisburg every winter, or whenever the Legislature is in session, in the effort either to obtain legislation, or, as the language is, to be "let alone" by other parties. When all this shall have been done away with, when the people of the State elect honest and competent men, they can have no fear of special or corrupt legislation.

Another question asked here is this: Have the people, by any significant act or demand, ever asked any such a change as this? I believe that such a resolution has never been offered in the Legislature—at least it never has to my knowledge. I believe there have been no petitions or memorials sent up for it, but the Legislature has given the people the opportunity of deciding whether a Convention should be called or not. The Convention was called, and being here in session we ought to do the very best that we can for the people.

Something has been said here of the "training" of the Legislature; and I heard no less distinguished a gentleman than the gentleman from Columbia (Mr. Bucklew) use language to the effect that it

was necessary that legislators should be trained for their business. I confess that such language is entirely incomprehensible to me. I can well understand why students, who are directing their attention to certain ends, should need training; and I can also well understand why persons endeavoring to acquire some trade, should need training; but why legislators should be trained, why persons who are selected from the great body of the people, to make laws for them—men who ought to be selected for their honesty, integrity and ability, should first be trained before they can perform their duties, is a proposition I cannot understand. If my friends mean by "training" the mere acquisition of knowledge pertaining to the clerical portion of their duties, that is of course another thing; but I beg gentlemen to consider the fact, that it is this "training" of legislators that has caused all the evils of legislation in this State and others. Those who have gone to the Capitol and surrounded the legislators, are those "trained" men who have trained the representatives from the path of honesty and diverted them from their duty. Let these gentlemen elected by the people have good common sense, and if permitted in quiet to go to Harrisburg and attend to their business, all would be well. And when a bill is presented for the consideration of the Legislature, the representative would take that bill and scrutinize it, and make up his mind whether it is for the good of the people or not; let him vote as his intelligence and his conscience direct, without this outside influence, either by corporations or individuals. If this were done, sir, we would not have half so much dishonest and ill-advised legislation. Therefore, when I hear gentlemen use the word "training," in connection with the Legislature, it strikes me that it is a peculiarly unhappy word to be used in that connection, and one that should not be brought within the councils of this hall. I do not believe in training legislators. If men are honest, they know their duties; and if they are not honest, they are the more susceptible to these outside wicked influences. We do not want men who are liable to be taken in hand and "trained" in this manner, and who will permit "trainers" to approach them.

I am, therefore, in favor of the article as submitted by the committee.

Mr. DE FRANCE. Mr. Chairman: I have only a word or two to say on this subject. I shall vote for the amendment of the gentleman from York (Mr. Cochran.)

Speaking of the corruption of the Legislature, I am quite sure that when the expression is used it is not with the intention of hurting anybody's feelings here. Certainly it is not intended that gentlemen upon this floor should be stigmatized, or should consider himself at all affected, by the remarks on this subject. I should presume that fully a quorum of the members of this Convention have served, at one time or another, in the State Legislature; and hence it would be a grave misunderstanding if gentlemen were to feel themselves personally affected by the observations regarding the troubles in the Legislature.

Referring to these troubles I will quote a remark made by the Secretary of this Commonwealth in a little book now lying on my desk. He says: "When the Legislature meets, and long before, the members elect are besieged by the candidates and their friends; and it is notorious that the legislators are bought and sold in the unseemly and disgraceful scramble which occurs at Harrisburg at the annual election for State Treasurer."

It may not be improper to refer to that. It would seem that the members of the Legislature are got at in very different ways. According to the account of my friend from Delaware, (Mr. Broomall,) they are besieged from all quarters, and are attacked directly and indirectly; and therefore it will be no slight portion of our duty to fix such provisions in the Constitution as will neutralize these influences as far as possible, in the matter of restricting special legislation.

In regard to the article now before the House, it seems to me we ought to give a good deal of weight to the recommendations of the committee. That report has been made by gentlemen of thought and experience, and who have carefully considered the points involved in the consideration of the question now before us. I shall therefore vote for the article as it comes to us from the Committee on Legislation. It occurs to me that there is no

very great amount of reason in this opposition to biennial sessions and biennial elections. There are, I believe, twenty-two States out of the thirty-seven composing the Union which have biennial sessions, and they seem to work well. If one election and one session every two years will do for our State, it will be much cheaper and much better, for it will do away, to a great extent, with this "third house" influence which does so much harm now. I believe some gentleman has said that the biennial scheme has not worked well in Ohio. Well, I live within twelve miles of the Ohio line, and have lived there all my life, and have not heard a word of the complaints that are spoken of here about the calling of special sessions. I think it works well, and I know of nobody who favors a change back to the old plan.

One word more about this legislative corruption. When I say that the Pennsylvania Legislature has acted corruptly, I do not mean, for a moment, that the distinguished gentleman from Indiana, (Mr. White,) or the no less distinguished gentleman from Allegheny, (Mr. D.N. White,) has either of them acted corruptly. The very reverse is true. There are many most honorable and high minded gentlemen in that body. But, notwithstanding this, the strictures are correct so far as they apply to those who are neither honorable nor high minded, nor even commonly honest. If, then, the biennial scheme is a help, or likely to prove a help in purifying the legislative body, let us by all means adopt it.

Mr. HUNSICKER. I do not desire to participate in this discussion; and in the few words I have to say, I shall not occupy the time of the committee with the main subject matter of the debate. I think the subject has been very fully discussed, and that the debate should be concluded by the chairman of the Committee on Legislation (Mr. M'Veagh.)

But I rise, sir, to deprecate this effort to antagonize the Legislature against this body. I think the remarks have been entirely out of place and out of taste; and I do not see that they have been called for by anything that has transpired.

This Convention would never have been convened had it not been for the Legislature of Pennsylvania. In 1870

they passed an act submitting to the people the question whether there should or not be a Convention called to draft amendments to the Constitution. That movement was seconded by the people. So, sir, it was that Legislature that set this ball of reform in motion. I take it that every member on this floor can vote either for or against biennial terms or sessions without reflecting, in the slightest degree, upon the character of the representatives of the State in the Legislature. That there have been corruptions in the Legislature of this and other States is admitted, and admitted even by the Legislature itself; but that that body is composed of the corruptest and foulest members of the community is an aspersion which I think is unjust, unfounded, if indeed, I may not say malicious. I think it comes with an ill grace from us, as the representatives of the people, to come here and hold up our hands in high and holy horror at the corruptions of another representative body representing the same people as we do, and thus, by implication at least, averring our own immaculate purity.

This Convention ought to be in harmony with the law-making power of this Commonwealth. Let this Convention do its duty, and present such a Constitution as will meet the requirements and approbation of the people. Let it reform the abuses, and inaugurate a frame of government, which will protect the people from the encroachments of power, and make them secure in the possession and enjoyment of their rights; and let us cease this abuse of the Legislature, and then when our work is presented to the people for their action, we will have an all instead of an antagonist in the Legislature.

I desire, sir, to disown any antagonism or hostility to the Legislature in casting my vote for biennial terms and sessions.

MR. H. G. SMITH. Mr. Chairman: I do not rise to take part in the general discussion of the subject now before the committee. I shall not undertake to defend the Legislature of Pennsylvania from the charges of corruption which have been so freely brought against it, nor shall I add to the long list of accusations already made. I merely desire to correct a mistake made by the humorous and sarcastic gentleman from Montgomery, (J. W.

Boyd,) in regard to the origin of the Credit Mobilier company, which is now undergoing investigation before committees in both houses of Congress.

The gentleman declared that the managers of the Credit Mobilier first applied to the New York Legislature for a charter and were refused, though they proffered a bribe of three hundred thousand dollars; that they next went to the Legislature of New Jersey, with a heavy bribe in their hands, and were again repulsed; and that they then bought up the Pennsylvania Legislature for one-sixth of the sum which had been refused by the Legislature of New York. It is true that the Credit Mobilier company was organized under a charter passed by the Pennsylvania Legislature, but that charter was not obtained in the manner stated by the gentleman from Montgomery.

I have lately come into possession of the true history of the origin of the corporation, which is just now the cause of so much scandal in high places, and it is substantially this: A prominent democratic politician of this State, who has held the position of Chief Clerk in both houses of our State Legislature, met Mr. Duff Green, on one occasion, and Mr. Green was, as usual, full of speculative theories. His pet hobby, upon the occasion referred to, was a project for creating in this country a corporation similar to the Credit Mobilier of France. The practical Pennsylvania politician seized upon the ideas of Mr. Green, and framed a charter for a company, bearing the title of the Credit Mobilier. The bill was slipped quietly and without opposition through the Pennsylvania Legislature, and no money was paid to secure its passage. The charter was very comprehensive, conferring the most ample powers, and capable of being applied to almost any corporate purpose. A meeting of the corporators was held in the city of Philadelphia, and a board of directors chosen. All this board did was to vote each director thirty shares of "paid up" stock, at one thousand dollars a share, with the privilege of taking a still larger amount at its par value. The directors, being upon the ground floor of the concern, did not pay anything like full value for the "paid up" shares which they voted to themselves. At a subsequent meeting of the directors the name

of the company was changed to the Pennsylvania Fiscal Agency; but this agency never engaged in any enterprise. All this happened before provision had been made by Congress for building the Pacific railroad. When that enterprise was undertaken, some enterprising individual stole the charter of the dormant Fiscal Agency, together with the stock-book and other papers belonging to the concern. The purloiner of these seemingly valueless things carried them over to the city of New York, and sold them to the men who organized, upon a stolen charter, the company which, under the name of Credit Mobilier, operated so largely and so profitably within the Pacific railroad company. To get rid of the "paid up" stock which the Pennsylvania directors had voted to themselves, was an object with the new possessors of the charter, and they employed an agent to buy up these shares. The gentleman who framed the bill, and passed it through the Pennsylvania Legislature, sold his thirty shares of "paid up" stock for the insignificant sum of two hundred and seventy dollars. He informed me that he once took the trouble of counting up how much the shares he sold, and the additional shares he was entitled to receive at par value, would have amounted to when Credit Mobilier stock was at its highest. His calculation footed up \$1,100,000, no account being taken by him of some odd thousands of dollars.

This is a veritable history of the origin of the Credit Mobilier company, which has involved in the intricate meshes of its iniquitous proceedings so many members of Congress, and covered some of the most prominent among them with shame and disgrace. The story is a strange one, but I tell it as I received it from the framer of the charter, and there is no reason for doubting his statement. The Pennsylvania Legislature has sense enough to answer for, and no unfounded accusation should be brought against that body.—Whatever else it may have been guilty of, it cannot be justly charged with having sold itself to the managers of the Credit Mobilier for the paltry sum of fifty thousand dollars. The charter, under which that organization carried out its nefarious schemes, was stolen bodily, as I have stated, and sold for an insignificant sum of money. It was similar to

skeleton charters which have been frequently pressed through the Pennsylvania Legislature, sometimes by members and sometimes by lobbyists. I remember being upon the floor of the State Senate one day, when an inexperienced country member introduced four or five bills, providing for such charters, in one batch. That was entirely too much for the gravity of the Senate, and all the bills were laughed out of the chamber. These skeleton charters contain the most liberal grants of corporate powers. They are articles of merchandise, and you can go to certain parties in this city, and elsewhere, and buy a charter, under which almost any conceivable business may be carried on. The expected action of this Convention, limiting the powers of the Legislature, may have increased the price of these skeleton charters, but they have heretofore been hawked about at very cheap rates. One duty of this Convention will be, to provide that all such charters shall become invalid, unless legitimate operations shall have begun under them before a certain date. Such a provision would be wise, and will doubtless be made.

MR. CRAIG. Mr. Chairman: If I had heretofore offered by making myself too often heard in this Convention, I would not now intrude myself upon it at a time when it is weary. On this subject there is much that might be said which has not been said—much has been said which ought not to have been said, and much which, to my mind, is totally irrelevant to the question before us.

I do not think that whatever system may be adopted—whether biennial or annual, either as to elections or as to sessions—that the millennium will come in the one case or chaos in the other.

It is a subject which naturally resolves itself into three departments. First, shall this Convention endeavor to obtain a higher standard of intelligence in the matter of legislation? Second, shall we endeavor to obtain a higher standard of legislative virtue? Third, how shall we best conform legislation to the public will? I do not hesitate to sound here the keynote of my piece, by stating that I am unqualifiedly in favor of biennial elections and annual sessions; and I trust that I am able to give a reason for the

hope and faith that are within me. It may not seem conclusive to the minds of other gentlemen, but it is satisfactory to myself.

The first of these three questions—as to whether we shall attempt the attainment of a higher standard of intelligence in the Legislature—naturally, also, divides itself into three departments. In the first place we are to consider the effect of each system upon the people; then its effect upon the representative; and lastly upon the legislation which is to result.

In relation to the first of these points, we naturally direct our attention to experience as our best guide and teacher. It has been stated by one of the members of this Convention, who very appropriately called attention to the fact, that we elect our representatives to Congress for the term of two years. The gentleman might have added that the interests in furtherance of which Congress legislates are no dearer to the hearths and homes of the people of Pennsylvania than are the interests legislated upon by the Legislature of our own State. Yet they are elected for two years, and no man has ever thought that any evil could arise from such a system.

In the next place we elect our Senators for the term of three years, to perform precisely the same labor and the same duties which are performed by the representative. And we are here informed, by a gentleman who should know, that the Senate is a conservative body. It is a check upon the ignorance and upon the errors of the more popular body. Now, if it be wise to elect a Senator for three years, and the effect of such term is to make him a conservative, then by the application of the argument, mathematical, which is so great a favorite on the other side of this chamber, we would expect it to be equally successful in making conservative those elected to the other House. And I should therefore say we ought to elect the representative for two years. And why? I will speak of its effect upon the people. The first subject of consideration which presents itself to the minds of the people, when they come to select their Senator, is, that he will have to serve them for a period of three years, and that it will not do to make any mistake in the selection of a man who is to serve them

for so long a period. The effect of this plan, therefore, upon the people, is to produce care in the selection of their representative when his term is extended. But as it is now, just look at it. Why any bummer who can make himself disagreeable at a township election has been thought fit to become a candidate for the Legislature; and I agree to that judgment—for it is well known that the members of the Legislature have had nothing to do but sit quietly in their seats and see that a motion is made when their little local bill comes before the House. Can any man who has had the misfortune to sit in that body easily forget how these little matters are passed through the Legislature? I see a smile overspreading the countenance of our honorable Clerk. And well it may, when he remembers how he has sat, as I have done, week after week, and witnessed the process of special legislation. It does not require a high standard of intelligence to sit in the Legislature and enact special laws under the system there practiced. But the reasoning which would not disturb the annual elections would not disturb the system of special legislation under which our State has grown great, and rich, and populous, and the great energy of the Commonwealth been developed.

As to the representative himself, elected for two years, he has ample opportunity to sit down and master the study of the great questions which are to come before him. But the representative elected for only one year has no time or opportunity to investigate these subjects. He says to himself, therefore, that he *will* not, and he *does* not.

We have been practicing under the annual system for a great many years, and nothing is more generally conceded than that it has not been a success in elevating the standard of legislative intelligence.

Let us now turn to the question of how we shall obtain a higher standard of legislative virtue. And here I must be permitted to enter my protest against this wholesale denunciation of the members of the Legislature. As good men as live and breathe to-day in this Commonwealth have been members of that Legislature, and have been maligned and abused as the greatest rogues that have ever sat in it. The laws of a country are the result

of the average sentiment of the country. They are a fair index to the average of intellect and of morals in the State. The people are the masters, and their servants will be like the masters. This is unpalatable; it is unpopular; but I say, sir, it is truth. Who is there to stand before this Convention and the people, and to confess the sins of the people? Not one. Yet there lies the root of all this evil. It is our demoralizing, our disgraceful system of electioneering. Everything is accomplished by money; love of money and avarice, which, when it takes possession of the human soul, leaves no room for virtue; it takes possession of the whole man. It is the love of money which is the root of all evil. This is the insane root of which our people have eaten. It is the prolific cause of all our legislative griefs and sorrows and humiliations.

Now, sir, if a doctor were called to treat a case of periodical fits, and reduced the recurrence of these fits to one-half, he would think that he had accomplished a triumph which would make him famous in his profession; and if we, sir, can reduce these periodical fits of demoralization of the people into one-half the number, we will have accomplished a triumph for which the people will be grateful. Let us treat our diseased body politic precisely as the doctor would treat the diseased physical body, I know of no other nostrum which we can administer, in this case, which will come so near reaching the case as the one proposed. That is simply that these spirits who delight to revel in the demoralization and debauchery of elections shall not have such frequent opportunities to engage in our annual row. Why, the very purpose of separating the fall election from the spring election was that we should have one little election in which there should be no such demoralization.

But then how shall we best conform legislation to the public will? And here it seems to me that a great mistake is made. What is the public will? It is not every fluctuating wind that blows wheresoever it listeth and no man can tell whence it cometh or whither it goeth. It is not every whim or caprice or prejudice which may find entrance into the minds of the people. It is not every explosion of passion which may cloud their intellects. It is not every mistake into which

they may fall, or error into which they may be led by demagogues. It is not every expression of impatience, for all these things belong to the tenancy from year to year, which have been our law and our practice in the past, and which gentlemen desire to continue. The popular will is none of these fleeting and fancied and fluctuating things, but it is that conviction of their understanding which comes of the sober, second thought, when they have had time for reflection, for passions to cool down. It is that steady growth in knowledge and in wisdom which comes of long continued thought and of application to a particular subject.

Then I will add, sir, that the representatives might come together annually, that they may consult upon the great interests of Pennsylvania. A frequent recurrence to the principles of liberty is said to warm the human heart on that subject, and the frequent recurrence to the interests of the State will inform the understanding about that which is to be done. If we adopt biennial elections, the people have time if they make a mistake to re-trace their steps. The popular will is not every outburst of passion and prejudice and whim and caprice, but all these things are represented, as I said, in the tenancy from year to year, and are not represented in the system of biennial elections.

Now, sir, as I anticipated, the machinery of my throat, which has been deranged for days, will not hold out to say more, and I suppose you are glad of it. I conclude my piece, therefore, like all good music with the key-note, biennial elections and annual sessions.

Mr. MACVEAGH. Mr. Chairman: It appears that there is no other person who desires the floor, and I rise therefore with a diffidence which is not affected, to close this debate. It has taken a wide range, and I, at least, am glad that it has done so. The committee has been privileged to listen to gentlemen of great experience and of great ability, who gave their reasons for the faith they entertained. Yet I cannot forbear entreating the members of the committee who have conceived it to be their duty to oppose this section of the report, not only to give me the poor tribute of confidence in my sincerity, for that I know they will not withhold from

me, as I do not withhold it from any of them, but also to do better, to strive after that magnanimity in its best and classic sense, which enables the mind to receive arguments and suggestions against its own pre-judgment, and to retain its capacity to be convinced. Weak-minded men I know are vain of their consistency because they have few other sources of pride; but the gentlemen of this committee who have opposed this report can well afford to change their opinions, for their ability and capacity are amply sufficient to justify them in any change their reason is convinced they ought to make; and it is to their reason only that, for a few moments, I beg permission to address myself.

I trust we will always remember one thing, from the beginning to the end of this Convention, that every member here is actuated by precisely the same aim, that we all desire to reach the same end of our journey, even though we endeavor to do so by travelling different pathways. If we will bear this recollection always with us it will help, I am sure, to prevent those asperities of language which tend so powerfully to create harshnesses of feeling. For one I am not at all surprised that the gentlemen of the Constitution, who have been members of the Pennsylvania Legislature, have felt sensitive at the criticisms which have been passed upon that body. And yet they ought to know—for I am sure, in this respect, I speak the unanimous opinion of those of us who have not been called to that post of public duty—that we are not only glad to have them with us and to reap the benefit of their legislative experience, but we are also glad and proud to recognize in them, without exception, so far as I know, men who have gone through the temptations of that service and have kept intact their manly honor. There are many questions upon which I differ from the honorable gentleman from Indiana, (Mr. Harry White,) and many more upon which I expect to differ from him, but I shall never cease to feel grateful that in a long term of service in our State Legislature he has shown that that service is not incompatible with an unspotted name. What I say of him I say of the gentleman from Allegheny, (Mr. D. N. White,) of the gentleman from Columbia, (Mr.

Buckalew,) of the gentleman from Potter, (Mr. Mann,) of the gentleman from Greene, (Mr. Purman,) and of the many other gentlemen who are here who have rendered the same service to the people of Pennsylvania. We have never doubted that in all the days of our history honorable, honest, good men have adorned the sessions of the State Legislature in abundance, and such men adorn it to-day. It is not, therefore, with any desire to wound the susceptibilities of any person, but from the earnest conviction that what we say is the truth, that we declare, notwithstanding the good men who have been there and are there now, the legislation of this State, for private advantage, has been and is often matter of bargain and sale. Unfortunately this is true of the Legislature of almost every American State, and even, as is being daily proven, of the national Legislature also. Gentlemen, this is the crying evil, the menacing peril of free institutions in America. This is the deadly cancer which is eating into the very heart of the body politic, and we will not help ourselves by crying that we are not sick; we will do no good to anybody by robbing ourselves in the robes of an unrighteous indignation and declaring that we are as healthy, as sound and as pure as in the early days of the Republic. It is not so. The whole heart is sick and the whole head faint with a vile disease, which is not new, indeed, but grows more cynical and therefore more hateful each day that the world lives in the light of a christian civilization.

The pecuniary corruption of legislative bodies, the sale of legislation for private advantage—this is the gravest evil which afflicts us. Unlike mercy, Mr. Chairman, it curses him who gives and him who takes. It is erecting an impassable barrier in the pathway of our public service which will soon be a bar to any man who will not put a money value upon the honor and the virtue of a gentleman. One day it demands pay to prevent the repeal of a law already enacted. Another day it whines for compensation for supporting some just measure of public utility, perhaps even of the sacred charity of the State. The third day it openly exposes votes for sale as at a public auction to the highest bidder. While these facts are patent and

known it is not unkindness to anybody, it is not harsh criticism of anybody, which induces us to speak of them and to try, in some small way, to alleviate or to diminish them.

We do not wonder that members of the Legislature resent, with some heat, these imputations. All sensible men recognize that this crime is but one form of a great social evil which now dishonors our American society. Our passionate rage to get rich, our degrading enthronement of mere wealth in the highest place of honor, without reference to the methods of its attainment or the methods of its use, is the source of our trouble.

Who rebukes illicit gain to-day? In what counting-houses, in what bank parlors, at what board of directors, on what stock exchange, in how many lawyers' offices, in how many preachers' pulpits, is illicit gain to-day rebuked? These gentlemen feel what is unquestionably true, that there is no moral distinction between the base betrayal of legislative trust for private gain, and the base betrayal of a private corporate trust for private gain; between the sale of a vote in the Legislature and the sale of a vote at a board of directors; between gambling in legislation and gambling in stocks; and yet, while it is always wise to remember the source of evil, it is not wise to refuse to do what we can to correct the evil in that department with which we are specially commissioned to deal. We are not here to remedy evils which afflict society, though as we know the source of our trouble we ought not to wonder that corruption stalks into our legislative halls and arrays itself in the purple robes of the people's sovereignty, for our representatives will never be better than we are, and from this uncleansed fountain crystal waters will never flow. We must not, however, regard as sufficient some of the remedies which have been proposed. Several of them I think would be very futile. My friend from Philadelphia (Mr. Gowen) proposes to remedy this evil by abolishing trades unions, and preventing any more young men from keeping store or going into the railway business.

Mr. GOWEN. I beg the gentleman's pardon—I did not say anything of the kind. I desire the gentleman to give me liberty to say, that I said nothing of the

kind. My friend has an ingenious way, at the end of a debate, of spearing a gentleman who does not agree with him. I simply ask that my denial be entered upon the Journal.

Mr. MACVEAGH. I understood the gentleman to agree with me. If he has changed his opinions since yesterday afternoon, I am sorry to hear it. He was certainly in favor of the report at that time. I understood him to say that these evils which he wished to cure was largely traceable to the fact that trades unions were allowed to prohibit apprenticeships, and that young men would no longer learn trades, but persisted in trying to get into a store, to take the place of some woman, or to get employment from a railway company. If he did not say that my ears deceived me dreadfully. Do I misrepresent anybody? I trust any gentleman in the course of debate will feel the fullest freedom to correct any word that I say. I certainly thought the gentleman said so, but if he did not, and somebody else did say it, I am sorry for my mistake; but I still repeat, I think I heard him say exactly what I attributed to him.

Another remedy that seems to me equally futile is the denial of special legislation. I beg that members' minds will no longer be deceived upon that subject. Nine-tenths of the special legislation in this State has been entirely local, and entirely honest. I am opposed to it, because it is petty and unnecessary, and absorbs the time of members, which ought to be devoted to general subjects; but if we propose to get rid of corruption by getting rid of special legislation, in my judgment we are at least five years behind the rogues whom we are endeavoring to overtake. Any careful student of our legislation will discover that for at least that period, the great frauds which have been accomplished have been accomplished in general terms and in the form of general laws, and if we are to imagine that we remedy any great menacing evil by denying special legislation—though I am in favor of restricting it, as I have said—it would be as well that we had never met.

No remedy will be thorough, and effect a perfect cure in the Legislature, until there is a precedent remedy, and a thorough cure effected in our own lives at

home, and in the aims and standards we maintain in our private and business relations. It is not because of the distrust of popular government that the committee reported this section. For my own part, I never was so sanguine of our society, of our politics, of our civilization, as I am to-day. He reads history but carelessly, who does not discern broad lines of demarcation, that mark out the work confided to the great nations of modern times, and it has always seemed to me very clear that, in the providential order for the education of the world, the work of America was to illustrate and defend the democracy of the future. In that mission, I have no doubt, she will be eminently successful. I not only believe in popular government here, but I believe it is destined to be extended throughout the world, for it is literal truth, and not poetic fancy, that

"Onward through the ages,
One increasing purpose runs,
And the thoughts of men are widened,
With the process of the suns."

It is only because I desire to correct an evil and a peril to popular government, that I am in favor of this amendment; and it certainly is no distrust of the people which animates the gentlemen who favor this section. We are here at their command. They have commissioned us, and they have assembled us together. It is by their warrant that we are met, and the special work given us to do, is to lop off the dead limbs, to cut away the poisonous vines which cling around this noble growth, that its goodly branches may be a home for singing birds, and a shade for weary men for a thousand years; and all that we do in that direction is expressly subject to their express approval. Because we may not do everything, should we not do what little we can?

With the growth of pecuniary corruption in legislative bodies, two other evils have appeared. One is the creation of a class of professional and corrupt politicians in the great cities, a considerable portion of whose sustenance is derived from the nomination and the election of corrupt members of the Legislature.—Now, I would make the labors of these gentlemen as light, as infrequent and as unprofitable as possible; and every vote cast for the amendment of the gentleman from Chester, (Mr. Darlington;) every

vote against biennial sessions given here to-day, however honorable may be the motive of the gentleman who casts it—is given to tighten the hold of these men upon the political action of their fellow-citizens. Another profession has grown up in consequence of this abuse, and that is a class of professional lobbyists, whose living depends upon the buying and the selling of votes in Legislatures.

I beg the thoughtful and good gentlemen who oppose this report to consider that while the Convention is divided, and as honorable and pure and wise men are upon the one side of this question as upon the other; I beg the opponents of this section to consider one fact, that, if the lobby was brought here to-day, every vote would be given for the amendment of the gentleman from Chester (Mr. Darlington.) I venture to say that every corrupt politician in a great city, and every corrupt lobbyist in a legislative capital, would join the chorus of ayes for this amendment and vote as a unit against this report.

Not only does it lessen the need for professional politicians in great cities, but it does more. By reducing the number of elections it increases the political activity of honorable citizens. We have to be practical in these matters, and take human nature as it is. The average American citizen will not attend primary elections, will not take an active part in the operation of our political machinery, while elections are so numerous and so frequent as they are.

In the next place, it tends to give you better men for your legislative servants. Much has been said here about the necessity of a yearly accountability to the people. I do not believe the people desire the yearly accountability of rogues. I think they wish to secure the service of better men, and it is impossible to expect men of character and position to submit themselves to a yearly struggle for so small an office as this. I venture to say that among the gentlemen who oppose this report the chairman would have difficulty in finding a single member who would agree to serve his constituents in the House of Representatives at Harrisburg, even under the new Constitution, if every year the labor of re-election, and the fatigue and expense and annoyance of it are to recur.

The election of every other year, is to Congressmen an intolerable burden, and persons who have other means of earning an honest living, will not every twelve months, in the great need that American society now has for trained intelligence and active energy, and for industry and honor, bring their talents into the market of the public favor, and submit themselves to be selected or rejected once a year. Then you not only diminish the number of elections, and not only secure a better class of men as candidates, and not only weaken the hold of the corrupt politician, and help to destroy the profession of the lobbyist, but you help to diminish the mere mass and volume of legislation and that, it seems to me, is a very great advantage. In any system of law, change—and uncertainty, which is born of change—are great evils, and we are not in want of law. It seems to me, that the committee has not fully considered the quantity of law we now possess. We have the entire volume of English Equity, the entire volume of English Common Law, the best of the English statutes, prior to the revolution, all the general laws enacted since the settlement of this province, and the entire mass of special legislation, descending to the minutest details and relating to almost every imaginable subject. None of this vast body of law is to be abolished. This Constitution will not take away from it a word or a letter. And surely once in two years, is often enough to submit that body of law to unskilled persons for the express purpose of making changes in it. These are some of the reasons which have influenced my mind in reaching the conclusion that I have reached. It is very likely that I over-estimate the importance of the vote of this morning, but it has seemed to me, from the beginning of this debate, to be a typical vote, and to be likely to show the measure of the understanding with which this Convention comes to the work allotted to it, and therefore I earnestly entreat gentlemen before refusing this slight relief to the people, before ranging themselves against their interests, to consider, that perhaps as we vote this morning, we will be regarded as voting for the future, either for good government or against it; and I should greatly fear that if an adverse vote is given now, heart and hope will go out

of the people in reference to the reforms they hope to receive at our hands. But I trust no adverse vote will be given, but rather that we will help them and they will help us in diminishing this appalling evil. If we do our duty, I do not doubt that the people who are behind this Convention, will do their duty in full season. In the noble words of Burke, which recur to me this morning as strangely applicable to our condition, if we help to remove these impediments to a purer and a better public life, we may confidently trust that the people will be "more careful in the future before they place their power in base or incapable hands. In their nominations to office, hereafter, they will not trust the exercise of authority as a pitiful job, but as a holy function, not according to their sordid selfish interests, but they will seek men, in whom they may discern such pre-dominant proportion of active wisdom and virtue, as in the mass of human imperfection and infirmity is to be found."

I commend to this committee the inspiration of that prophecy, and the question at issue to its considerate decision.

The question being upon the amendment offered by Mr. Cochran to the amendment offered by Mr. Darlington, it was rejected.

The question then being upon the amendment of Mr. Darlington, it was rejected.

Mr. GOWEN. I desire to amend by inserting the word "next" after the word "December." This amendment is mere verbal criticism, but I think it ought to be made.

The question being upon the motion of Mr. Gowen, it was agreed to.

Mr. J. PRICE WETHERILL. I propose to amend by inserting after the word "Governor" the words "or person exercising the powers of Governor."

The question being upon the amendment, it was rejected.

Mr. HARRY WHITE. I have one suggestion to make to the committee at this time. If the amendment be deliberately adopted I have no objection. But it will be observed, that the concluding sentence, "when vacancies occur in either House, the Governor shall issue writs of election for the balance of the term, for which such vacancies occur."

The members of the committee will observe, that is a radical change in our present system. Under our present Constitution it seems to have been the desire of those who framed it to preserve to each department of the government the right in itself to provide for its own vacancies. Under our present Constitution the speaker, or presiding officer of the respective bodies, issues the writs to fill the vacancies in such House. I fail to see, in the amendment before us, provision for all the contingencies and embarrassments that may arise. I will suggest one or two to the committee.

In the history of the Commonwealth for the last three years we have had two cases of embarrassment. One was after the session of the Legislature of 1870; the Senator from the First district of Pennsylvania, which is in Philadelphia, died previous to the meeting of the succeeding Legislature. It became necessary to fill that vacancy. It was a serious question with many gentlemen whether the Speaker of the Senate, at that time, had the right to issue his writ previous to the meeting of the body, and the formal announcement of the vacancy. The precedent was established, the writ was issued and the vacancy was filled.

The embarrassment was not so great in that case as in the succeeding one which happened in the succeeding year. The term of the Senator from the Fourth district, then George Connell, expired in October, and he died after his re-election in November. This left the situation rather peculiar. It was met in this way: By letting the situation stand until the Legislature met, and the Speaker, who had been elected at the close of the session previous, issued his writ, and the vacancy was filled, not, however, until a month's delay had occurred.

I confess I would be glad to see some provision suggested to meet a contingency of this kind before final action is taken upon the entire section—not upon this section but the entire article—and I trust the Committee on Legislature will try to devise some remedy to provide for contingencies of that kind.

I prefer, myself, the system of allowing Speakers of the respective bodies to issue their writs to fill vacancies, and for the purpose of testing the sense of the com-

mittee upon this subject, I move to strike out the word "Governor," and to insert "presiding officer thereof."

Mr. MACVEAGH. Mr. Chairman: Before that question is put I would simply say to the House, on behalf of the committee, that this issuing of the writs was regarded as a purely ministerial duty. The members of the committee assumed that there would be a Lieutenant Governor provided by the Committee on the Executive, and that in case of a vacancy in the office of Governor, or whenever any member of the Legislature died or resigned, or for any other reason a vacancy occurred, this writ of election could at once be issued by the Lieutenant Governor. Of course the whole question, as to the election and the eligibility of the party, will have to come before the body itself when it meets.

The question being taken on the amendment, it was agreed to.

Mr. RUSSELL. I move to insert, after the words, "Governor shall," the words, "within fifteen days after such vacancy occurs."

The motion was agreed to.

Mr. KATNE. Mr. Chairman: I am of the opinion the amendment of the gentleman from Bedford, (Mr. Russell,) which has just been adopted, is unnecessary and that it will work an injury.

Mr. HARRY WHITE. I move to reconsider the vote by which the amendment was adopted.

The motion was agreed to.

Mr. RUSSELL. Mr. Chairman: As I understand this clause the change was made to strike out the word "Speaker" and insert the word "Governor," so that there will be the delay in the issuance of the writ of election that has heretofore existed. In case of the death of a representative or member of the Senate, the election does not take place until after the meeting of the Legislature. I suppose that the intention sought to be accomplished, by putting in the word Governor instead of Speaker, was for the purpose of having the election before the meeting of the Legislature. For instance, a gentleman is elected on the second Tuesday of October as a Senator or as a member of the House of Representatives, and dies within a week after his election, as I understand the subject, it is intended that

the Governor shall immediately issue his writ of election to fill the vacancy, so that the district would not be unrepresented for thirty or forty days after the meeting of the Legislature. Is not that the object of this change? That I understand to be the object of the amendment to the present Constitution proposed by the committee. Now, my object is this—

Mr. HARRY WHITE. Mr. Chairman: Will the gentleman allow himself to be interrupted?

Mr. RUSSELL. Mr. Chairman, certainly.

Mr. HARRY WHITE. Mr. Chairman: My friend from Bedford has not thought of the fact that a man who is elected a member of the House of Representatives, or of the Senate, is still not a member until his credential has been presented and he has been actually sworn in. No vacancy can, therefore, occur in that body until after a man who has been sworn in dies or resigns. If he die previous to that, why he is not a member, but the report must be made to the House when it meets and then, after the House is organized, the writ can be issued and the vacancy filled.

Mr. RUSSELL. Mr. Chairman: What, then, is the object of the amendment proposed to the present constitution by the committee? What is the occasion for striking out the word *speaker* and inserting the word *Governor*? I should like to have it explained. I supposed that it was to obviate the difficulty that arises now, that a writ of election could not be issued and the election held until thirty or forty days after the Legislature met. That surely was the object of this amendment. If that is the object, then I wish to say to the committee they have not changed it in providing that the Governor shall issue the writ of election.

Mr. STANTON. Mr. Chairman: Is another amendment in order?

The CHAIRMAN. There is an amendment still pending.

Mr. ELLIS. Mr. Chairman: As I understand the proposition now before the committee, it is to vote upon the question of the Governor issuing his writ for an election to fill a vacancy in the Legislature within fifteen days after the vacancy occurs. I think we should by no means limit the time. A vacancy occurs in the

Legislature, for instance, while the Legislature is in session. There should be no occasion for delay over one, two or three days. The writ should be issued immediately. The difficulty of issuing a writ, before the Legislature meets, has been mentioned by the gentlemen from Indiana, (Mr. Harry White.) In the lower House, as now organized, meeting for one year, there can be no vacancy occur until the meeting of the Legislature. If we adopt this section, as I think we evidently mean to do, and there shall be biennial elections, and a member of the Legislature shall hold his office for two years, then a vacancy occurring in the meantime, during a year and a half or a year and nine months, in which the Legislature shall not be in session, I conceive it eminently proper that the Governor shall have the right to issue his writ and fill the vacancy. It is proposed that the Legislature shall meet a short time after the election. The members of the lower House will be ascertained as soon as the Legislature meets, and when the House meets and organizes, it is well known who the members are. Then if a vacancy occurs, I think it is proper that the Governor should have a writ issued and an election held to fill the vacancy. But there should be no limitation as to time. If we say that the Governor shall issue this writ, I take it for granted that he will issue it within a reasonable time. If he does not, the Legislature is not deprived of the power of passing a law defining when he shall issue his writ.

Mr. LILLY. Mr. Chairman: I move to amend the amendment as follows: By striking out "fifteen days" and inserting "forthwith."

The amendment to the amendment was rejected.

Mr. STANTON. Mr. Chairman: I move to amend the amendment, by substituting in lieu thereof, the following:

That the Governor shall, by appointment, fill all vacancies which may occur in either branch of the Legislature, until the next session.

Which was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Bedford, (Mr. Russell,) to insert, after the words, "the Governor shall," the

words, "within fifteen days after such vacancy occurs."

The amendment was rejected.

The CHAIRMAN. The motion now recurs on the section as amended.

Which was agreed to.

THE THIRD SECTION.

The CHAIRMAN. The third section will be read.

The CLERK. *Third.* Senators shall be elected for the term of four years: *Provided*, That those who shall be elected at the first election after the adoption of this Constitution shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of two years, and of the second class at the expiration of four years.

CONTINUING PRESENT TERMS OF SENATORS.

Mr. CLARK. Mr. Chairman: I offer the following amendment:

Senators shall be elected for the term of four years: *Provided*, That the Senators elected before the adoption of this amended Constitution shall hold their office for the terms for which they were elected, respectively; and at the first general election after the adoption of this amended Constitution, eleven Senators shall be elected by the qualified voters of the proper districts, as now constituted, to succeed those Senators whose terms of office then expire, to serve for two years. At the second general election after the adoption of the amended Constitution, eleven Senators shall be elected by the qualified voters of the proper districts, as now constituted, to succeed those Senators whose terms of office then expire, to serve for one year. And at the general election next ensuing, the whole number of Senators shall be chosen from the several districts throughout the State, as they shall be at that time constituted by law. All those Senators chosen from districts numbered with odd numbers, to be elected for two years; and those Senators chosen from districts numbered with even numbers, to be elected for a full term of four years. And thereafter, as the term of office of Senators shall expire, their successors shall be elected for a full term.

Mr. CLARK. Mr. Chairman: I offer this amendment with the view of saving to the present Senators of the State their

terms of office. It seems to me to be unjust to them that we, by adopting this report as the committee have presented it, should take from the State Senators the terms of office which they now enjoy. It is with that view, and with that view alone, that I have offered this amendment. It is important not only to them, but to the people of the State that this information should be given. Particularly is it important to those who desire the success of this Constitution before the people, that we should make no enemies unnecessarily. The Senators now in office, of course, would desire to retain their offices, and if the Constitution, as presented here by this committee, be submitted to the people, we would necessarily lose the support of these Senators, and their interests would be adverse to the adoption of the Constitution at the election before the people. I offer this amendment, therefore, with the sole view of preserving to the members of the Senate the positions to which they were elected, and which they now fill.

Mr. TURRELL. Mr. Chairman: The amendment seems to me to be, at least, partially correct. I am in favor of a part of the amendment of the gentleman from Indiana, (Mr. Clark.) But there is a part which he seems to take for granted, that I am not in favor of. If I understood the amendment aright—I did not hear it distinctly in this remote part of the hall—it assumes that we shall retain the present number of Senators.

Mr. CLARK. Mr. Chairman: Will the gentleman allow me to interrupt him?

Mr. TURRELL. Mr. Chairman: With pleasure.

Mr. CLARK. Mr. Chairman: I have only provided for the election of eleven Senators for each year, until the third election, when the whole number of Senators to be elected shall be elected, even if they be one hundred. I have preserved the Senate at thirty-three members until the third year after the adoption of this Constitution. Then it may be any number provided in the Constitution.

Mr. TURRELL. Mr. Chairman: So then it seems to contain the idea that I inferred it did, and I do not agree to it, because I hope we will increase the number of members of that body. If the amendment favors such an increase, perhaps I will be

in favor of it. I did not hear it distinctly, and I desire it again read.

The amendment was read accordingly.

Mr. TURRELL. Mr. Chairman: This is a matter of some considerable importance, and I suggest to the committee, whether it would not be better to rise at this point and let this amendment be printed, so that we can look at it carefully.

I make, as a motion, that the committee now rise, report progress and ask leave to sit again.

The motion was agreed to and the committee rose.

IN CONVENTION.

Mr. CHAS. A. BLACK. Mr. President: The committee of the whole have had under consideration the report of the Committee on the Legislature, and have instructed their chairman to report progress and ask leave to sit again.

Leave was granted to the committee to sit again, to-morrow.

Mr. TURRELL. Mr. President: I move that the amendment offered by the gentleman from Indiana, (Mr. Clark,) be printed and laid upon the desks of the members to-morrow morning.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. Ross asked and obtained leave of absence for Mr. Brodhead, on account of sickness.

Mr. NEWLIN asked and obtained leave of absence for Mr. Beardsly for a few days.

Mr. KNIGHT. Mr. President: I move the Convention do adjourn.

The motion was agreed to.

So the Convention (at one o'clock and forty-six minutes) adjourned.

TWENTY-NINTH DAY.

WEDNESDAY, *January 29, 1873.*

The Convention met at eleven o'clock A. M. Prayer was offered by the Rev. James W. Curry, as follows:

Truly, O God, Thou hast been good unto us as individuals and as a nation. All our wisdom and all our strength we derive from Thee, Thou God of all goodness. Draw near to our hearts this morning and teach us wisdom. Give us every blessing requisite for the duties of the day, and make us in all our motives strive to honor God in our lives and to do that which is acceptable in Thy sight. Keep us from doing anything that would be displeasing to Thee, and make us in all our debates and in all our exchange of views, or of opinions, one with the other strive to entertain the kindest feelings, and preserve that spirit which will commend us to those whom we represent. Hear us in these our morning prayers, and forgive us all our sins and finally accept us, through Jesus Christ our Lord. Amen.

The Journal of yesterday was then read and approved.

REPORTS OF PROTHONOTARIES.

The PRESIDENT submitted to the Convention the reports of the prothonotaries of Clinton and Bradford counties, in response to a resolution passed on the 22d inst., requesting the prothonotaries of the various counties to furnish the number of civil causes pending on their respective dockets.

Mr. MACVEAGH. I move that these reports be referred to the Committee on the Judiciary.

The motion was agreed to.

INTOXICATING LIQUORS.

Mr. DAVIS presented the petition of the citizens of Monroe county, praying for a prohibitory clause in the Constitution against the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

THE NEW ENGLAND HISTORIC SOCIETY.

The PRESIDENT presented the following letter from the New England Historic Genealogical society of Boston, which was laid on the table:

N. E. HIST'IC GENEALOGICAL SOC'Y, }
SOCIETY'S HOUSE,
Boston, Jan. 23, 1873. }

DEAR SIR:—I see by the report of the proceedings of your body that a vote was passed to present to the Chicago public library, and to certain other libraries, one copy, daily, of the Debates and proceedings of the Convention. Our library is much used for historical purposes, both by citizens of New England and people from abroad. If your members think proper to present us with a copy, we should be very happy to receive it, and keep it for public use.

Respectfully yours,

JOHN WARD DEAN.

To the Chief Clerk of the Constitutional Convention, Philadelphia:

Mr. TURRELL offered the following resolution, which was read and referred to the Committee on Printing:

Resolved, That the Clerk be directed to send a copy of our daily Debates and proceedings to the New England Historic Genealogical society, at Boston, Massachusetts.

CHATTEL MORTGAGE SECURITIES.

The PRESIDENT also laid before the Convention a communication from Petry, Geissel, Bayhat & Co., of Philadelphia, calling attention to the propriety of incorporating into the Constitution a provision relative to chattel mortgages as security on movable property.

The communication was laid on the table.

ADMINISTRATION OF OATHS IN ELECTION MATTERS.

Mr. D. N. WHITE offered the following resolution, which was read and referred to the Committee on Commissions, Offices, &c.:

Resolved, That the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office be requested to take into consideration the following amendment:

"The administration of oath by any person authorized to administer the same within this State, touching all matters concerning political elections, whether primary or otherwise, is and shall be lawful."

ELECTION AND TERM OF OFFICE OF SENATORS.

Mr. S. A. PURVIANCE offered the following resolution, which was read and referred to the Committee on Schedule:

Resolved, That the Committee on Schedule be instructed to inquire into the expediency of incorporating therein the following:

"The Senators now in office shall remain until the expiration of the terms for which they were elected. The Senators to be chosen under this Constitution shall be elected as provided for by law at the general election next after the expiration of the term of service of the Senators now in office."

SPECIAL LEGISLATION.

Mr. HOWARD offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of incorporating the following provision into the Constitution:

"Special legislation shall be lawful in no case except where the proposed special act shall be published, at length, in one or more newspapers in the locality where the special act is intended to operate. An act to repeal, amend or revive a special act shall be published as required for original special legislation."

ELECTION OF SOLICITORS.

Mr. HOWARD also offered the following resolution, which was read and referred to the Committee on Cities and City Charters:

Resolved, That the Committee on Cities and City Charters be instructed to inquire into the expediency of incorporating the following in the Constitution:

"Solicitors for cities, counties and boroughs shall be chosen by the qualified electors of said cities, counties and bor-

oughs at the next election for city, county and borough officers after the adoption of this provision and every three years thereafter."

THE WRIT OF ERROR IN CAPITAL CASES.

Mr. BOWMAN offered the following resolution, which was read and referred to the Committee on the Declaration of Rights:

Resolved, That the Committee on the Declaration of Rights take into consideration the propriety of so amending the same as to provide that the writ of error shall be a writ of right in all capital cases, and shall operate as a *supersedeas* to stay execution of the sentence of death until the order of the Supreme Court is had thereon.

MUNICIPAL COMMISSIONS.

Mr. NEWLIN offered the following resolution, which was read and referred to the Committee on Cities:

Resolved, That all municipal commissions are abolished and none shall hereafter be created. The powers now exercised by them shall be vested in departments of municipal governments, subject to the control of the councils.

INDUSTRIAL INTERESTS.

Mr. MANN offered the following resolution, which was twice read:

Resolved, That the use of this hall be given to the Committees on Legislation and Industrial Interests and Labor on Friday evening next, for the purpose of meeting the representatives of the industrial interests of this city, in presenting their views as to the true relations that should exist between capital and labor.

Mr. MANN. Mr. Chairman: It will be observed that the Committee on Industrial Interests is referred to in this resolution. I was requested by the chairman of the Committee on Legislation to confer with the chairman of the Committee on Industrial Interests before presenting this resolution, in order to ascertain whether Friday evening would be convenient to that committee. It has not been possible to find the chairman of the Committee on Industrial Interests to have any consultation with him, and I now desire to state that if some other evening will be more desirable than Friday evening—

The PRESIDENT. The gentleman is not in order in referring to a petition that is already in the possession of the Conven-

tion. Nothing is in order but the question of agreeing to the resolution.

The resolution was agreed to.

NEW ENGLAND GEOLOGICAL SOCIETY.

Mr. TURRELL. Mr. President: I offer the following resolution:

Resolved, That the Clerk be directed to send one copy of the daily Debates and proceedings of the Convention to the New England Historical Geological society at Boston, Mass.

Mr. LILLY. Mr. President: I move that the resolution be referred to the Committee on Printing. I do not know whether there are copies enough to send one to this society. I believe that they are all exhausted now. I have desired a number of copies for distribution to lyceums and other public institutions in my section of the State, but have been informed that the whole number is exhausted. Now it will put us in a ridiculous position if we pass a resolution to send to any body copies of our published proceedings when we have none to send. And if we have any copies to spare, I am in favor of first supplying the necessities of our own people before we send any to outside States. So, in order to know what copies are at our disposal, I move to refer the resolution to the Committee on Printing.

The motion to refer was agreed to.

COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole to consider further the report of the Committee on Legislature, Mr. C. A. Black in the chair.

THE LEGISLATIVE ARTICLE.

The CHAIRMAN. The question before the committee is the consideration of the third section, and the subject pending is the amendment of the gentleman from Indiana (Mr. Clark.)

Mr. CLARK. Mr. Chairman: Upon reflection, looking upon this proposed section, it seems to me perhaps that a portion of it, the provisional part of it, would be properly referable to the Committee on Schedule. It seems to me that nothing should be in the Constitution of the State, properly so called, but provisions that are to last for all time. But in this second part of the amendment which I proposed, I made provisional arrangements to serve from the time of the adop-

tion of the Constitution until it becomes practicable to introduce the full provisions of the amended Constitution. I feel, therefore, like withdrawing the amendment which I proposed to this committee and submitting another. I shall, therefore, ask the unanimous consent of the committee to withdraw it, and when the committee rises I shall move to refer that portion of the amendment which is provisional to the Committee on Schedule.

Unanimous consent was given, and the amendment was withdrawn.

TO STRIKE OUT THE PROVISIO.

Mr. CLARK. Mr. Chairman: I now offer the following amendment:

To strike out all after the word "years" in the first sentence.

Mr. WHERRY. Mr. Chairman: I move to postpone for the present the further consideration of this third section.

Which was rejected.

INCREASED REPRESENTATION.

Mr. DARLINGTON. Mr. Chairman: I offer the following amendment:

By striking out all after the word "third," and inserting the following:

"The number of representatives chosen at the several periods hereinafter mentioned for their apportionment be fixed by the Legislature, shall not be less than one hundred and fifty nor greater than three hundred. The number of Senators shall at the same time be fixed by the Legislature, and shall never be less than one-fourth or greater than one-third of the number of Representatives."

Mr. MACVEAGH. Mr. Chairman: Before the vote is taken, I desire the committee to understand that, of course, this is submitted without the slightest feeling on the part of anybody. One view of the gentleman from Indiana (Mr. Clark) is that the Committee on Schedule are to arrange for the transmission from the old Constitution to the new, which nobody doubts. He also believes that it falls within the duty of that committee to dispose of this proviso. That does not seem at all clear, for this reason: That the object of the proviso is not to arrange for the passage from the old Constitution to the new, but to provide that annually one-half of the Senate shall be elected at the same time. That is a constitutional provision, and it seems to me, I confess, for I have not the slightest feeling about it,

that it ought to be incorporated in this section. The words that have been added provide that, as nearly as possible, one-half of the Senate may be elected every two years. That is the object of the proviso. Not to arrange new method but to provide a continuous session; and therefore, while I may have heartily agreed with the gentleman's general notion that these matters for bridging over the passage from the one Constitution to the other belong to the Committee on Schedule, it seems to me that this committee of the whole ought to dispose of this proviso, and because it includes the continuity of the Senate and its partial election annually at different periods, a principle which has been accepted in this Commonwealth for very many years, and which, I am sure, nobody here desires to question; and therefore I trust that the proviso, in such form as the committee of the whole may see fit to prefer it, may be adopted, while I agree cordially in the proposition of the gentleman from Indiana (Mr. Clark) to refer the other matter to the Committee on Schedule.

MR. CLARK. Mr. Chairman; You will observe by the reading of the third section that the proviso is in these words:

Provided, That those who shall be elected at the first election after the adoption of this Constitution shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of two years, and of the second class at the expiration of four years.

I have two objections to this proviso as contained in this section.

First, I believe it is admitted—at all events it must be generally acceded—that our work may be submitted to the people sometime in the latter part of the coming summer, say in August, so that it may be either rejected or approved by the people of the State before the election ensuing next fall. Well, now then, at the first election after the adoption of this Constitution, we would have no districts in the State, except the districts as originally formed and now existing. The proviso necessarily goes upon the basis that we will have no greater representation in the State Senate than thirty-three members. I know the sentiment which has been prevalent throughout the House is to increase the representation in the Senate as well as in the House.

I have another objection to it. The seats of the Senators of the first class

shall be vacated at the expiration of two years, and of the second class at the expiration of four years. Now the gentleman from Dauphin, (Mr. MacVeagh,) who is the chairman of this committee, I have no doubt expected that the whole number of Senators would be elected at the first election, and that one-half of them should serve two years and the other half four years. That was manifestly his intention in this section, and that necessarily precludes the possibility of the present enactment.

That necessarily precludes the present incumbents from holding their positions for the balance of their term. I think it just to Senators in office that they should be permitted to hold out their term, and whether or not they shall, and how they shall, is a question for the Committee on Schedule to settle and return to this Convention. If they can make a bridge by which the people of this Commonwealth can pass from the old Constitution to the new, it is for them, and not for the Convention, to anticipate their action. Therefore I believe what we have to do now is to fix the term of Senators, which is provided for in the third section, and the term of Representatives, which is fixed in the fourth section. We should fix the tenure of their office, and having done that we will expect the Committee on Schedule to give us a bridge to pass over from the old order of things to the new. Whether or not they provide that some Senators shall be elected for two years and some for four years is a matter for them.

It seems to me that nothing should go into the Constitution but just such things as are to continue, and all provisional affairs must go into the schedule annexed to the Constitution, which must provide for the new order of affairs and adjust it so as to meet the old.

The question being upon the amendment of Mr. Clark, it was agreed to.

THE CHAIRMAN. The third section, as amended, will be read.

THE CLERK read as follows:

"Third. Senators shall be elected for the term of four years."

MR. DARLINGTON. Mr. Chairman: I move to strike out all after the word "third," and insert:

"The number of representatives shall, at the several periods hereinafter mentioned for their apportionment, be fixed by the Legislature, and shall never be less than one hundred and fifty nor greater than three hundred. The number of Sen-

ators shall, at the same time, be fixed by the Legislature, and shall never be less than one-fifth nor greater than one-third of the number of representatives.

Mr. DARLINGTON. Mr. Chairman: I have introduced this proposition at the present time in order that we shall not become more confused with the Constitution, but have this question settled. It comes in here as naturally as in any other place, and perhaps more so. I wish to test the sense of the Convention in the first place upon this question.

Mr. WHERRY. Mr. Chairman: I rise to a point of order. My point of order is that the amendment is not germane to the section.

Mr. DARLINGTON. I suppose it is in order to strike out the whole thing.

Mr. MACVEAGH. It will be germane to another section of this report—section twenty.

Mr. DARLINGTON. Mr. Chairman: It is germane right here. I propose to address the committee upon this question.

Mr. WHERRY. I submit the point of order to the Chairman.

The CHAIRMAN. The Chair cannot see how the amendment is germane to the question of fixing the term of Senator. The point of order is sustained.

Mr. DARLINGTON. Is it not in order to strike out the whole section and put in a substitute? I have no objection to the third section coming in afterwards, but it is very important that this question should be first settled.

The CHAIRMAN. The only matter now germane is the term of office. A motion to strike out and fix another term the Chair thinks would be in order, but no amendment which will change the entire character of the section. That is my view of the parliamentary practice bearing upon the question. The Chair will sustain the point of order.

Mr. DARLINGTON. That is not in order now.

The CHAIRMAN. Yes, sir. The section is then before the committee.

The third section was agreed to.

The CHAIRMAN. The fourth section will be read.

The CLERK read as follows:

SECTION 4. Representatives shall be elected for two years.

Mr. KAINE. Mr. Chairman: I move to amend, by striking that line entirely out. The committee has already fixed in the second section that the members shall be elected for two years.

Mr. SIMPSON. Mr. Chairman: I would suggest to the gentleman from Fayette (Mr. Kaine) that he is slightly mistaken in this matter. The second section only provides for an election of the members of both branches every two years. "The members of the General Assembly shall be elected every two years." It does not say that the members of one House shall be elected for any particular term, and those of the other for another term, and therefore, if we provide that the Senators' term shall be four years, we ought also to provide that the members of the House should be for two years.

The CHAIRMAN. The question is upon the adoption of the section.

The fourth section was agreed to.

The CHAIRMAN. The Clerk will read the next section.

The CLERK read as follows:

SECTION 5. The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January succeeding the adoption of this Constitution, and every two years thereafter, unless sooner convened by the Governor in special session.

Mr. DARLINGTON. Mr. Chairman: I now move to insert the amendment I offered for the third section, in place of the section just read.

Mr. MACVEAGH. Mr. Chairman: I must rise to a point of order. This report is now before the committee, and this section is before it, and the gentleman can only propose an amendment that is germane to the section. His subject will come up in a very little while, but I do insist that it cannot come up at this time.

The CHAIRMAN. It so strikes the Chair.

Mr. SIMPSON. I would suggest to the gentleman that he withhold his amendment until we reach the twentieth or twenty-first section. They are upon the same subject as his amendment; one determining the number of Representatives and the other the number of Senators.

Mr. DARLINGTON. Mr. Chairman: I am very well aware that there are several places where this might be brought in afterwards, but there is no place so well adapted to it as this, because it is better that we settle this prime, leading, fundamental question of whether we will increase the number of representatives before going further. If we settle that question now we will have less trouble with the other sections. Are we to have a House of one hundred, one hundred and fifty, three hundred or five hundred members? Upon that very much will depend our

consideration of divers other subjects. I insist that it should come in here.

Mr. WHERRY. Mr. Chairman: I desire to put the point of order in this shape: That having passed the fourth section properly in the order of our business, the fifth section comes up for consideration, and therefore the gentleman cannot put in an intervening section without unanimous consent.

The CHAIRMAN. The Chair thinks the amendment cannot now come in.

Mr. DARLINGTON. I would ask the Chair whether it is not in order at any time to insert a new section. The harmony of the committee will not be disturbed by it; on the contrary it will be promoted.

Mr. COCHRAN. I would merely suggest to the gentleman from Chester (Mr. Darlington) that, in my judgment, he can reach his point—though I do not agree with him in his proposition—by moving to postpone the consideration of the fifth section, for the purpose of introducing a new section, to be called the fifth.

Mr. DARLINGTON. Any way. That is only circumlocution. I make that circumlocutory motion, then, to postpone the further consideration of that section, so as to introduce mine.

The motion was not agreed to.

The CHAIRMAN. The question is upon the adoption of the fifth section.

Mr. HAY. I offer the following amendment:

The CLERK read:

Add to the section: "And when convened in special session there shall be no legislation upon subjects not particularly mentioned in the proclamation of the Governor calling such session."

Mr. HAY. Mr. Chairman: It seems to me that when the General Assembly meets it ought to be confined to subjects of special session named in the proclamation of the Governor, because, otherwise, the session of the Legislature might be indefinite, and might continue during the whole period of the two years, against the provision of the section which requires that they shall hold a biennial session; and it is with a view of accomplishing this object that I offer the amendment. Such an amendment seems to express the views of the other members besides myself, and therefore it was that I offered it.

Mr. MINOR. I agree with the gentleman in the main object, but it strikes me that he overlooks one important point. Emergencies may arise between the date

of the proclamation and the date of assembling, and if it be decided that the proclamation shall state what shall be acted on, and the Legislature can act on nothing else, there may be some very important matters left without consideration. I therefore move to amend the amendment, by striking out such words as may be necessary, so as to make it read that the Governor "shall state, in writing, to both Houses, *when assembled*, the purpose for which they are convened."

Mr. JOHN PRICE WETHERILL. It seems to me, sir, that this whole matter comes properly under the charge of the Committee on the Executive; and I have no doubt when they prepare their report and introduce an article authorizing the Governor to call special sessions, we will find that that article and this will be about identical. My impression is that the committee considered that matter when they had it under consideration. I would suggest that it would be well to postpone the consideration of this matter, as it will be more than likely found in the report of the committee referred to.

Mr. MINOR. I agree with the gentleman, but the reason I offer the amendment is this: That the authority given to the Governor for convening a special session is embraced in this article; and it seems to me that the limitation ought to be found in the same place where the authority is found. If the authority be placed in this article, the limitation ought also to be here.

Mr. BUCKALEW. I suggest to the gentleman from Allegheny (Mr. Hay) that he withhold his amendment for a short time, so as to enable us to take a vote on the question of annual sessions. The decision of the Convention on that question will render his amendment either decidedly necessary or unnecessary, and the Convention can better, perhaps, act on it when that question is decided. I hope, therefore, he will withdraw it, so as to let us first have a vote on the question of annual sessions.

Mr. HAY. I am willing to withdraw the amendment which I have proposed, provided it is the intention of any gentleman to move to amend, by striking out the words "two years" from the section and insert "annually." After the vote is taken on that amendment I will renew the amendment which I have offered. I will therefore withdraw it for the present.

Mr. BUCKALEW. Mr. Chairman: I move to amend, by striking out the word "two,"

and also the "s" in the word "years," so that it shall read "every year thereafter."

This question was pretty well discussed in connection with the consideration of a preceeding section. I do not propose to go over the ground covered by that debate. It seems to me that our appropriation, which amounts to several millions of dollars, for the annual outlay of the government, should be made annually. It seems to me that our Legislature should be in session annually, like the United States Congress, and other important public bodies, to look after the management of the finances of the State and to dictate any change of policy, with reference to the administration of the government, that it may become necessary to make. I think our Legislature should be in session annually, in order to constitute a necessary curb upon the Executive Department, and for many other purposes. It seems to me that every year the representatives of the people, in the two Houses of the Legislature, should be at the seat of government ready for any emergency, and prepared to transact the public business.

I have voted, and very cheerfully, to elect members biennially, believing that our experience with reference to the election of members of Congress has been entirely satisfactory throughout the United States. It seems to me it would operate well if applied to the choice of members in the lower house of our Legislature. In giving that vote, sir, I gave it with the intention of presenting or supporting the amendment which I have now proposed, and I hope this amendment will be adopted.

Mr. CUYLER. Mr. Chairman: I desire to say a few words, not so much persuasively of others as an expression of the reason for the faith that is in me, and an apology for the vote that I propose to cast on this question.

I confess, sir, I lingered long in coming to a conclusion as to whether a change from annual to biennial sessions was or was not desirable; and I came to no conclusion until I heard yesterday the remarks of the distinguished chairman of the Committee on Legislation (Mr. MacVeagh) with reference to this question. They were made logically, thoughtfully, gracefully and eloquently, as all the remarks that fall from that gentleman are made. But they were not made *persuasively*, so far as my judgment was concerned. I am not willing to do violence to the tra-

ditions of the people of the State, unless some good reason is made apparent for it. I am not willing to change the practice which has existed from the foundation of the Commonwealth merely for the sake of change, and I have listened in vain to hear an argument which should be persuasive of my judgment, and convince me that this change should be made.

I can see no advantage in the direction in which gentlemen look for it—in a change from annual to biennial sessions. I agree with the gentleman from Dauphin (Mr. MacVeagh) as to the arguments which are said to prevail in our Legislature, the lack of purity and the indirection which influences the votes of that body. But I am at a loss to perceive how a change from annual to biennial sessions is to work out a different result. I am at a loss to see how a continuance in office for a period of two years is to render pure those who are impure, or make their legislation more worthy of the State than it otherwise would be.

I think the redress for the evils which afflict the State is to be found in another direction. I consider that the highest and grandest office which rests upon this Convention is to secure purity in the elections of our State, and a fair expression of the popular will in the nomination and choice of candidates. If we cannot secure a better representation in the State of Pennsylvania, then our republican institutions are an utter failure, and the sooner we abandon them the better for the people. I agree with the gentleman from Erie, (Mr. Walker,) who addressed this House so eloquently last Saturday. I have faith in the people, and nothing that has occurred in the history of Pennsylvania has shaken the confidence—the firm and absolute confidence—that I have in the people of the State. But our difficulties in legislation have arisen from the fact that the people of the State have not been fairly represented in the election of members of the Legislature, and their votes have not been fairly counted in the returns made. I speak not so much now of the country districts, but for the city of Philadelphia, in which I live; and, notwithstanding the remarks that were made on this floor, called forth by the views expressed by me a few days ago, which were corroborated by other gentlemen, I repeat that the elections in the city of Philadelphia are as unfair, as unjust and as inexpressive of the popular will as they can possibly be.

I will venture to read a half dozen lines from a manifesto to the people of Philadelphia, which has been issued within the last few days by our Municipal Reform association—not issued, except that copies have been sent to the press, but the document itself is now passing through the press and will be presently before our people. The Municipal Reform association is composed largely of gentlemen who have stood high in the ranks of the republican party. It is presided over by a radical republican, and it is administered by gentlemen whose votes, during the war and since the war, have been almost uniformly with the republican party. I venture to read a few lines from this manifesto, serving to illustrate the condition of the city of Philadelphia in relation to illegal voting, and serving to show the unfortunate significance of a pardon recently accorded by the President of the United States to a man convicted and sentenced, for fraudulent voting in this city, to eighteen months' imprisonment. The appeal of the citizens of Philadelphia to know who the parties are who have asked for that pardon has hitherto been met by an utter refusal to accord the information.

These Municipal Reform gentlemen say: "Thousands of lawful voters were personated at the polls, and were thus deprived of the franchise; thousands of illegal votes were cast, and as these devices proved insufficient to overcome the voice of the people, the returns were manipulated to suit the exigencies of the dominant party. From all the information that has reached us, we feel safe in asserting that not less than ten thousand votes were bodily subtracted from the reform ticket and added to the side that was predestined to win. Fraud and violence reigned supreme."

That is a fair expression of the honest sentiment of seven-eighths of the people of Philadelphia. Can it be wondered that the city of Philadelphia is imperfectly represented in the Legislature of the Commonwealth when frauds like these are tolerated at the polls? Can it be wondered that honest men—men of pure character—refuse to be candidates for the Legislature when the pathway thither is steeped in fraud and wrong? Here, sir, is the difficulty that really affects the State. It is in our primary organization; it is in our system of nominations; in our method of election. If the people of the city of Philadelphia and the people of this Commonwealth of Pennsylvania might

fairly and honestly nominate, and fairly and honestly elect, our representation at Harrisburg would be one that would fill us with pride as Pennsylvanians, and we would glory in the dignity and honor of our State. So that the grandest office that this Convention can perform for the people of Pennsylvania will be a reform in our primary system, whereby good nominations may be made, and honest men, when nominated, may have a chance of a fair election.

Now, sir, I am unwilling to tinker at the Legislature of the State, because these wrongs exist in our methods of election. If we cannot redress these wrongs, and cannot inaugurate a fair system of elections, let us confess that our republican system of government is an utter failure and abandon it entirely, and substitute a system for it that shall operate for the good of the people, and which shall not pollute our elections with pernicious frauds. I am not willing to seek redress for the trouble we are under with regard to the Legislature by infrequent sessions of that body. That argument, if it is followed to its logical conclusion, would banish the Legislature from the State entirely. If we are to diminish the wrongs that are perpetrated by holding less frequent sessions, we can rid ourselves of these wrongs entirely by abolishing the sessions of the Legislature and not holding them at all. Now I do not propose to recapitulate the arguments that have been urged, or that might be urged, in favor of annual sessions.

When I consider the multiplied and varied interests of four millions of people, rapidly increasing in wealth and rapidly increasing in numbers, I cannot doubt that annual sessions of the Legislature must be necessary for the prosecution of the business of so great a Commonwealth. Nor do I believe or see that the evil is to be remedied by the passage of general laws. What long experience and what period of time have been required in the past and will be required in the future to devise proper general laws for the government of the Commonwealth? Take the railroad system of the State. Who shall say to me that it would have been possible twenty years ago to have framed a general railroad law for the Commonwealth of Pennsylvania that would have been wise and practical in its operations. We needed the long experience of these years, and we needed the knowledge that we have annually derived from these matters, be-

fore we could devise an appropriate general railroad law for the State as practically as we can do now. Take, then, the manufacturing interests of the Commonwealth. Where does there stand on the statute book any law of this, or any other Commonwealth, which is less efficient for the good purpose for which it was enacted than the general manufacturing law and its supplements in the State of Pennsylvania. There is nothing in it to induce capital to enter corporate organizations. Capital is protected from the curious and inquisitive supervision which is exercised over its corporate use under the authority of that law when it is applied by private enterprises alone, and there is no advantage, under the general law of Pennsylvania, for aggregated capital, applied to manufacturing purposes over the operations of the ordinary forms of partnership. When I contemplate the vast interests of this Commonwealth, I perceive that our citizens are in a constant state of progress and improvement.

Each year we will be more freshly alive to these interests, and being better informed, will be better able to generalize the facts that may come to our knowledge in order that we may form suitable general laws for the government of the Commonwealth; and this operation must go on from year to year. It is steadily going on, and it will continue to go on for all time to come. There can be no year in which there will not be fresh light illuminating the wisdom of the representatives of the people and aiding them in the development of these general laws. Nor am I persuaded that there are not many interests in this Commonwealth better protected by special laws than by general laws. I ask wherein has the special legislation of this Commonwealth worked out the enormous disadvantages and mischiefs to which gentlemen have alluded upon this floor? I point to the State of Ohio, and I ask my friend, formerly a citizen of Ohio, (Mr. Minor,) who addressed this Convention, whether that State, under the operation of her general laws, is in any higher condition of prosperity than the Commonwealth of Pennsylvania to-day is under the operation of the special laws that have been enacted? Now a general law may fit precisely a special case with the absolute exactness of a special law provided for the specific case, but the chances are much against such a result, while doubtless there are objections to special legislation, it is not

true, as a general rule, that special legislation is damaging to the interests of the State or to the rights of the Commonwealth or any of its citizens. We may say, Mr. Chairman, as it was very justly observed by the gentleman from Columbia, (Mr. Buckalew,) that the House is the grand inquest of the Commonwealth. It exercises supervision over every department of government as a kind of conservator of purity and fidelity in the administration of their duties and functions. You cannot, without peril, emancipate then your Executive department, or emancipate the financial department of your government from the usual supervision which the House is accustomed to exercise over them. For this reason it is necessary, it seems to me, that annual sessions should take place. We cannot foresee with the vast and varied interests of this Commonwealth, distinctly, two years ahead what measures may be required for the interest of the Commonwealth.

The people have a right to be always on hand—always jealous, and always watchful of the discharge of duty upon the part of the various departments of the government, that they may promptly and readily apply redress if it is required. Now it was with these views that I cast my vote a few days ago in favor of biennial elections. I acquiesced in the action of the Convention upon this subject, but I would have preferred annual elections. I would have the popular branch of the Legislature reflect quickly and sensitively the various changes of the public sentiment and feeling. I would have annually elected members of the Legislature, but the Convention has determined otherwise, and I acquiesce in its decision; but on the question of biennial sessions I desire earnestly to entreat gentlemen to pause and consider before they shall decide that it is wise for the people of this Commonwealth to have their Legislature assemble once in two years instead of annually, as has been the ancient practice of our Commonwealth.

MR. GIBSON. Mr. Chairman: I did not expect to take any part in this discussion, and therefore I am scarcely prepared to express all the ideas which are now in my mind in regard to this subject. Like the eloquent and distinguished gentleman (Mr. Cuyler) who has just taken his seat, I was for a long space of time in doubt as to which way I should vote in regard to this question of annual and biennial sessions. I have now arrived at a conclu-

sion. I was not present the other day in the Convention when the vote was cast nor in the committee of the whole which determined as to whether elections should be held every two years or not, and I missed a part of the interesting debate which took place on that occasion. All that I have learned is from the reports in the public prints; but, sir, looking at the arguments on both sides, I think that this Convention will make a very great mistake, and that it will subvert the principles on which this Commonwealth and all free governments are founded, and violate the principles of republican and democratic government, if we should adopt the principle of biennial sessions.

I am satisfied, after the best reflection that I can give to the subject, that it is absolutely necessary and essential to the welfare of this community, and of all free government, that there should be an annual representation and expression of the will of the people. It has been stated upon this floor that corruption exists in the popular branch of the Legislature. The Senate, as well as the House of Representatives, have been attacked in this Convention, and members here have stood up, as a matter of course, and defended the representatives of the will of the large body of the people of Pennsylvania. I believe the people of Pennsylvania to be pure and upright, and it is only because certain men have taken in charge and controlled the politics of the State that this evil of corruption now exists. But, sir, it is the same in the moral world as it is in the physical world. We cannot remove from the face of nature the defects that exist upon it by any constitutional provision. Whirlwind, storm and earthquake have their play and mar the face of nature; the pool will stagnate and animalculæ breed, and monsters are bred of the slime of the ocean. Political power will stagnate and corruption will do its work, but I have faith in the people, and if the proper machinery and proper principles of government are once adopted, the people will ultimately crush out this corruption. It is to the primary elections that we must look for the origin of this evil.

There is one reflection, however, which I wish to make in this connection: Suppose, in the city of Philadelphia, or the city of Pittsburg, or some other of the large communities in this State, men have succeeded in getting control of the political affairs, and that this corruption, as it is called, is ripe in the Legislature of

the Commonwealth. Are there not certain communities or counties in which, from the very time of the foundation of this government to the present day, not one word can be said against a single representative that comes from that particular district? They have always been pure and honest men, and the people have always been fairly and honestly represented.

Are these communities to be punished by being denied the right of representation, or of annually expressing their will because certain other communities have sent corrupt men to the Legislature? Is it possible that they are to be denied the right of representation under the principles of a true democratic government? Why, sir, what is the Legislature for? Is it a mere piece of machinery? Are we to have legislative changes because this is a democratic and republican government, and therefore it is necessary to have a number of men elected as representatives who are to form the different branches of the Legislature, but that they are to be mere pieces of machinery, a part of the machinery of the government, and we cannot abolish it? No, sir. I do not think that it is anything of the kind. I think that the Legislature of the State of Pennsylvania is, according to true democratic and republican principles, the representative of the people themselves. If it is a mere piece of machinery, why could not a committee of three, or a committee of ten, or why could not the executive officers of the Commonwealth devise the laws to be adopted throughout the Commonwealth? No, sir. The very fact that we have a Legislature, and that its legislators represent the people of the different sections of this Commonwealth, is the very reason they should annually have an opportunity, through their representatives, of declaring what their will may be with regard to the measures that may be proposed by the State at large. I trust that the Convention will pardon me for the crude manner in which I have delivered these remarks. I did not intend to address the committee upon the subject. I have simply made these remarks because I feel a deep conviction that a mistake will be made if we alter this fundamental rule, and this truly democratic and republican principle that there should be an annual representation of the people in the popular branch of the Legislature.

Mr. DALLAS. Mr. Chairman: I desire to say at the outset of my remarks that I

heartily concur with all that has fallen from the honored delegate at large from Philadelphia (Mr. Cuyler) upon the subject of election frauds. The body of men who have issued the manifesto from which he read have done me the honor to select me as one of their counsel; and in the performance of my duties, under their instructions, I have had occasion to examine the records of the last election in the prothonotary's office of this county, and have there found, upon the face of those records, three thousand one hundred and ten altered votes, and this without including a single alteration that was not patent to the eye, or about which there could be any question whatever; and it has been a matter of surprise to me that any gentleman upon this floor should be found to doubt the correctness of the general effect of the remarks of the gentleman on my right, (Mr. Cuyler,) in relation to election frauds; but I confess that I am at a loss to understand what the truth or falsity of those statements has to do with the question now before this committee. I do not believe that the people of Philadelphia, or the people of any other portion of this great Commonwealth, are hopelessly wedded to fraud. That we have such things results from the fact that the people of the Commonwealth of Pennsylvania have fallen into the power of a few designing men, who harbor bad purposes and who are not above carrying them out.

But, sir, I think that the argument of the gentleman from Philadelphia, (Mr. Cuyler,) and of the gentleman from the First district, (Mr. Biddle,) as well as that of the gentleman from Erie, (Mr. Walker,) for whom I have a high respect, and to whom I listen not only with attention but with reverence, fails in logical correctness in this. I think a great cardinal error is committed when we are told that the House of Representatives of Pennsylvania are the people of Pennsylvania. That in restricting its number of sessions from one every year to one every two years, we are derogating from the people of Pennsylvania. Sir, in this view, which, if it were correct, would control my vote, I cannot concur. We forget, sir, the dignity of the people of Pennsylvania, and the honor of our own body, when we assume such a position. The Legislature of Pennsylvania are but its agents. We are the chosen counsellors of the people, selected to prepare for them their letter of attorney to their agent, restricting them all, legislative as well as others, in

the exercise of the powers conferred upon them.

I say, then, it is simply a practical question whether the people of Pennsylvania, speaking through us, their chosen counsellors, shall not say in the instrument which we are preparing to contain the restrictions upon the Legislature: "Gentlemen, our servants, our agents—but by no means ourselves—you shall hereafter set but once in two years, and not every year." The gentleman upon my right, (Mr. Cuyler,) in speaking upon this subject, indicated from whence the objection to biennial sessions must really come, for the logic of his mind is such that he could not avoid following where it led. He found it necessary, therefore, to advocate special legislation. If, however, the voice of the Convention be, as I trust it will, that under some well considered provision, proper restriction is to be placed upon special legislation, then there can be no necessity for more than biennial sessions. And the rule is a good one in matters of state as in individual affairs, that our agents should be restricted, as far as possible, in view of the work they have to do, and if we are to provide that the work of the Legislature is to be less than one-fifth of what it has hitherto been, then let the number of their sessions be reduced at least to the extent one-half.

We are told upon this floor by a gentleman who lived for a time in the great State of Ohio, (Mr. Minor,) and who gave us the benefit of detailing his views upon this subject, that Ohio's general laws, since they abolished special legislation, have been but one hundred and twenty pages a year. In this State, however, an examination of our pamphlet laws for 1872 discloses ten times as many pages to be covered by the productions of our Assembly. Now it is said that Ohio has not the material interests of this State, and therefore it may be well objected that her Legislature may reasonably meet less often than that of this great Commonwealth. That I believe, sir, to be true to some extent, but not true to the extent of maintaining the argument for which it is advanced. I suppose that the great coal, iron and railway interests, all of these great interests in this Commonwealth, exceed the same interests in Ohio, but certainly not as ten to one. But, sir, it is because our interests in this State are great; because our business is almost beyond limit, and must still increase; it is, I say,

because of the magnitude of our material interests, that we should not empower our agents to constantly tinker with them. I draw from such facts a truth the very opposite of the matters stated upon this floor in favor of annual sessions. There is probably not in this Convention a lawyer who does not know that not only our business interests, but even cases actually in court, are constantly affected by legislation, and not always fairly, and this is one of the evils we hope to palliate by abolishing annual sessions. Suits strong and powerful have now the ability to approach the Legislature constantly during the times when our courts are sitting and ask for legislation that shall affect causes actually under trial.

The argument that we are taking power from the people by changing to biennial sessions would, as I have said, be one that would be overpowering with me, if I could concur in it; and if annual sessions would tend to decrease instead of increasing the frauds and outrages at elections, to which the gentleman from Philadelphia (Mr. Cuyler) refers, that too would be conclusive of my vote. But I cannot satisfy myself of the correctness of such positions, and I find it comes back simply to a question of restriction upon the agents of the people, to be suggested by us, and I, for one, will vote to refer it to the people, because I desire, while I repent what is past, to avoid what is to come from the State Legislature of Pennsylvania.

MR. BARR. Mr. Chairman: I have not taken part in this discussion, although I have watched its progress with great interest, and do not now desire to do so; but I shall be required to vote on the proposition now pending before the committee, and I wish to give my reasons which will guide me in that vote. I am not one of those who come here for the purpose of making speeches to the Convention about the dishonesty of members of the State Legislature, or to engage in defaming them as though they were the greatest villains in the country, because I believe they are just as the people make them. That they are the average men of this Commonwealth, and that if we have rogues and villains there it is because too many of us who vote for them are men of the like character.

I shall, therefore, not base my vote on the question of a fraudulent or a corrupt Legislature. I base it upon the principle which will guide me in all the votes that I shall give here, a principle that ought

to underlie every good government, and that is that all governments should be for the general welfare and the greatest happiness of the greatest number, and that our duty will be best performed here when we so act as to bring about that result. And as we can effect that as much indirectly by reducing the burdens of the people as by directly increasing their happiness, therefore I shall vote for biennial sessions, for the reason that while the expenses of the Legislature amount to about a half a million of dollars per session, if you have but one session in two years you at least save that expense to the people. When I see the evident tendency of this Convention to restrict the Legislature from engaging in special legislation, and thereby remove nine-tenths of their labors, I can see at a glance that when we do thus restrict them we also reduce, by at least an equal proportion, the amount of general legislation which will thereafter be necessary, because general legislation, as a rule, now results from the enormous amount of special legislation which necessitates general legislation afterward.

I shall vote for biennial sessions, because the Legislature, by meeting once in two years, can accomplish all that is necessary for the interests of this Commonwealth, unless, as some of the gentlemen have said, the appropriation bills cannot be passed. As to that, sir, let me say that if it require an expenditure of half a million of dollars to appropriate money for the annual expenses of this Commonwealth, that leaving out of the question the expense to which the Legislature annually subjects the State, the balance of the appropriations do not amount to such an enormous sum. And if there were merit in that argument it would be a very easy matter to meet. It will be very easy for this Convention or the Legislature to provide in their biennial sessions for such a contingency. Nor can I see how this Convention can fail to provide for more restricted sessions of the Legislature. The people of this Commonwealth are looking for reform. This Convention was called in order to effect reform, and the people are looking to us to give them a fundamental law that shall reduce the burdens that now oppress them, and the proposition to make the sessions of the Legislature biennial instead of annual is a tendency in the right direction. It is one which the people will sustain and approve, and I apprehend that if we wish

the Constitution we are to frame approved by the people, we should so draft it that it shall command their approbation. For the reasons named I shall vote for biennial sessions.

MR. J. PRICE WETHERILL. Mr. Chairman: I will not occupy the time of this committee for more than a very few moments in speaking in reference to this matter. I am clearly in favor, not only of biennial elections, but also of biennial sessions, and my remarks shall apply simply and only in answer to the argument that has fallen from the lips of my colleague from Philadelphia (Mr. Cuyler.) In the first place I agree entirely with him in reference to the fraud and corruption to which he has so eloquently alluded, and at the same time I regret that when a political criminal, a man who has committed fraud in an election, has been arrested and by due process of law placed in a felon's cell, there can be found in this or any other city men who are so anxious to get him out, so anxious to allow him to run at large, so anxious that he may reproduce that fraud and corruption for which he was incarcerated, that they will sign a petition for his pardon. I rejoiced to hear the gentleman from Philadelphia (Mr. Cuyler) condemn any man who is guilty of an act of that sort either in general or State elections. I know, sir, that the other day, after a great deal of trouble, our courts did convict and incarcerate in this city a man notoriously connected with political corruption. And, sir, that man was recently pardoned; pardoned upon the application of some of the best men, some of the leading men in the city of Philadelphia. Knowing that fact very well, I rise in my place to say here and now, that I hope every man will join in the severe rebuke which the gentleman from Philadelphia (Mr. Cuyler) has given to that sort of procedure.

The gentleman has said, and I merely allude to this because it has not been touched upon by any of the gentlemen who have so far spoken upon the subject, that he believes that the railway interests of this great State will suffer if annual sessions shall not be the rule. Why, sir, in the little information that I can gather in regard to that matter, in conversation with some of the men who help manage the vast railroad interests of this State, I find that what they, in the main, desire, is a general railroad law, broad and comprehensive, under which any corporation

can have the free and proper rights which the State is bound to bestow upon them, and that the railroad companies mostly fear this. They do not ask for special legislation. They would prefer general laws, but they say that they must be represented in Harrisburg in order that adverse legislation shall not be passed to their injury.

Give us a good general railroad law and there will be no special legislation asked for. We have, to-day, upon our statute books a railroad law which is ineffective; a railroad law, as the gentlemen in the minority report state, under which not one single rail can be laid. That is a reason why so much special legislation is asked; for "this is the reason why railroad companies must ask for special legislation, because they cannot, under an imperfect railroad law, act with advantage to the stockholders or the public;" but give them such a law as will be framed by a proper body, broad and comprehensive, and then they will be satisfied.

The same remarks will apply to the manufacturing interests of this State. I know very well that, as our people grow in years, they will need general manufacturing laws upon a broad, comprehensive basis. I know very well, to meet the sharp trade competition that now exists, aggregated capital must be secured. What the dealer wants and what the manufacturer demands is a stable manufacturing law. They do not wish to be in such a position that they must keep their attention fixed upon Harrisburg, every year, to see whether the law has changed. Is it not quite sufficient that they, as at present, must have their attention fixed upon Washington, where revenue and tariff laws are continually changing to their injury, and should they be compelled to watch both points? We want a general railroad law; we want a general manufacturing law, both fixed and stable. Stability is the life of trade. With annual sessions the danger of change is great; with biennial sessions that danger is reduced one-half, and thereby will bring relief, as far as it goes, to the constant dread of too much legislation upon the vast interests of mining and manufacturing in the State.

For these reasons I do hope that the section, as it has been presented by the committee, will be adopted.

MR. KAINE. Mr. Chairman: I desire to say but few words upon this question. I was opposed to changing the Constitution from annual to biennial elections of the

Legislature; but this Convention, by a very large majority, have decided otherwise, and therefore I submit. But upon *this* question, Mr. Chairman, I think there should be no two opinions in this Convention. Although not much harm may arise from electing the members of the lower house of the Legislature every two years, yet I apprehend that the great interests of the Commonwealth of Pennsylvania require that that branch of the Legislature, or that the Legislature, should meet annually. There is a great deal more business for the Legislature to do for the people of Pennsylvania than is supposed by my friend, the gentleman from Somerset, (Mr. Baer,) or by those who have spoken here with reference to special legislation. There is a great deal more for the people, in the representative capacity, to do than that. We have all our moral, social and educational interests to tend to. We have our system of common schools that require an annual appropriation and annual supervision. We have all our various educational interests of the State, our charitable institutions, penitentiaries, and everything of that kind, that must, and will, from year to year, and one year after another, more particularly as the State increases in wealth and population; all these matters will, more and more, require the attention of annual sessions of the Legislature.

Mr. Chairman, reference was made the other day to the State of Ohio, by the gentleman from Crawford (Mr. Minor.) Reference has been made this morning to his remarks by the gentleman from Philadelphia (Mr. Dallas,) that they elect their members of the Legislature biennially, and that they get along swimmingly since the adoption of their Constitution of 1850. I, perhaps, have had some little knowledge with regard to the working of the laws and of the Constitution of Ohio. I have been there often. I have had some transactions in their courts, and under their laws, and so far as their judicial system is concerned, I have no hesitation in saying that a worse one does not exist in any State in this Union; and, with regard to biennial elections of the Legislature, I have it from the highest authority in that State, from a gentleman high in position now, a distinguished Senator of the United States, from the State of Ohio—I refer to Judge Thurman—with whom I had some correspondence this last summer upon this very subject, and I am informed by him that although the election of their

Legislature occurs biennially, since the adoption of their Constitution of 1850, there has not been a single year, but one, in which they have not had annual sessions of the Legislature. And I was informed further, sir, by that gentleman, that the Convention which was then proposed to be called, and which has since been provided for, would strike from the Constitution that provision and elect the members of the Legislature annually.

Now, sir, if the experience of Ohio is worth anything, it is worth something to us upon that subject. But I care not what Ohio does. I care not what Maryland does, or West Virginia, or any other State with regard to this subject. I am satisfied that the welfare of the people of Pennsylvania require, if not annual elections, at least annual meetings of the General Assembly. Therefore, I hope the amendment now proposed will prevail, and although we may elect our members of the Legislature every two years, that they shall assemble at Harrisburg annually.

Mr. WHERRY. Mr. Chairman: I am one of those who voted for biennial elections of members of the Legislature, designing at the time, unless my judgment was changed by some person, to vote for annual sessions. I will, very briefly, give my reasons for that vote.

I look upon the legislative department of the government as the people's department, as the people's guard against the encroachment of power through the governmental machinery, through bad influence, through those attempts to subvert the rights, and the liberty, and the happiness of the people.

I shall vote for annual sessions, because they would be a restraint upon the Executive power. If we adopt biennial sessions we must necessarily increase the power of the Executive. We cannot lessen the power of this people's department, the legislative department, without adding the power taken therefrom to some other department; therefore I say that biennial sessions necessarily increase the power of the Executive department.

I shall vote for annual sessions, because biennial sessions must necessarily lead to the increase of the power of the judiciary. If we have a curse in the State of Pennsylvania from which we ought to be delivered, it is that year after year legislation has been increasing the jurisdiction of the courts, and extending that jurisdic-

tion to subjects not at all pertinent to the judiciary.

I am of the opinion if you take from this legislative department some power, or the opportunity of exercising power, as you will by the biennial sessions, you must extend the scope of the work of the judiciary.

Mr. TEMPLE. Mr. Chairman: I desire to express, very briefly, the reasons for the vote which I expect to cast upon this question. I have frequently been asked whether I was in favor of biennial sessions of the Legislature, and asked by a great many prominent gentlemen who reside in the district which I have the honor, in part, to represent. I shall not, at this time, follow the example of some gentlemen here, by speaking at length of the frauds and corruptions which are said to exist in this city, because I am one of those who believe that the people of Philadelphia are quite as good and honest and moral in every sense as the people of any other place in this Commonwealth. My colleague, (Mr. Cuyler,) I think, could have gone further than he did, and, probably, would have gotten to the very root of this evil, had he taken into contemplation another reform which is likely to be adopted by this Convention. I desire to state to the members of this Convention that my opinion is, that the reform which is likely to be adopted will, to a great extent, do away with the frauds and corruptions which have existed heretofore in the city of Philadelphia. When we remove the prices which have heretofore been offered to trading politicians of the city of Philadelphia, then we remove, in my humble judgment, the source of all evils.

Now what is the condition of affairs in the city of Philadelphia now, so far as holding a fair election is concerned? Under our present Constitution for almost all the city and county offices there is sufficient reward offered to the young man who secures one of those positions to lead them to adopt most desperate means to attain that end. The gentleman from Philadelphia (Mr. Cuyler) could have gone further this morning, and he could have said to this Convention, and to the people of the Commonwealth of Pennsylvania, that, in our present system of jurisprudence in Philadelphia, it is no manner of use to undertake to rebuke or to punish these frauds. But I cannot, for the life of me, see what this has to do with holding biennial sessions. I cannot see what the par-

don of the man Brown, who was convicted of fraudulent voting, has to do with the annual sessions of the Legislature of Pennsylvania.

I am not one of those persons who believe that any honest and reputable citizen ever signed a recommendation for the pardon of that man, and I thought when the gentleman from Philadelphia (Mr. Wetherill) said that many men in high places and of high reputation signed this petition for this pardon, that he must have been mistaken. I undertake to say, sir, that no man who valued his reputation would have signed the petition for that pardon, or for the pardon of any other criminal of known reputation in that direction. But what has this to do with biennial sessions of the Legislature?

By adopting the theory of the gentlemen who have spoken upon the other side, they are holding out more frequent inducements to the Legislature, which they say is composed of corruptionists, to perpetrate these very frauds. It is not what we call special legislation, in the general acceptance of the word, that we desire to get rid of so much. I agree with the gentleman from Philadelphia, (Mr. Cuyler,) that special legislation, in many instances, is necessary. I believe it is necessary in order to properly develop the great interests of our State, but it is what I would term legislative jobbery that we should get rid of.

It was only yesterday that I read in the Philadelphia papers that a bill had been introduced into the Pennsylvania Legislature, by one of our representatives, to abolish, altogether, one of the departments of the city of Philadelphia; I refer to the board of health department, and if you will take up the newspapers and read the names of the gentlemen who are the projectors of this evil, you will find that they are either trading politicians, men out of employment, or men who are enemies of society.

Now if you give us annual sessions of the Legislature, you open the door still wider to these people to go to Harrisburg and ask for such special legislation as this. There is not a citizen in the State of Pennsylvania to-day who believes that any legislation is necessary. Why was it asked for? Because certain politicians in this city, who had made all the money that they expected they could, thought they might get up another job. They ran off to Harrisburg in order to oust others from positions in which they were honorably

placed. They have the impudence to offer a bill in the House of Representatives asking the abolition, altogether, of our city government, and to reinstate in office men who are unworthy of the confidence of the people.

Now it has been said that the Legislature should assemble only for the purpose of having our appropriations properly attended to. To be sure that is a very grave question, and in fact the question we have now under consideration is one of the very gravest character; but we should look at it in all its lights, and if we believe that we can have less evil emanating from having our Legislature assemble biennially, I believe this Convention should so provide.

The gentleman from Fayette (Mr. Kaine) has said that in the State of Ohio, since 1850, although the Constitution provides for biennial sessions, that they have annual sessions. Then we are to believe that in the State of Ohio there have exigencies arisen, in every instance, that demanded a session of the Legislature; and why should not that be the case here? We expect to place in the Constitution of our State, as adopted, as I understand it, a proviso or a clause, giving the Governor the power to call the Legislature together whenever, in his judgment, he should deem it wise, and for the best interests of the State; and I do believe that, taking this view of the question—outside of this clamor of fraudulent elections—because I believe that the reforms of which I spoke a while ago, and the reforms that this Convention certainly will adopt, will do away with all that kind of business—when I cast my vote it will be cast upon this subject, based upon the theory that we will have honest elections and honest legislators, and that they will do the will of the people who send them.

MR. CUYLER. Mr. Chairman: I desire to make a single remark, because I find in one respect I was misapprehended in what I said a little while ago. I did not intend to use language which would lead gentlemen to think that I was in favor of special legislation as against general legislation, at all times and under all circumstances, yet I find there are gentlemen on this floor who seem to have understood me as thus having expressed myself.

I am in favor of general legislation, founded upon a large generalization of facts cautiously ascertained. I would pass general laws as they are accustomed

to pass them through the British Parliament. In that body a commission is issued, and all the evidence that bears upon a question is gathered patiently and thoughtfully. Then, after it is gathered, it is referred to a committee, carefully digested, and a general law is the result of such an investigation.

General laws, hastily passed as the general laws of the Commonwealth of Pennsylvania have been, are very apt to be, as I believe they are apt to be in other States also, hurtful instead of beneficial, and special legislation comes to be necessary in a large degree, by reason of the imperfect character of the general law.

I would pass general laws after a thorough and careful study of the whole question. I would not pass a general law until all the facts that ought to enter into the consideration in the framing of that law had been carefully gathered and carefully digested. Even after that was done, occasions would present themselves where the law, by reason of its generality, would fail to achieve the purpose, and a special statute would be necessary.

I wish to be understood as saying that the necessity for general laws will always continue to exist. The Legislature could not to-day, even if all the facts were before it, pass those general laws which shall meet the necessities of the Commonwealth for ages to come. New classes of subjects will constantly arise; new questions constantly present themselves, and there will be a necessity for the passage of general laws for all time. Such was the thought I meant to express when I was last upon the floor. If I was understood as advocating special legislation, to the exclusion of general legislation, I either in the haste of speaking expressed myself more strongly than I designed to do or have been misapprehended.

MR. LILLY. Mr. Chairman: I am in favor of annual elections and annual sessions, and will vote therefor in Convention, upon second reading, and shall put myself upon the record as so doing, when the yeas and nays are called.

There is one thing that has not been said upon this subject, one argument in favor of annual elections that has not been touched. Suppose the Governor of the Commonwealth should commit a misdemeanor against the laws of the Commonwealth, to such an extent that his impeachment would be necessary. Now, sir, is he going to call a session of the Legislature to impeach himself? You will have

an interregnum of two years. In the meantime his office will expire, and he will go unwhipped of public justice, because of your biennial sessions.

Mr. BUCKALEW. The same with other officers.

Mr. LILLY. The same thing is true of his appointees, or other officers that are his friends. You cannot reach them at all until the Legislature meets. The old Constitution says, and I presume the new Constitution will say, that impeachment lies with the Legislature.

Now that is a strong argument that we make for annual sessions, in addition to what the gentleman from Columbia (Mr. Buckalew) and others have said.

I do not wish to nauseate the Convention or the people by saying anything about the corruptions of the Legislature. We have already heard enough upon that subject. I have had a little experience at Harrisburg. I was a member of the Legislature a great many years ago, at the time when my friend from Delaware (Mr. Broomall) said there was no corruption. I am prepared to say that we never heard of it at that time.

I have been there since, as a member of the lobby, not belonging to a ring, however, but for the purpose of seeing legitimate bills through. I admit that I have met with this corruption, as it is called, not from members of the Legislature, but by the lobby, who had influence to prevent legislation. They have held my bills there for weeks and months, but when I got them to understand that I never paid a penny for the passage of a bill, my bills passed, and if every other gentleman and every corporation that goes to Harrisburg and asks for legislation that is proper, and rigidly stands by the same principle, you will get rid of the corruption. There is where the difficulty lies. If you go to Harrisburg and leave your pocket-book at home all corruption will cease.

I do not wish to say anything further upon that subject. I have been in the State of Indiana considerably since they have had their biennial sessions. I have met and talked with many gentlemen there, and I can say that I never have talked with one that is in favor of their system of biennial sessions. All of them tell me that it is necessary that their Legislature should meet once a year, and they suffer greatly when it does not meet. I have asked them why they do not get their Governor to call a special session. They answer that he is afraid to do so

for fear the people will not like the expense, and he does not like to take the odium upon his own shoulders, of calling a special session. The consequence is that they have to suffer for it.

For these reasons, Mr. Chairman, I make this statement. I do not call it a speech. I did not intend to make a speech, and I hope the vote will be taken.

Mr. CARTER. Mr. Chairman: I do not design to detain the committee but a few minutes. In reply to what the gentleman from Carbon (Mr. Lilly) has just said, with reference to the condition of things in Indiana, I will meet the statement, or the statement of the gentleman with whom he has conferred, as to the actual workings of the biennial system in that State, by the fact that Illinois, the adjoining State has adopted it by the Constitution of 1870. It seems to me that a fact of that kind is more conclusive in its character than the desultory conversations that the gentleman may have had with citizens of Indiana. So much for that point.

There are many things that I would like to say, but I will not trespass upon the time of the Convention; but the gentleman from Philadelphia (Mr. Biddle) in speaking on last Saturday, in reference to this matter, remarked that it would be advantageous to have a prompt and quick response to the wishes of the people, by a legislative body which would be quick to assemble. The inference from this argument would be that the body should be almost permanently in session, and thus crystalized into law the desires and wishes of the people.

Now I dissent, in toto, from that position. In the few remarks which I made on a former occasion, it will be remembered that I made the statement of this general principle that that people are governed best who are governed least, and I believe that has been true in the past, is true now, and always will be true in the future. I believe there is a disposition to look for legislative aid in cases where it is not required, and I would say, in reply to the gentleman from Philadelphia, (Mr. Biddle,) that I dissent, in toto, from his view of the necessity of prompt legislation. I believe in the language of Martin Van Buren, that there is such a thing as the sober, second thought of the people, and oftentimes hasty and impulsive action may be taken and legislation effected under that impulse which is not needed and not required. Now one word in

reference to the remarks of the gentleman who preceded me in regard to these points. He spoke of the vast and varied interests of the State of Pennsylvania as one reason why there should be annual sessions of the Legislature. I would ask the gentleman if he does not know that the State of Illinois has advanced more rapidly than any other State in the Union, and has not experienced any of this impure legislation since the adoption of biennial sessions. I believe that the statistics will bear me out in saying that the State of Illinois has increased in material wealth and prosperity in the last decade faster than any other State. I may be mistaken in point of fact, but I think that this progress and improvement is closely connected with the vast and varied interests, manufacturing and otherwise, throughout the State. I therefore think that the gentleman's argument entirely falls to the ground. The gentleman from Fayette (Mr. Kaine) speaks of the necessity of annual sessions of the Legislature for the purpose of attending to matters of school interests. I would ask the gentleman if he is not aware that these great States that have adopted biennial sessions have also important school interests, which are not supposed to be now suffering. I know the experience of time is not hurtful, and that it is rather beneficial than otherwise in preventing injudicious and hasty legislation. I do not expect that all the evils which afflict this Commonwealth are to be remedied by the mere substitution of biennial for annual elections. It is only a part of this general plan of reform. It is true, as the gentleman from Philadelphia (Mr. Dallas) indicated, that reform should commence at the root, and I venture to say if this Convention will apply the axe to the root of the evil we shall soon have pure elections. I believe, to some extent, that biennial elections will prove an auxiliary to the action of this body, and that it will become the capstone to the legislative devices we are to put in operation.

Those of our members who advocate biennial sessions as a part of the Constitution look upon them as a part of the general scheme of reform. We have never advocated biennial sessions as essential, but as a valuable adjunct to the work of the Convention. I have nothing further to do now than to close, in perfect candor and truth, the views I have advanced, and to ask the Convention if it is not a strong reason for urging the adoption of biennial

sessions of the Legislature in this State, when they have worked so well in other States, and have never been repealed in a single instance where they have been once adopted.

Mr. CAMPBELL. Mr. Chairman: I will not detain the Convention more than a few minutes. I simply wish to make a statement in reference to the vote that I shall give upon this subject. Believing in the democratic theory of government, that all power is inherent in the people, and that all just government, as my friend from Somerset (Mr. Baer) very happily expressed it a few moments ago, should provide the greatest good for the greatest number of people, and believing, further, that all the officers or servants of the people should be directly, and at short intervals, accountable to them, I shall cast my vote, not only for annual sessions of the Legislature, but also, when the time arrives, and the subject comes before the Convention, I shall vote for annual elections of members of the Legislature. I believe that the remedy for all the evils from which we are now suffering, as regards the Legislature, lies in the removal of the temptation to commit them, by restricting the power of passing special laws in the Legislature, and thus getting rid of the immense amount of corruption which is now complained of. I think that these evils will be further remedied by providing a simple and pure method of election by which the people can select the proper class of representatives. I believe that a Legislature, when composed of good men, elected by means of fair elections—of men who will not be tempted by the immense means of corruption which influence the members of present Legislatures—will prove a bulwark to the liberties of the people. Such a Legislature, composed of honest men, should sit annually, in order to protect the interests of the people from the encroachments of the power of the Executive and of the judicial departments of this Commonwealth. I believe there is as much danger to be feared from the Executive department and from the judicial department of the government, from the positions which they may take upon matters affecting the interests of the people, as there is from the Legislature. And I therefore shall vote to have annual sessions of the Legislature, so that it shall stand between the people of the State and whatever usurped power the Executive or judicial departments may wish to exer-

cise in subverting or overthrowing their rights.

Mr. MACVEAGH. Mr. Chairman: Before the vote is taken upon this question I simply desire to say that the gentlemen who will vote against it do not wish to be misunderstood. They recognize the evils to which the gentleman from Philadelphia (Mr. Cuyler) has referred, and which his colleague (Mr. Dallas) has admitted, but they agree with the statement of his colleague that the evil of legislative corruption does not necessarily follow, in any very great degree, from the evils of fraudulent elections in the great cities. It is not true that the Legislature of Pennsylvania, as a general rule, is not fairly nominated and honestly elected. I have never known in the county in which I passed almost all my life any man to be unfairly nominated or unfairly elected, and therefore it is idle for the gentleman from York (Mr. Cochran) to insist that because gentlemen are fairly nominated and fairly elected, that they therefore are necessarily honest in their legislative offices. Disgusting private schemes in general terms are brought to the legislative body, and the virtue of legislators is seduced precisely as the gentleman from Philadelphia stated. And one of the crying evils, to which no allusion was made yesterday, which is a complete answer to the argument of the gentleman from Columbia, it seems to me, was first mentioned this morning by the gentleman from Philadelphia. I was not present when he stated the matter to ask him if he did not have professional knowledge, and that it would be no violation of duty to state here that such crimes against the public virtue had been committed, as the passing of general laws to affect special cases actually pending in the courts of this Commonwealth. That such legislation has been had we all know. It is not an unusual matter that when a wealthy suitor finds himself at the bar of justice, instead of awaiting the decision of his case by the due course of law, he runs to the Legislature and, by a general act of Assembly, sweeps away his adversary's cause, and yet gentlemen have said upon this floor that the Legislature is the bulwark of the people. God pity the people of this Commonwealth, I say from the bottom of my heart, if all their liberties, all their interests and all their rights have no better protection than a State Legislature. The people will protect and defend themselves, and they do not desire even here an appropriation, in my judgment, for we all

know that an appropriation bill itself is a source of wrangle, barter and corruption for services to be rendered in measures yet to come. I trust that the Convention will not take a backward step. Infinitely better would it have been to have voted for annual elections than to vote for biennial elections and annual sessions. If you are to have annual sessions, for God's sake give the people the right to strike out this question. Do not vote for biennial elections and for annual sessions unless some special occasion, some great crisis in the condition of affairs arises, and for that crisis and for that occasion you have made ample provision. I trust, therefore, that the committee will adhere to the ground it took yesterday, and defeat this amendment, and admonish, though it cannot wholly eradicate, this great evil to which the legislation in this State is exposed.

Mr. BUCKALEW. Mr. Chairman: I desire to withdraw the amendment I offered, and to amend the fifth section, by inserting after the word "meet" the word "annually," and striking out the following words: "Succeeding the adoption of this Constitution, and every two years thereafter." The section will then read: "The General Assembly shall meet annually, at twelve o'clock noon, on the first Tuesday of January, unless sooner convened by the Governor in special session."

On the question of agreeing to the amendment, a division was called, resulting: Thirty-nine in the affirmative; sixty-four in the negative.

So the amendment was rejected.

Mr. FUNCK. Mr. Chairman: I offer the following amendment, to go at the end of the section:

"And when so convened shall have power to legislate upon no other subject than such as the Governor may specially submit for its consideration."

Mr. HAY. Mr. Chairman: I rise to call the attention of the Chair to the fact that I have already submitted an amendment of that character, which is to be voted upon after the vote has been taken upon the amendment to which it is offered.

Mr. MINOR. Mr. Chairman: I offered an amendment to the amendment, which I have not withdrawn.

The CHAIRMAN. What was that amendment, sir?

Mr. MINOR. Mr. Chairman: It was to the same purport. The gentleman on my right (Mr. Hay) offered an amendment. I offered an amendment to that, and that amendment was not withdrawn.

The CHAIRMAN. The Chair understood that both the amendment and the amendment to the amendment were withdrawn.

Mr. MINOR. Mr. Chairman: The amendment to the amendment was not withdrawn.

Mr. HAY. Mr. Chairman: The amendment which I offered to the amendment was only withdrawn until the vote should be taken on the amendment, which has just been voted upon. Then the amendment to the amendment would be in order.

Mr. TEMPLE. Mr. Chairman: I call for the reading of the amendment to the amendment.

The CLERK. Mr. Hay's amendment was as follows:

"And when convened in special session there shall be no legislation upon subjects not particularly mentioned in the proclamation of the Governor calling such session."

Mr. NEWLIN. Mr. Chairman: I desire the amendment offered by the gentleman from Crawford (Mr. Minor) read for the information of the Convention.

The CLERK. Mr. Minor moved to amend the amendment as follows:

By striking out "in special session," and inserting "who shall state, in writing, to both Houses, when assembled, the purpose for which they are convened."

The amendment to the amendment (Mr. Minor's) was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Allegheny (Mr. Hay.)

Mr. MACVEAGH. Mr. Chairman: I rise simply to desire the gentleman from Allegheny (Mr. Hay) to withdraw his motion, as it is at present before the committee, and have it referred to the Committee on Legislation. The distinction which we have tried to keep in our minds is, I think, a very clear one. That the work of the Committee on Legislation included all that was necessary to the construction of the legislative machine, preparatory to going to work, but not directing either the manner of its work or the limitations upon its powers when thus constituted. The duty devolving upon the Committee on Legislation was simply the constituting of the machine, and therefore it seems to me that this amendment is appropriate to the Committee on Legislation.

Mr. HAY. Mr. Chairman: It does not seem so to me. There is, of course, a great deal of force in what the gentleman (Mr. MacVeagh) just has said, as there is

in every thing that he says, but the duty of the Committee on Legislation seems to me to be specifically to provide subjects of legislation, and not to act upon the power of the legislative body. I would be unwilling to withdraw this amendment and run the risk of the report of the Committee on Legislation, not including this subject if the committee of the whole is ready to adopt the proposition now. I would prefer that it should now be voted upon. I am not tenacious as to the phraseology of the amendment which I have submitted, and it can at any future time be amended, if the Committee on Legislation will report anything of the kind which will be an improvement on the proposition which I have submitted. But it seems to me that this is the article in which the proposition should be inserted, if at all. The section under consideration refers to the Legislature being convened in special session; therefore it seems to me that we should here limit their action when so convened, only to such subjects as have been specially mentioned in the proclamation of the Governor calling them together, and of which they themselves, the members of the General Assembly, and the people have had previous information in the Governor's call.

If this is voted down I shall renew it when the report of the Committee on Legislation is presented.

Mr. SIMPSON. Mr. Chairman: I desire simply to say that I would vote for the amendment of the gentleman from Allegheny (Mr. Hay) if it were offered in another place, but I shall vote against it now. I would vote for such a proposition if we had before us the subject of the limitation of the powers of the Legislature, but I think the subject properly belongs to the Committee on Legislation, and I presume that that committee will report a clause covering the idea suggested in this amendment in reference to limitations. And I will vote against this amendment, because it seems to me that it would destroy the harmony of this whole article. This article, as I take it, and as has been stated by the gentleman from Dauphin, (Mr. MacVeagh,) is simply framed as the framework, the construction of the Legislature, showing how they are to be brought together and assembled, as the mechanics say in their workshops. What the Legislature is to do when assembled is a subject which properly belongs to the Committee on Legislation, and therefore I shall vote against it here, while I may

vote for it when we come to consider the report of the Committee on Legislation.

Mr. HOWARD. Mr. Chairman: I think it is a perfectly proper amendment, and is in exactly the right place, and I think we will do better to put it in now. Then there will be no mistake about it. There will be no danger of its being omitted by the Committee on Legislation when that committee makes its report. If there is to be a special session of the Legislature called by the Governor, it is just as well that we should say now what shall be considered by the Legislature at that special session, and that we should incorporate into the Constitution a provision that the Governor shall state in his proclamation the special reasons for calling the Legislature together. There are a hundred reasons that we can state why that matter should be stated in the proclamation of the Governor, and if such a proposition as this is proper to be adopted at all, this is precisely the place, in my judgment, where we should incorporate it.

Mr. HAY. Mr. Chairman: I think that my colleague, the gentleman from Allegheny, (Mr. ———,) misunderstood the nature of the amendment to some extent. It would, of course, be proper in the article upon the Executive department, to require the Governor to confine his proclamation to the objects of his call and to state the reasons for issuing the same. The object of my amendment in this place is to insert a provision confining the Legislature to action upon such subjects as have been mentioned in the Governor's proclamation.

Mr. WHERRY. Mr. Chairman: I suggest that there are two distinct and separate limitations here. There is the limitation upon the Governor for the call of the Legislature in extra session, and then that is to be followed by the limitation upon the legislative department in its action under the call. It seems to me that the question thus naturally divides itself, and that this difficulty can be obviated by limiting the present amendment to the Executive department.

Mr. DARLINGTON. Mr. Chairman: What is the precise question before the committee?

The CLERK. "And when convened in special session, there shall be no legislation on subjects not particularly mentioned in the proclamation of the Governor calling such session."

On the question of agreeing to the amendment to the amendment, a division

was called, which resulted forty-one in the affirmative, forty-five in the negative. So the amendment to the amendment was rejected.

Mr. LANDIS. Mr. Chairman: I desire to offer the following amendment. I will state before the amendment is read, that in the fifth section there is a provision made for the assembling of the Legislature every two years. Therefore, for the purpose of avoiding ambiguity, and of fixing the day of meeting more certainly, I offer the following amendment:

To insert after the word "and" the words "at the same hour on the first Tuesday of January."

Mr. MACVEAGH. Mr. Chairman: That amendment simply carries out the amendment which was made in the former section. It is simply a verbal amendment to make the article harmonious in its structure, and therefore I trust the committee will agree to it.

Mr. LANDIS. Mr. Chairman: The object I have in offering this amendment is to secure a uniform day for the assembling of the Legislature. As the section at present reads, every few years the day of the meeting of the General Assembly might fall later in the week than Tuesday.

Mr. DARLINGTON. Mr. Chairman: I move to further amend, as follows:

To strike out the last three words—"in special session."

Mr. DARLINGTON. Mr. Chairman: I have not offered this amendment with the intention of occupying the attention of this committee, nor do I propose to speak upon the proposition. I desire simply to call the attention of the committee to the proposed amendment. You will perceive that the sentence is complete without the three words which it is the design of my amendment to erase. "Unless sooner convened by the Governor" would be the language of the section omitting the concluding words as it at present stands. Now the Legislature can only be convened by the Governor in special session, and therefore the words "in special session" are redundant. The Governor will convene the General Assembly whenever he sees occasion for it, and then we will have two kinds of sessions—those which are provided for in the Constitution and those which will be called by the Executive under special emergencies. But the sessions called by the Governor can only be special sessions, and therefore the closing words of this section are unnecessary. They are special sessions, inevita-

bly, why then say so. Such sessions are spoken of in the old Constitution as "whenever he may, on extraordinary occasions, convene the General Assembly," without saying anything about the form or feature of the kind of sessions. The words I have moved to omit are unnecessary. A special call of the Executive is indispensable for any but a periodical session of the Legislature, and, therefore, as the sense of this sentence is complete without its concluding three words, it would be better without them.

Mr. MACVEAGH. Mr. Chairman: I regret that the motion of the gentleman from Chester (Mr. Darlington) requires that I should say another word on the subject of this report. The very object sought to be obtained by the Committee on Legislation was to allow the Committee on Legislation, if they saw fit, to report a special limitation on the subjects to be legislated upon. And these words were supposed to represent that distinction very clearly. For instance, the Committee on the Executive would report that, when the Executive convenes the Legislature, his proclamation shall declare the objects for which it is convened. Then the Committee on Legislation can report that, when convened in special session, the Legislature shall be limited to the objects of the call, and then these three words, to which the gentleman from Chester objects, will run through the entire instrument. I think, therefore, that they are useful and should be retained.

Mr. DARLINGTON. Mr. Chairman: What other kind of sessions would exist when the Governor called them than special sessions. Special sessions are the only sessions the Governor can call, and therefore the use of these three words are unnecessary. Any session called by the Governor is a special session. As the sentence stands it is bad grammar. It would be better to leave these last three words out. The sentence would be benefited by it.

The amendment to the amendment (Mr. Darlington's) was rejected.

The question being upon the section as amended, it was agreed to.

The sixth section was then read as follows:

Sixth. No person shall be a Senator who shall not have attained the age of twenty-five years, and has 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, and no person shall hold said office after he shall have removed from said district.

Mr. MACVEAGH. There is evidently a misprint in this section. It is exactly a copy from the Constitution of 1838. The words "has been," in the second line, ought either to have been omitted, or else they should be "have been." The Clerk then erased the word "has," and inserted "have."

Mr. LEAR. The provision of this section is very nearly the same as it is in the Constitution of 1838. As the reading now is, however, it will convey the idea that I presume it is not intended to convey. It says: "No person shall be a Senator who shall not have attained the age of twenty-five years," and if you place the next clause in connection, "and who has been a citizen and inhabitant of the State four years," &c. Now it is surely not intended to provide that no person shall be a Senator who has been a citizen of the State for four years; but, on the contrary, I presume it was intended to mean that no person shall be a Senator who *shall not have* attained the age of twenty-five years, and who *shall not have been* a citizen for four years. Although it is in the Constitution the same way, it is not correct. It should either be all affirmative or all negative. It should either state the qualifications of a Senator affirmatively, or else it should state the disqualifications distinctly, so as to specifically exclude those who should *not* be Senators. I therefore move to amend, by inserting the word "not" after the word "and," so as to read, "and not have been."

Mr. MACVEAGH. I would observe that it might be well to refer the question of the grammar of the old Constitution to my friend from Chester (Mr. Darlington.)

Mr. DARLINGTON. I wish to say to the gentleman from Bucks (Mr. Lear) that he will attain his object by striking out the word "has." It will then read: "That no person who shall not have attained the age of twenty-five years and been a citizen," &c.

Mr. HAY. I now move to amend, by striking out the words "not have," after the word "and." For my part I do not appreciate the criticism of the gentleman from Bucks (Mr. Lear.) I think the old Constitution and the section as reported by the committee were more correct than

we have it now, and, to avoid a motion to re-consider, I move to strike out the words "not have." I think the force of the first word "not" is carried along to the next clause.

Mr. MACVEAGH. The amendment offered by the gentleman from Bucks (Mr. Lear) has not been adopted.

Mr. HAY. Has it not?

Mr. MACVEAGH. No.

Mr. HAY. I thought it had been.

Mr. DALLAS. This language is the language precisely of the Constitution of 1833, and I confess that if there is a grammatical fault in it, I am unable to see it. I remember that in my school-boy days, not a very long while ago, I was required to parse this clause: "This says there is, and that there is no law," and my school-mistress held that the word "no" held to the entire sentence. If so, the word "not" would apply in this case.

Mr. CHURCH. I ask the gentleman from Allegheny (Mr. Hay) to modify his amendment, so as to read: "No person shall be a Senator unless *he* shall have attained," &c., leaving out the words "who" and "not" altogether.

Mr. MACVEAGH. I trust the committee of the whole will not indulge, thoughtlessly at least, in sudden grammatical changes of sections of the Constitution, under which we have been living, as is the case with this section, which is taken from the old Constitution. That Constitution was carefully drawn and submitted to a committee of revision, and to the Convention as well as to the people. I do trust we will accept the words of the last forty years if we accept the doctrine of the last forty years.

The question being upon the amendment offered by Mr. Hay, it was rejected.

The question then being on the amendment offered by Mr. Lear, it was rejected.

The question recurring on the section, it was agreed to.

The seventh section was then read, as follows:

Seventh. 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 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; and no person shall hold said office after he shall have removed from said district.

The question being upon the section, it was agreed to.

The eighth section was then read, as follows:

Eighth. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during such time, and no member of Congress or other person holding any office (except of attorney-at-law and in the militia) under the United States, or this Commonwealth, shall be a member of either House during his continuance in Congress or in office.

The question being upon the section, it was agreed to.

The ninth section was then read, as follows:

Ninth. No person who has been or hereafter shall be convicted of bribery, perjury, or other infamous crime, or who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly or to any office of profit or trust in this State.

The question being upon the section, it was agreed to.

The tenth section was then read, as follows:

Tenth. Every member of the General Assembly, before he enters upon his official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Pennsylvania, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability; and I do solemnly swear (or affirm) that I have not paid or contributed anything, or made any promise, in the nature of a bribe, to corrupt or influence, directly or indirectly, any vote at the election at which I was chosen to fill the said office; and I do further solemnly swear (or affirm) that I have not accepted or received, and that I will not accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act."

Mr. MACVEAGH. Let me call the attention of the committee of the whole to a misprint in this section. The clause "or

made any promise in the nature of a bribe, to corrupt or influence," &c., is rendered wrongly. The word *or* should not be there at all, and the word *corrupt* should be *corruptly*, making it read "corruptly influence." This is a typographical error. I wish the Clerk, therefore, would strike out the word "or," and add the syllable "ly" to the word "corrupt."

The CLERK then made the alteration as suggested.

Mr. NEWLIN. Mr. Chairman: I move to strike out the oath submitted by the committee, and insert the following:

"That I will support the Constitution of the United States and of this State, and that I will discharge my duties with fidelity."

I do not desire to address the committee at length upon this proposition, or, in fact, to say anything more than to make this simple statement of my reason for offering this amendment. It seems to me that a man who, having been elected by the people, would consent to take such an oath as has been reported by the Committee on Legislature is just capable of committing all the infamies, which this oath seeks to avoid.

The question being upon the amendment, a division was called for, and resulted: In the affirmative, forty-five; in the negative, fifty-seven.

So the amendment was rejected.

Mr. ALRICKS. I move to amend, by inserting after the word "will" the words "honestly and," so as to make it read "honestly and faithfully discharge the duties."

The question being upon the amendment, a division was called for, and resulted: In the affirmative, fifty-seven; in the negative, twenty-three.

So the amendment was agreed to.

Mr. LILLY. I offer the following amendment, to come in at the end of the section:

"That within thirty days after the term of office expires he shall file with the Secretary of the Commonwealth an affidavit that he has faithfully performed the duty, and has not, in any way, violated the oath taken when he entered upon his duties."

The question being upon the amendment, it was rejected.

Mr. EWING. I move to amend, by striking out the word "corruptly," for, as I read it, it is just as complete without it.

If he pays money to "influence" that is corruption.

Mr. MACVEAGH. Yes; but the word corruptly fortifies the preceeding statements, "have not contributed anything," &c.

Mr. EWING. Then it is not corruptly punctuated.

The question being upon the amendment, it was rejected.

Mr. SIMPSON. Mr. Chairman: I confess I like the words of the old Constitution, in some respects, better than the words of this section. I prefer the words "this Commonwealth" to the words "this State." I move that this change be made.

The question being upon the amendment, a division was called for, and resulted: In the affirmative, fifty-two; in the negative, twenty-nine.

So the amendment was agreed to.

Mr. HANNA. I move to amend, by striking out all after the word "ability," so as to close the oath with the clause "will honestly and faithfully discharge the duties of Senator (or Representative) according to the best of my ability."

Mr. H. W. PALMER. Mr. Chairman: Before the question is taken on this oath I desire to say a word or two. I suppose the purpose is to prevent the use of money in elections. It seems to me you can drive a four-horse team through this section, and all around it. If we are going to have an iron-clad oath let us have one. Of course, we all understand that money is used. Here it provides that no man shall give money to corruptly influence votes. Well, who ever does give money to corruptly influence votes? But, sir, I yield for to-day to a motion that the committee rise, as it is near the hour of adjournment.

Mr. CLARK. I move that the committee do now rise, report progress and ask leave to sit again. Which was agreed to.

So the committee rose.

IN CONVENTION.

Mr. CHARLES A. BLACK. Mr. President: The committee of the whole has had under consideration the report of the Committee on Legislature, and have instructed me to report progress and ask leave to sit again.

Leave was granted.

QUALIFICATIONS OF LEGISLATORS.

The PRESIDENT presented a communication from Spencer High, relating to qualifications of legislators, which was laid on the table.

Mr. STANTON moved that the Convention do now adjourn, which was agreed to.

So, at one o'clock and fifty-five minutes, the Convention adjourned until to-morrow morning at eleven o'clock.

THIRTIETH DAY.

THURSDAY, *January 30, 1873.*

The Convention met at eleven o'clock. Rev. Mr. CURRY offered prayer, as follows:

We come before Thee, this morning, Oh Lord, confessing that from everlasting to everlasting Thou art God, and beside Thee there is none other. With becoming reverence we approach Thy presence this morning and thank Thee for the sunlight of another day, for the health and strength we enjoy, for the privilege we have of addressing the Throne of Divine Grace. We ask Thy blessing this morning upon our deliberations. During the sessions of the Convention that framed our present Constitution in 1837 and 1838, and from that period to the present, as a Commonwealth we have flourished, and we have prospered in all our institutions. Here we are to-day, Heavenly Father, striving to make some improvement upon the actions of that Convention. Help us in Thy fear and in Thy name to do that which is honorable and right, that our posterity may rise and call us blessed. Hear us, and bless us, and finally save us, in Jesus Christ. Amen.

TERMS OF PRESENT SENATORS.

Mr. CLARK offered the following resolution, which was referred to the Committee on Schedule:

Resolved, That the Committee on Schedule be instructed to inquire into the expediency of providing as follows:

Senators elected before the adoption of this amended Constitution shall hold their office for the terms for which they were elected respectively; and at the first general election after the adoption of this amended Constitution, eleven Senators shall be elected by the qualified voters of the proper districts, as now constituted, to succeed those Senators whose terms of office then expire, to serve for two years. At the second general election after the adoption of the amended Constitution, eleven Senators shall be elected by the qualified voters of the proper districts, as now constituted, to succeed those Senators whose terms of office then expire,

to serve for one year. And at the general election next ensuing, the whole number of Senators shall be chosen from the several districts throughout the State, as they shall be at that time constituted by law. All those Senators chosen from districts numbered with odd numbers to be elected for two years; and those Senators chosen from districts numbered with even numbers, to be elected for a full term of four years. And thereafter, as the term of office of Senators shall expire, their successors shall be elected for a full term.

LEAVE OF ABSENCE.

Mr. J. W. F. WHITE. Mr. President: A few days ago I obtained leave of absence for my colleague from Allegheny (Mr. Edwards) for a few days. I have just received word from him that he is very sick and cannot be here for a week to come. I ask leave of absence for him for one week from to-day.

Leave was granted.

RIGHT OF SUFFRAGE.

Mr. MANTOR offered the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be requested to inquire into the necessity of inserting a section in the Constitution, as follows:

No person authorized to vote under this Constitution shall be disfranchised, nor shall the right of suffrage be abridged: *Provided however*, That laws shall be passed by the first Legislature assembled after the adoption of this Constitution, excluding from the right to vote all persons who may pay or receive money or any other thing of value or promise, any consideration, place or office, with the view of securing or preventing the election of any candidate for federal, State or local office, or who may be engaged in buying or selling votes, or in any way preventing the purity of the ballot or the freedom of elections.

QUALIFICATION OF JURORS.

Mr. MINOR offered the following resolution, which was referred to the Committee on Judiciary:

Resolved, That the Committee on Judiciary be instructed to inquire whether it is expedient to insert such a provision in the Constitution as will authorize the Legislature to modify the existing rules as to qualifications of jurors, and if so in what manner and to what extent.

COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, to further consider the report of the Committee on the Legislature.

THE LEGISLATIVE ARTICLE.

The CHAIRMAN. The section before the committee is the tenth section, and the question recurs on the amendment of the gentleman from Philadelphia, (Mr. Hanna,) to strike out all after the word "ability."

Mr. H. W. PALMER. Mr. Chairman: I understood that that question was put and lost, and the question recurred on the adoption of the section when I rose to amend it.

The CHAIRMAN. That was not the way the Chair understood it.

Mr. H. W. PALMER. Mr. Chairman: That was the way it was understood in this part of the house.

Mr. TEMPLE. Mr. Chairman: I respectfully request that the distinguished chairman of the Committee on Legislature explain the object of the committee in reporting such an oath as this.

Mr. MACVEAGH. Mr. Chairman: Before I oblige the gentleman from Philadelphia (Mr. Temple) by attending to his request, I would like to say that in the twelfth section of this report the misprints are more frequent, and I say it now in order to avoid misunderstanding when we reach it; the misprints are more frequent than in any other sections, except the two last upon apportionment. And that, as I do not desire to take the attention of the committee needlessly or very frequently, I desire them to understand that the twelfth section is intended to fix the pay of each member of the General Assembly at \$1,200 for each period of two years, and \$10 and mileage for each special session, and no other expenses, no other allowance or perquisites of any kind whatever; and that when the re-print of that section and of the two last sections

is laid upon the tables of members, it will be found, I think, satisfactory to express that idea; and these misprints are so numerous that I propose to have them re-printed just as they were originally sent to the printer, and have them laid upon the tables of members at the earliest moment. Therefore, as far as the twelfth section and the twentieth and twenty-first sections are concerned, I would be very glad if the committee see fit to discuss the principles involved only, without reference to verbal criticism on the words until the re-prints are ready.

With reference to the section under consideration, the tenth section, I should be very glad upon that matter to have the attention of the committee for a very short time, and am obliged to the gentleman from Philadelphia (Mr. Temple) for having made the request he has made.

I understand that the burden of this matter is upon the committee, which proposed to substitute a new oath in the place of the old one, and in order to commend that change to the vote of the members of this Convention, the committee proposing it should be able to give the reasons which influenced it in its action.

I will not absorb any more of your time than is necessary for that purpose. It is not worth while to discuss the different theories upon the question of the obligation of an oath. I am quite willing to admit that in one sense these oaths may be relics of superstition or evidences of superstition. I have never been able clearly to see that swearing that you would do a thing could add any obligation to do it, or in any manner increase the wickedness of doing wrong or of declining to do right; but you have to take human nature precisely as it is, and we are all of us, more or less, superstitious to-day. We are not free from the bonds of superstition in manifold departments of our daily lives. We do not act by the white light of reason. It comes to us refracted from the prejudices, from the associations, from the accidents, of our surroundings, and therefore we have to take human nature just as we find it in ourselves.

Now, in point of fact, the experience of all christian ages has been this: That solemnly calling God to witness that a duty would be performed, or that a wrong would not be attempted, has had influence upon the average human conscience. I do not understand, and never have been able, logically, to explain, why

a witness would rather tell the truth after he had sworn to tell it. If he were a good man it should be a priceless privilege to tell it, and if he were a hardened criminal, determined to lie, the slight barrier of an oath would not prevent him; but there is the immense majority of men, ranging between the two extremes, who are not sons of light, but who are not yet sons of darkness; who are not resolute to stand by the truth, by their honor, by their virtue, but who are not resolute, either, to break down all the barriers between themselves and the hopes of the hereafter; and it is for such men—and, perhaps, we all fall in that category—that it has been provided that a witness, upon stepping into the box, is sworn to tell the truth, and that when any man comes to the discharge of a high function, the holy scriptures are presented to him, and he is asked to swear that he will discharge his duties with fidelity.

Now if an oath is to be administered at all, it surely should be that oath which subserves the exact purpose for which it is taken. The President swears, at the instance of the Chief Justice, that he will do his part in the work of the government; and the Governor is sworn to do his part in the government, and now we come to the legislative branch of our State and we find, in the first place, a general conviction, whether ill founded or well founded it is not necessary to inquire, that members of the Legislature secure their own election by corrupt influences in many cases. We find another evil which is believed to exist, and whether the opinion is well founded or ill founded, for the purposes of this argument it is not necessary to inquire, and that is, that when elected to this office they betray the legislative trust the people have reposed in them for the purpose of private gain.

I do not care now whether your elections are fraudulent or your Legislatures are corrupt; all that I care to know is that a very large and respectable proportion of our fellow-citizens believe they are, and, therefore, when men come forward to accept this office we only amplify the oath, so that it touches the three aspects of their duty.

1st. Have they clean hands in the matter of their own election?

2nd. Will they support the fundamental law of the nation and of the State?

3d. Will they keep the whiteness of their souls unstained by the awful degradation of the sale of that trust?

That is all we ask them to declare, and to declare it in the presence and with the sanction of Almighty God. It is not a pitiful matter. It is not beneath the solemnity of the occasion. If the race for which Christ died is ever to bear fruit worthy of His sacrifice, it will be largely due to the belief that sanctity attaches to the State and to the beneficent influences of the administration; and it is not too much to ask him, who goes to take a share in that great work, that he shall say I have not come to this altar by any slimy paths, and being here, God helping me, I will not degrade the character of my functions. That is all. Why should any man hesitate to take it? A degradation! I submit, gentlemen, it is not, when properly understood, degrading. It is not degrading to me, when I step upon the witness-stand and the learned counsel says, when I am asked a question: "Nay, Mr. MacVeagh, you have not been sworn to tell the truth." I do not understand my learned brother to mean that I would not speak the truth without an oath. I understand him to invoke the sanctity of an oath, because it has received the approval of the generations, and he is entitled, before my words are weighed in the golden scales of justice, that they shall go there clothed in the panoply of my appeal to God. And why should it not be so? I do not attach great importance to it. I do not attach great importance to oaths anywhere. If we were to refer to primary principles, and to make this Constitution a logical expression of our conviction in metaphysics and political science, I am not prepared to say that I would not vote for the abolition of all oaths, and let each man's character be the guarantee of his veracity and his fidelity; but if we retain them at all I trust we will extend them over the subject matter, and frame them with such particularity as is calculated to bring the conscience of the individual legislator face to face with the evil that we fear at his hands, and the evil from which he swears he will protect himself and us.

It was for these reasons that the committee felt at liberty to present this oath to the consideration of the Convention, not, as I say, but without any expectations of very great good resulting from it. Each of their recommendations they think in itself is a slight matter, and may not be productive of much good; but they wish to join with gentlemen on the right hand, and on the left, in doing what little good they can, and in strengthening, so

far as in their power lies, the determination of the people to improve the character of our legislation.

Mr. NEWLIN. Mr. Chairman: I do not desire to take up the time of the committee upon this question. I wish, however, to call their attention to a very patent fallacy in the argument of the gentleman from Dauphin (Mr. MacVeagh.)

Now, the proposition which I had the honor to submit yesterday, and the proposition which is now before the committee, and which I am told is substantially the same thing, or is of the same nature, does not look, sir, to the doing away with oaths; but the objection which I urge to the imposition of this, which I deem a degrading oath upon the members of the Legislature, is an objection that is patent from the very argument of the gentleman from Dauphin (Mr. MacVeagh.)

He says that the Constitution exacts an oath of office from the President of the United States, and an oath of office from the members of Congress, and we require the Governor of this State to take an oath of office that he will discharge the duties of that office with fidelity.

The objection which I have to the oath reported by the committee, is simply this: That it makes a fundamental difference in our organic law between the oath taken by one kind of public officer, and the oath taken by another kind of public officer; that is to say, we compel the Governor to swear that he will obey the Constitution and the laws, and we ask the members of the Legislature to swear the same thing, and, in addition, to swear that they will not be infamous.

The gentleman from Dauphin (Mr. MacVeagh) says we all have heard and we all know of the charges of corruption against the Legislature, and that this oath is intended to meet that curse. I can also say, with equal truth, that it is the universal experience of every man upon this floor, that corruption is charged, not simply upon the Legislature, but upon every department of the government, and if this oath is to be exacted at all, if this degrading and infamous oath is to be exacted from any person who is elected to an office of public trust by his fellow-citizens, I am for being logical and compel that oath to be taken by all persons, beginning with the Governor and going down. I can see no propriety in our fundamental law of singling out one branch of the government, and putting the brand of infamy upon it, and making

a distinction in its favor. If this oath were imposed upon every public official, then there might be some propriety in saying that the oath itself was not an infamous one. I take it that the infamy of this oath is not simply in what is in it, but in the discrimination against one particular branch of the government.

Mr. H. W. PALMER. I feel under obligations to the chairman of the Committee on Legislature for his very eloquent explanation of the reasons which induced the committee to propose this oath. I quite agree with everything he says. My objection to the oath lies in the fact that it hardly comes up to the exigencies of this age. I understand the design of the committee to be, in part, at least, in proposing this oath, to prevent the use of money in elections. That design is undoubtedly a good one. But what does this oath require of a legislator? He is obliged to swear that he has not given money or taken money to corruptly influence the election. That is only one branch of the disease. Corruption does not always take that shape. I do not know whether, in the personal experience of any member of this Convention, he can point to an instance where a voter has been directly bribed—whether he has received fifty dollars, or a hundred dollars, or any other sum to go up to the polls and vote for any special candidate. That is not the direction in which the trouble exists. That corruption does exist, and that money is used seems a fact very well established. After what we have heard on this floor during the last four weeks, if there is any fact that cannot be controverted—anything which this Convention can take for judicially proven, and about which there can be no controversy—it is that this “City of Brotherly Love” contains about the worst gang of scoundrels that the universal world ever saw. The gentlemen from Philadelphia have arisen and, remarkable unanimity, have rendered their testimony in that respect. I, for one, am satisfied; and even if it is not again testified to during the sessions of this Convention, I shall remain entirely convinced that the corruption, or the “irregularities,” as these practices are euphoniously termed by the gentleman from the First district, do exist. Certainly one of the gravest duties before this body is to prescribe a remedy for the system of corruption which surrounds the exercise of the elective franchise in this city. Whether this oath is meant to

cover these difficulties I cannot say; or whether the oath presented by this committee, or the oath which may be presented by somebody else, or any other committee, is the proper oath, I cannot say. But the vote of this body, yesterday, seemed, to my mind, to indicate a desire to amend this oath, and if there be a disposition to amend, I propose that the remedy shall be as broad as the disease. I consider that we ought to do, in that direction, something that will be commensurate with the evil proposed to be remedied.

This oath could be taken by a member of the Legislature who had handed his county committee the sum of five thousand dollars or ten thousand dollars, or any other sum to be used in the election. He does not ask the chairman of that committee what use he proposes to make of that money. He does not ask whether he means to bribe voters to come up to the polls and vote for him, or whether it shall go exclusively to the printing of tickets, or whether he means to buy election boards, or to procure fraudulent election returns. He simply pays his "assessment;" hands over, perhaps, to the committee the amount that they demand of him. He is elected to office; goes to the Legislature, and takes the oath, of course, that he has not bribed any voter.

He could take this oath even if he had said to a man, "I will give you two dollars and a half for every vote I get in your precinct over and above the vote that A B gets, who runs the same ticket with me, and who, I think, will poll my party strength. If I get one vote more than he you shall have two dollars and a half; if a hundred votes more, you shall have two hundred and fifty dollars." He does not stop to inquire how he is to get the votes on election day; whether he will hitch up his team and carry the voters to the poll, or whether he will content himself by standing near the poll and "influencing" his friends, or whether he puts a dollar in a man's pocket, or a drink of whiskey into his stomach to secure his vote. The member elect knows nothing about it. He says to himself, "I presume that the chairman of my committee is all right, and that what he does he does fairly." I could go to the Legislature after doing thus and take the committee's oath without committing perjury. The man who would bribe an election board to make a false return could take this oath without committing perjury. The man

who, last fall, entered into a contract with an election board that I know of, to give the judge and the county inspectors two hundred and fifty dollars to keep the vote honest, and to allow no fraudulent votes to be polled, could take this oath without committing perjury.

MR. CUYLER. I rise, Mr. Chairman, to ask what county and what board the gentleman refers to.

MR. H. W. PALMER. It was not in Philadelphia. [Laughter.] Philadelphia has not taken a patent for all the frauds, and while these remarkable revelations affecting that city that have been made here, impress the bucolic mind with awe, we have a little reputation to be made in Luzerne. [Laughter.]

I was about to remark that there are various forms of this fraud and corruption that are not reached by this oath, and that ought to be reached by it; and to that end I propose an amendment. I propose so to amend this section that the use of money, in any form, by a candidate shall be proscribed. I do not know why a candidate for office should pay money to secure his election. I know it is fashionable and customary to say that the necessary election expenses should be paid, and that a certain amount should be paid for printing and distributing tickets, "placing" the tickets profusely throughout the townships, getting voters out to the poll, and all that sort of thing. Under this head of necessary election expenses the candidate is "bled" according to the emoluments of his office and the length of his purse. Why, sir, to be a candidate in these days means that a man shall be phlebotomized to the very utmost; that from the moment he appears on the stage of action, before the nominating convention sits, down to the day of election, he is free game, free plunder, to be "assessed" by the national committee, and by the State committee, and by the county committee; to be obliged to subscribe to every church and to every charity, to contribute to processions, and banners and uniforms, and to clubs and firemen's balls, and to every conceivable sort of thing that happens to be just then brewing. To meet all these demands a candidate must either have a very handsome balance in bank, or run the risk when the election is over of being a candidate for the poor house. I know of a district where, not long ago, a gentleman paid \$13,000 to secure his election, and his honest, party majority all the while was two thousand five hundred. I

know a man who ran for Congressman-at-large, who says he paid \$7,000, and was defeated at that. This money was in "assessments" to general and State committees, and to county committees, with frequent presents of five and ten dollars to this man or that. These practices ought to be stopped. The buying of elections is the crying evil of our day. If honesty or virtue are desirable, or to be expected in public officers, some means must be taken to crush this spirit of purchase and sale.

It has often been said, and it is very true, that to corrupt the ballot-box is to foul the very fountain head of liberty; and unless this corruption may speedily be averted, the downfall of our free institutions is only a matter of time.

Now I propose to amend this oath, by striking out all after the word "affirm," where it occurs the second time, down to and including the word "office," and inserting the following:

"That I have not given or contributed money or other valuable thing, or made a promise, to induce any person to attend the election, or to vote, or work, or use influence, or expend money in my behalf, nor have I expended or promised to expend money in any other manner whatsoever, to corruptly secure, or influence voters or votes in my favor, nor have I knowingly violated any election law of this Commonwealth."

It is urged by some gentlemen that nothing of this kind ever occurs in their counties; that a primitive state of virtue exists, and that no money is expended beyond that which is absolutely necessary to carry on the election. I am very glad to have that testimony from some of the rural and agricultural districts, but unfortunately it is not so everywhere; and because the whole body politic is not covered by these ulcerating sores, there is no reason why the cautery should not be applied to the places where they exist. Pittsburg, Philadelphia and Scranton have been often named in connection with these gigantic election frauds.

It has been urged that the provision to which I have alluded in regard to ballots will not work, and that unless a candidate for office can afford to spend money in his efforts for election, that there will be an interregnum in the office. I do not believe it. If it should be so enacted that candidates for office were prevented from spending a dollar in their elections, it is a question whether candidates would not present themselves in larger numbers

than at present, and if the offices would not be better filled than they are now. The oath, as it stands now, does not prohibit the candidates' friends from spending money in their elections. It is impossible for us to reach them and make them take the oath. A candidate for office is a candidate for what? Why to enter into the service of the people, to be the people's servants for a compensation that is fixed upon the basis of the value of his services. The amount that is spent to secure this office does not enter into the compensation arising from this office, and therefore I say that the expense of the election should be borne out of a common fund, and that the tickets should be printed as the election blanks are printed. I do not know what kind of machinery may be set up. I cannot see why a candidate, who is to be the people's servant, should be obliged to pay almost all his salary over and over again annually before he can secure his office. Now, for these reasons, although I am not particular about the form of words, I would like the Convention to provide in the Constitution a remedy, for I esteem it to be the great crying evil of the age.

Mr. J. S. BLACK. Mr. Chairman: I do not intend to continue this debate. I believe it is decreed and foreordained that a certain amount of filibustering shall be done upon this subject, but I do not mean to work out my share of the decree at this time. I rise solely for the purpose of making what I believe to be a very grave and serious appeal to the consciences and fair play of the Convention. It was not expected that the Committee on the Legislature should report upon this subject. I do not charge them with any usurpation of power not given to them. I have no doubt that they have reported upon it, because they thought it their duty to do so, but it does, unquestionably, belong more properly to the Committee on Legislation, and if we are mistaken about that, there is another committee to which these subjects are specifically referred, viz: The Committee on the Oath of Office. Besides that, if all three committees should fail to meet the views of the Committee on Constitutional Sanctions, it will be unquestionably the duty of that committee to take the subject into consideration. These two last committees, so far as I know, have not given themselves any trouble about the matter. I am not sure that they have given themselves much trouble about anything else. I do not know

that either of them have yet had a meeting. The Committee on Legislation, however, have had the subjects which are cognate to it under very careful consideration. This committee has not progressed as rapidly as might have been expected, because there has been great difficulty in getting the members of it together. The chairman is a member of the Senate, and has been absent in the performance of his duties at Harrisburg very frequently; is absent now. Another member of the committee, in whose integrity and ability every member of it has the greatest confidence, and without whose presence it seems almost impossible for us to get along, has been appointed Attorney General of the State, and the duties of that office require his presence at Harrisburg. Then one or two members have been very ill and incapable, on that account, of meeting the committee in its sessions. Perhaps two-thirds of the time the committee has failed to get a quorum present. This has not been our fault; it is only our misfortune. It is expected that a report relative to all the subjects referred to them will be made in the course of a very short time.

Whenever that happens, and not before, the Convention will be in a condition to consider this question about the oath, because upon the adoption or rejection of other changes which that committee intends to propose in the methods of legislation will depend the form of oath that ought to be administered to the members of the Legislature. It is not possible to understand thoroughly what the members of the Legislature ought to be sworn to do, or to refrain from doing, unless the prohibitions that are to go into the Constitution, or the injunctions which ought to be there shall be first considered and adopted. I hope, therefore, that no final disposition of this subject will be made, and I would, if I thought it was not hopeless, express the wish that members of the Convention might suspend their opinions until they hear the report from the Committee on Legislation, or until they have considered how much or how little of that report they will think it desirable to adopt. I am sure that the honorable gentleman at the head of the Committee on the Legislature will not press this subject to a final disposition, but that he will be perfectly willing to give those who may differ with him, or the other committee who think at least that it has been referred to them, an

opportunity of being heard when their report is presented. I do not believe that the chairman of that committee has any such intentions. First, because he has so signified; and, in the next place, because I am sure that he, if any gentleman in this assembly, is incapable of using his superiority in parliamentary adroitness to get a subject before the House at an earlier day than was thought of and then have the whole subject irrevocably decided upon, without giving to certain other members a fair and full opportunity to be heard, after the Committee on Legislation has thrown all the light that it can upon this and upon kindred subjects.

Mr. MACVEAGH. If the gentleman will allow me for one moment, I desire to state that I am sure every member of the committee, of which I have the honor to be the chairman, will be willing to accept, as a modification of the report of the Committee on the Legislature, any other report which may be submitted to the Convention on this subject. And I trust that the general discussion on the propriety of such an oath may proceed with the understanding that it is the sense of the committee that no final action will be taken upon the matter until the gentleman who has just addressed the Convention has the fullest opportunity of submitting a substitute for this section of the report. The Committee on the Legislature has no desire to press this matter, although it has been thought that it was within the province of the Committee on the Legislature, even though it would be merely a source of intellectual satisfaction; but we are willing to leave this matter until the gentleman from York, (Mr. Black,) as well as the Committee on Legislation, has had a full opportunity to express their views in regard to the subject.

Mr. J. S. BLACK. Mr. Chairman: That is all that is necessary, and all that I have to say upon the subject. I confess, and I may as well say so now as again, that I am in favor of an iron-clad oath; but, at the same time, I do not want to put any more metal into it than may be necessary to to hold the society together which this Constitution is intended to protect. It is unquestionably a subject of very great difficulty, and I do not think that the Committee on the Legislature have struck the precise place, or have furnished to us an absolute and perfect provision on the subject; but I certainly feel that every friend of good government is under very great obligations to them for the princi-

ple that is incorporated in their report. The Committee on Legislation will probably mature something, which will be entirely acceptable to the whole Convention. I am not sure that we can do this. In fact, I am not as sure about it as I was a day or two ago; but still we will do the best we can.

Mr. BAER. Mr. Chairman: I move that the consideration of this subject be postponed until the Committee on Legislation shall have made a report upon the same subject matter.

The CHAIRMAN. The motion is not in order.

Mr. KAINE. Mr. Chairman: Reference has been made by the learned gentleman who has last taken his seat, (Mr. J. S. Black,) to other committees, who would have control of this subject of oath, and he has specially referred to the Committee on Oaths and Offices, of which I have the honor to be chairman. He remarked that he didn't know that that committee had done anything on that subject, nor had a meeting. I must confess that we have done little, and have only had one meeting. But I must say that I think the subject of these oaths should not come before the Committee on Oaths and Offices until these other committees have made their reports; until the Committee on the Legislature has made its report, and until the Committee on Legislation has made its report, in order that we may see how we propose to constitute that body, and until we learn what we are to expect the Legislature shall do, and what powers and limitations it shall have. And I submit that it is impossible for the Committee on Oaths and Offices to frame an oath to suit the circumstances that may arise, perhaps, hereafter. We expect that, after these other committees have made their reports, after we see how the Legislature is to be constituted and composed, after we see what the Committee on Legislation expect the Legislature to do, then we shall be able to prepare an oath that will cover the whole thing. But until then this committee will not make any report upon that subject, no matter what the Committee on the Legislature or the Committee on Legislation may do.

Mr. M'ALLISTER. Mr. Chairman: I do not deny the propriety of postponing the consideration of this subject at some stage, until the committees that have been referred to make their reports upon this subject. I am, myself, in favor of a specific oath for every officer of this gov-

ernment. If specific, one oath can not be so framed that it will be adapted to the various duties of the different departments of the government.

I rise now, however, to consider this subject as it is presented to us. It is said by the gentleman from Philadelphia (Mr. Newlin) that the oath is "degrading and infamous." If it be degrading and infamous it should be scouted from the Assembly. But I beg leave to differ with the gentleman. I cannot conceive of any oath that is degrading or infamous. Truth is an attribute of duty. It is not an attribute of fallen man. There is no one thing so perceptible to any man of experience as the fact that the weaknesses, the frailties and the wickednesses of men lead them to prevaricate and to evade. There are but few men who will come up and swear to a direct and deliberate falsehood. But there are thousands and tens of thousands who will lie, indirectly, or who will evade. Nothing is so common on the witness-stand as an evasive answer, and it is not confined to this age. When the question was asked: "Where is thy brother?" the answer was: "Am I my brother's keeper?" It was an evasive answer, and this disposition to evade comes down to us from the very creation of man after the fall.

And now gentlemen would have an oath dealing in generalities. That is the idea. To strike out everything that is specific, and let a man swear to support the Constitution of the United States and the Constitution of this Commonwealth, and to perform the duties of his office with fidelity, and no more, and all else is degrading! I utterly deny any such allegation. The man of honesty and of truth is willing to swear to do, or not to do, anything that the good of his country requires. Let me say, Mr. Chairman, that what we are to do in this Convention, if we do anything acceptable to our people, is to enact such restrictions upon legislation, such guards to the right of suffrage, as will preserve the purity of the ballot-box and the purity of our legislative halls, the ability of our judiciary and the purity of our executive officers. We cannot accomplish this great work by any one thing. A great many measures are to be adopted, and this specific oath is one of these measures.

This oath, which is called iron-clad, is not a new thing. It is not of recent origin. If it were, if there were no precedent for it, I would be for adopting it, be-

cause of the evils that a general oath has failed to remedy. It has been asked, has there been any corruption in the past? Have voters been bribed and have legislators received their reward for their action in the legislative halls? If they have not there is no need of any oath less general or more specific than the one we have. But if that general oath has been evaded, if it has ceased to answer the purposes for which it was provided, then it is time that we should provide some other oath, some other provision which will reach the consciences of men.

Now, Mr. Chairman, my experience in legislation, my experience in the manipulation of elections is not great. But I do know upon the same evidence which convinces me that Bonaparte and Washington lived and died, and were buried, upon the same kind of evidence I believe that the giving and the accepting of a consideration for a vote at our elections is common. I do know from a gentleman, and a friend, a man of the highest integrity, in the borough of Lewistown, that for the last twenty years from fifty to one hundred votes have been purchased in the county of Mifflin, for a consideration ranging from five to fifty dollars. I am told on the same authority that at the last judicial election in the district, of which that county is a part, \$10,000 were used for this specific purpose. And I am told by a member of this Convention that of his own knowledge, he knew twenty-five men to come in from one part of the county and accept a consideration for their votes in that way, and I hope that we shall hear from the gentleman himself.

So much, then, in reference to the necessity of guarding the purity of the elective franchise. Has the same corruption existed in the legislative halls? I have been but little about halls of legislation, and I know but little about them. I do know that there are men in the legislative halls unimpeached and unimpeachable, and I was surprised to hear my friend on my left, the gentleman from Tioga, (Mr. Mann,) well versed in legislation, doubt whether this corruption ever existed in the Legislature. Of one thing I am sure, that he personally never participated in it, but I have some recollection of the past with reference to that. Some years ago I was in the Senate chamber and there seemed to be, around and about me, considerable excitement. I inquired of Andrew Gregg, now in his grave, then a Senator, what this meant. And he told me that he

was informed that a bill changing the name of a corporation—the corporate franchises having been sold on execution it was necessary to have the name changed—had been introduced, containing, also, some provisions touching the new corporation, and that \$800 had been agreed to be paid to the committee to get the bill out of committee, and that that sum had been actually paid down that day to the committee themselves, and distributed among them in the committee room. Then a dispute arose about \$400 more; a difference between \$800 and \$1,200, and that the excitement arose on the difference between the \$800 and the \$1,200. Mr. Gregg remarked that years before lobby members were employed to negotiate these things, but now it had become a matter of dollars and cents directly between the committee and the parties interested. Now, if this be true, and I have no doubt of it, there has been corruption in the legislative halls. Money has been received for votes, and it is to remedy these two evils that these provisions are made, which it is now proposed to strike out.

A word here with reference to the character of this provision, which is called an “iron clad oath.” I have already said that if it were novel, the existence of the evils to which I have referred, the necessity of protecting the ballot and guarding against corruption in the legislative halls, would justify us fully in the specific character of this oath, and this if it never had existed in any Constitution on the face of this earth before. But we have authority for this. We have it in the earliest Constitution of the States of our Union, and pardon me here, Mr. Chairman, for referring to an old book containing some of these Constitutions. I will read the oath in the Constitution of Massachusetts, which, I believe, was adopted in 1777. The oath says:

“I, A B, do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever. And that no foreign prince, person, prelate,

state or potentate, hath or ought to have any jurisdiction, superiority, pre-eminence, authority dispensing, or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth, except the authority and power which is or may be vested by their constituents in the Congress of the United States. And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me God."

Now this oath is specific. It will, no doubt, however, be said that this was in the midst of the revolution, and there was need to specify all these terms in that oath, and it will probably be said, also, that it is from New England, and therefore puritanical. I do not stop here to answer these objections, but I will refer to another Constitution, not coming from a puritanical source, which is more specific still, and specific in reference to the very subject matter now under consideration. I refer to the Constitution of Maryland. It was adopted on the 18th of August, 1776, and the oath prescribed is as follows:

"That the Governor, every member of Congress, and every judge and justice, before they act as such, shall, respectively, take an oath, that he will not, through favor, affection or partiality, vote for any person to office, and that he will vote for such persons as, in his judgment and conscience, he shall deem most fit and best qualified for the office, and that he has not made nor will make any promise or engagement to give his vote or interest in favor of any person."

"That every chancellor, judge, register of wills, commissioner of the loan office, attorney general, sheriff, treasurer and naval officer, register of the land office, register of the chancellors' court, and every clerk of the common law courts, surveyor and prothonotary, before he acts as such shall take an oath, that he will not, directly nor indirectly, receive any fee or reward for doing his office of —, but what is or shall be allowed by law; nor will, directly nor indirectly, receive the profits or any part of the profits of any office held by any other persons, and that

he does not hold the same office in trust or for the benefit of any other person."

"That if any person shall give any property, money or present, or make any promise of any money, or anything, to obtain or procure a vote for Governor, Senator, delegate to Congress or the Assembly, member of the council, or judge, or to be appointed to any of the said offices, or to any office of profit or trust now created, or to be created, in this State, the person giving, and the person receiving the same, on conviction in a court of law, shall be forever disqualified to hold any office of trust or profit in this State."

Now this oath goes to this very subject matter of corruption, and I would have that oath applied as well to the judiciary as to any other officer in this land. But it is enough for the present discussion that we are on the legislative oath. Why should not the legislator take this oath? Why is it degrading? If he intends to violate it, it will be disagreeable to him. He would rather not take it. We would all rather evade; we would rather put off responsibility, rather ignore anything that would touch the conscience. The thief and the robber would rather get your property and mine in some other way than by theft and robbery if he could. It is only the necessity of the case, the impossibility of his getting it in any other way, that leads him to become a thief and a robber. So it is with men who buy the votes, and the men who take consideration for the votes. They would rather get the money or the office in some other way, but as they cannot get it in any other way, they are willing to take it under these responsibilities.

A few words upon the character of this oath and I will have done.

"I do solemnly swear that I have never paid or contributed anything, or made any promise in the nature of a bribe, to corruptly influence, directly or indirectly, any voter at the election at which I was chosen to fill said office."

This oath is to be taken after the act is done, but it is prescribed before the act is done, and therefore it has its beneficial operation in deterring the villain from giving and taking the bribe. That is its operation. Now a wicked man may do many things when he is conscious that no eye but the eye of God sees him, and he may possibly deny the existence of a God, and then he will imagine he can do his works of darkness without the possibility of detection. But the frauds con-

templated in this article cannot be perpetrated by one man alone. There will be a witness, and his conscience must be hardened indeed, his judgment must be obtuse, who can forget that he is dealing with a man who knows that he will be called upon to take an oath, that he did not do that act which he is about to do. Few men will be found so hardy, so steeped in wickedness, that they can bribe a man to vote for them, when they know that, if successful, they must swear that they did not do it. We have, therefore, in this section a means of preventing the act being done.

Again, there are many men who will corruptly solicit votes; there are many men who will participate in the purchase of votes, who will give money for their purchase, who will not take an oath that they did not do that thing. Wilful and deliberate perjury is unusual. The evasion of an oath, which deals only in generalities, is very common. It has been said, I believe, and will be said again, where is the conviction under this oath of office? Nobody would be so silly as to indict anybody for perjury under the official oath we have had, nor under an oath prescribed here, in general terms, if these specifications were left out. No one would ever be convicted for perjury under such an article. But when a man swears that he did not give, nor offer to give, that he did not contribute, directly nor indirectly, anything of value to carry his election, he could be indicted and punished under the common law for perjury. There would be some inducement to prosecute the briber and see him receive the reward of his crimes.

Then, again, he has to swear "I have not accepted or received, and I will not accept or receive, directly or indirectly, any money or other valuable consideration from any corporation," &c.

The section under consideration provides as well for what has been received, as well against corrupt contracts which precede the time at which the oath is administered as against those which are to succeed it, and the provisions seem to me to be absolutely and indispensably necessary to give any value whatever to the oath. I would as soon abolish the oath altogether as to leave it in the general terms in which it has heretofore been. The arguments which are brought to bear against this whole clause bear equally against an oath at all.

I understood the gentleman from Dauphin (Mr. MacVeagh) to say that the oath was an outgrowth of superstition and prejudice. I deny it. Oaths have come down to us through the ages, not as the result of prejudice, but as the result of civilization, and as an inducement to men to speak the truth. I will admit that all men, at all times and under all circumstances, should speak the truth; that a man never should tell a lie, and that to lie degrades a man; yet how many men have we in the community that, at all times and under all circumstances, will tell the truth when they are called upon to speak upon the subject; for I am ready to conceive that no man is under obligation to tell all he knows, or to tell in relation to any one subject all the truth, unless he is called upon to do it, but when he does speak upon any subject he should tell the truth and the whole truth and nothing but the truth; but how few men come up to this standard. Not one in a thousand. And therefore it is that some other influence, some other inducement, than the mere love of truth are to be held out. The solemnity of an oath, the appeal to that God who made us, in whom we live and move and have our being—an appeal to Him for the truth of what we say—has an influence upon most minds that nothing else can have.

My experience of thirty-seven years of laborious practice in a profession which brings man in contact with his fellow-beings, with the honest and the dishonest, has convinced me that there is a power in an oath, a power which nothing else can have. But there is no power in generalities. The power is in bringing the judgment and the conscience of the witness to say yes or no upon a particular subject presented to him, and when that is done, not one man in a hundred thousand but will speak the truth, for if he attempts to evade, the court and the jury will recognize the truth in his countenance and in his conduct, even whilst he attempts to lie. It is one of the great benefits of the jury system that lying witnesses may be detected in their falsehood. The very sweat that stands upon his brow, and drops down his face are often evidences of his guilt.

For these reasons I am heartily in favor of this amendment. I would make it more specific still, but I am willing to take it as it is, in the hope that it may be better matured before it is finally passed.

Mr. KAINE. Mr. Chairman: I rise merely to suggest to the committee of the whole the propriety of at present voting down this amendment and this section, as well as the succeeding one. It is well known that a motion to postpone a matter of this kind cannot be made in committee of the whole. Let these two sections, therefore, be voted down for the present, and let the balance of the matter in the report be passed upon; and on second reading, if any gentleman thinks it is not strong enough, some amendments can be offered, and voted on at the right place. For my part I do not think it is in the right place. In the old Constitution we have an article on the subject of oaths. I think all the oaths ought to be put in a separate article in the Constitution. Let us wait until the report of the Committee on Legislation comes before deciding on this matter of the oath. Let us meanwhile vote down this tenth and the eleventh sections.

Mr. DARLINGTON. If we were to vote down this section now, would it still be open to debate?

The CHAIRMAN. Not in committee of the whole.

Mr. DARLINGTON. If there is a general disposition to vote on it now, I will not trouble you with any remarks, but if there is not, I will not give way.

The CHAIRMAN. The Chair cannot say how that matter stands.

Mr. DARLINGTON. Then I will proceed. I dislike very much, Mr. Chairman, to occupy at this time the attention of the Convention, and I shall not be lengthy in my remarks on this subject. But I am unwilling to permit this question to pass without my being distinctly understood as opposed to this whole thing of the multiplication of oaths. I am opposed to it by nature, by education, and by all the experience that I have had thus far in my contact with the world.*

What have we done? We have from day to day denounced the Legislature of Pennsylvania as a corrupt body of men, unfit to be trusted, and unfit to hold office as representatives of the people. We have indulged ourselves to our hearts' content—and I speak now for the whole body, for I do not share in this system of denunciation myself—but we have indulged ourselves to our hearts' content in this system of abuse. What, then, have we done? Assuming it to be true that they are unfit for the places they occupied, how do we propose to correct the

evil? First, by resolving that they shall meet only half as often—only once in two years—nay, that they shall be elected only once in two years.

One of the prominent arguments urged for this course is, that it will improve the character of the body. The gentleman from Columbia (Mr. Buckalew) favored this opinion also. If that step does not so improve the character of that body and make them honest men, we have done all that in vain. Our legislators in the future are to be perfectly honest and upright men, such as they always have been, except, perhaps, in the city of Philadelphia and the county of Luzerne.

Having so decided to elect men every two years, and for two years at a time, what next do we propose to do? Make them take an iron-clad oath. In other words, our "honest" men are to be asked: "Are you a rogue, or are you honest?" "If honest will you continue to be honest, or will you become a rogue at some early opportunity after you get here?" "Have you taken any corrupt means, as a rogue would do, to get here?" "And will you remain perfectly clear and pure while here?" These questions, substantially, are to be put to our *honest* men! It is to be put to none others, for none others are to go there under this new order of things.

I put it to the gentleman of this body who have, at various times, represented their districts in the Legislature, and who number I do not know how many of the best members—in saying this I mean to make no invidious comparisons—but I put it to those gentlemen who have been in the Legislature, whether they are content to stigmatize their fellow-citizens who are now there as unfit for their business. No, sir. As to this whole system of denunciation, come from what source it may, upon whatever subject comes before the committee or the Convention, let me be understood as not giving to it my assent. I would like those gentlemen who have pronounced in favor of it to give us all the facts within their knowledge. I would like *any* gentleman who knows aught of this corruption, to let us know what it is, and who is guilty of it. I would like gentlemen who have been in the Legislature, to let us know any fact, within their knowledge on this subject. I should like you, Mr. Chairman—for you have occupied an honored seat in that Legislature—to give us your experience. I should like the honorable gentleman who presides over the deliberations of this Conven-

tion, for he too has occupied a seat in that body, and none filled a higher one, to say whether he knew, while he was there, of any such corruption as is here charged in wholesale. I should like to ask the gentleman who was just now about to take the floor (Mr. De France) if he had any fact to cite. I would ask my friend from Fayette, (Mr. Kaine,) who also held a seat in that body; and so with my friend from Washington, (Mr. Brodhead,) behind me. I would ask every man in this body, who has ever held a seat in the legislative halls, to give facts, and let the denunciations be based on these facts. Let us know who the guilty parties are, and what they did, and let their names, accordingly, go down to everlasting infamy. Let us not say, in general terms, that all men are corrupt. Give us the facts.

I admit—because gentlemen assert it who ought to know—that, in the city of Philadelphia, parties are impure. Gentlemen on each side of the political house, and from this city, have told us so, and surely we are not going to discredit them. Improper influences *are* used to get into the Legislature; and, although I must admit this, and admit also that the same trouble may exist in Luzerne, let me ask you, gentlemen of Philadelphia and Luzerne, does this wholesale corruption exist? It is not in my county. I answer for the purity of the people there. Is there a man on this floor prepared to say that the representatives of his county in the Legislature are, or have been, so vile and corrupt as gentlemen have here allowed themselves to intimate and to denounce? Or is this wholesale denunciation but the same that we ourselves may, perhaps, receive in other quarters, if we shall do anything inconsiderate or wild?

For myself, sir, I am no believer in the doctrine of the total depravity of mankind. There are, of course, instances of depravity, but mankind is, in the main, honest, so far as my experience goes; and that experience cannot be called inconsiderable. I have never lived in Philadelphia or in Luzerne. My habitation has been in the good old county of Chester, where in the battles of the revolution were fought. I do not know how other people may esteem the counties in which they live, but I have this to say for mine, that, in my professional career—which, if it extend to Monday next, will reach to fifty years, that I have been, boy and man, engaged in the study and practice of the law—in my professional career I have ne-

cessarily come into communication with all sorts and manner of people, of all varieties of religious persuasions, and all shades of political opinions; and I must say, in justice to them, that the inevitable rule is honesty and uprightness, with very few exceptions.

Can you wonder then, sir, that, brought up in such a school, and with such experience as I have had, I should feel a little ashamed of the body—and I mean no disrespect in saying so—which should denounce the men of my county, and my colleague's county, and of every other county in the State, as unfit to be trusted with the legislation required for their necessities? No. If I should sit here quietly and permit such an oath to pass, without giving it my condemnation, I should not be doing my full duty. After deciding that the people of Chester county are not to be trusted to elect their representatives annually, and these representatives not even to be trusted to hold sessions annually, they are still unfit to be trusted unless they swear that they are not impure. What citizen of Chester or Delaware counties, or of any other county in the State, will allow himself to be supposed guilty of such crimes as these?

Now, Mr. Chairman, I am opposed to this multiplication of oaths. I am in favor of having a solemn affirmation answer in the place of an oath. The penalty of perjury is attached to the violation of an affirmation as well as of an oath. In the city of Philadelphia, but more especially in the county of Chester, and in the county of Delaware, in the courts of justice, when twelve men are called up to serve as a jury in the administration of justice, and are required to be sworn, it is said by the officer of the court: "Gentlemen who affirm, please rise." In the counties to which I have referred the jurors almost unanimously affirm. It is rare, indeed, in the history of the administration of justice in my county, that a man in a jury of twelve ever takes an oath. Is not justice as well administered in these counties as elsewhere? Are not men as honest there as elsewhere? We think they are. Is it necessary that they should swear that they are honest and not rogues? No, I do not think it is. Swear, then, not at all, but when you come to the bar of justice take your solemn affirmation that you will tell the truth, or faithfully discharge your duty as a juror. In the language of the old Constitution, "that you will obey and defend the Constitution of the Common-

wealth of Pennsylvania," or whatever the words are, "and discharge the duties of your office with fidelity." Everything is implied in that old constitutional oath. It was put into the Constitution by our forefathers, and has ever since been deemed satisfactory by the whole State. No one ever suggested that we should swear any body any harder or any faster than is prescribed in the oath placed in that instrument by the fathers of the revolution, who were called together to make a Constitution for the State of Pennsylvania. The thought which was implanted in that Constitution by the men who framed the Declaration of Independence, and who were a part of the revolution itself, was retained there by the Convention that sat in 1838 for the purposes of its revision. No complaint, until now, has been made, and it has been permitted to stand. I trust, therefore, that all efforts to disturb this feature of the Constitution, or to change it for the sake of change, or for the sake of reaching the consciences of rogues, will be in vain.

Now, Mr. Chairman, in framing a Constitution for the State, why should we incommode or inconvenience a majority of the counties of the State? I admit that there have been instances of corruption in the Legislature, but that the whole body is corrupt I will not believe. I have been forcibly impressed, Mr. Chairman, with the remarks of our eloquent friends from Philadelphia and from Luzerne in regard to this corruption. Judging from their remarks it would seem that it was confined entirely to their counties, for we have heard nothing from Lancaster, Chester, Bucks, or any other of the counties that I remember, in regard to it. In making these changes in the Constitution for the purpose of preventing this evil of corruption, why should we not apply the remedy to the particular locality alleged to be diseased? I think when the proper time arrives, and when the Committee on City Charters shall have made their report, that we will then ascertain the necessary changes in the Constitution which are demanded by some sections of the State. If in the counties of Luzerne and Philadelphia, the Patricks and the Michaels desire to be corrected and chained down, let the representatives from these counties suggest the proper remedy for their improvement. But while we have no Patricks and Michaels in Chester county, we will have nothing to do with these corruptions in Philadelphia and Luzerne. The four

millions of inhabitants in this great State have not asked for the adoption of this measure, which, if adopted will only tend to disgrace and degrade them. Do not require them, therefore, to compel their representatives, when they come to take their seats in the Legislature, to swear that they are honest, pure, and incapable of being bribed. Do not enforce such measures as these, or this Convention will receive, sooner or later, a prompt and indignant response from the people who have authorized it to assemble here.

MR. DE FRANCE. Mr. Chairman: I do not propose to detain the Convention for more than a few minutes. I rise simply to call the attention of the committee to this fact: It seems to me that we came here for the purpose of securing a republican government and not of destroying it. In looking at this tenth section reported by the Committee on the Legislature, I find that this official oath is embodied in the following words: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Pennsylvania, and will faithfully discharge the duties of Senator or Representative according to the best of my ability; and I do solemnly swear (or affirm) that I have not paid or contributed anything, or made any promise in the nature of a bribe," &c. I am of the opinion that this oath is contrary to republican principles. It is impossible to make a man swear that he did not steal a horse, or that he did not acquire property unlawfully. I do not care how iron-clad the oath is made, but in its present form I think it should be struck out. I want the oath made strong enough for the views of those who believe in brimstone as well as others who do not. My experience has been all my life that oaths have had very little effect either in Congress or any place else. Inasmuch as it is the custom to have these oaths enforced, I want them made strong; but at the same time I desire to call the attention of the committee to the form of the one which is embodied in the report as presented by the Committee on the Legislature. The gentleman from Centre (Mr. M'Allister) has referred to the form of the oath contained in the old Constitutions, but I must remind him that those old instruments were framed for the purposes of the times that have been and not for those in the future. For these reasons, Mr. Chairman, I am in favor of referring this whole subject to the clear-headed

gentleman from Fayette, (Mr. Kaine,) and also to the very distinguished judge who is on the other committee, resting confident that they will make such a report to this Convention as will be acceptable to us all.

Mr. HOWARD. Mr. Chairman: I listened, with considerable surprise, to the argument of the delegate from Chester, (Mr. Darlington,) in regard to the oath contained in the tenth section of the article reported by the Committee on the Legislature. I understood him to say that he was a lawyer, and that it had been the business of his life to practice law. I would like to know, if he is conscientiously opposed to the taking of oaths, how he managed to become admitted to the bar? I am a lawyer, and I believe the rule in Pennsylvania requires the following oath to be taken by every lawyer before he is admitted to the bar.

Mr. DARLINGTON. Oath or affirmation?

Mr. HOWARD. Yes, oath or affirmation. The section reads: "Every member of the General Assembly, before he enters on his official duties, shall take and subscribe the following oath or affirmation." The gentleman from Chester (Mr. Darlington) is unquestionably contradicted in this particular, for if he was affirmed when he was admitted to the bar, that affirmation was just as strong as if he had taken an oath. The rule in Pennsylvania, as I understand it, is to administer to attorneys the following oath:

"That you will support the Constitution of the United States and the Constitution of the State of Pennsylvania, and behave yourself in the office of attorney with due fidelity to the court, as well as to the client, and that you will use no falsehood and delay no man's cause for lucre or malice."

I would ask what is implied in this oath? In listening to the argument of the gentleman from Chester, I should imagine that when this oath or affirmation was proposed to be delivered to him, if he was asked what that oath implied, that he would turn around and say that it implied that he was going to make a liar of himself, and that he was going to delay his client's cause, and to use falsehood for the sake of lucre or malice. I can see no reason why hesitation should be evinced about taking this oath in a person about to become a member of the Legislature. In fact I can see no more reason why he should hesitate than an attorney about to be admitted to the bar. If a proposition

was made by which oaths or affirmations should be rendered obsolete, and that a man should simply act upon his honor, then it would be based upon a principle different from the one with which we are familiar. As long as the custom prevails which renders oaths necessary, I cannot see why we should not go into the details of these oaths and not stop at the threshold by simply requiring the members of the Legislature to swear that they will discharge their duties with fidelity, particularly when we know perfectly well that there have been great evils arising from the corruption of that body. It seems rather strange that a gentleman grown so old as the delegate from Chester (Mr. Darlington) should inquire at this time for particulars of the corruption existing at Harrisburg. He has intimated that charges have been made against the Legislature as a body. If such charges have been made I have not heard them. I know that it has been said on this floor, and we all know that it is true, that the Legislature of Pennsylvania has always contained more or less men of the highest intelligence, and the greatest integrity, but at the same time it is undeniable that it has contained some of the meanest, some of the lowest, some of the vilest, and some who sold their votes upon all occasions when money was offered to pay for them. In fact, it has grown into a saying, that if a ten dollar bill goes to Harrisburg, the members of the Legislature are not satisfied unless they get half of it. Every man who has had experience in the Legislature of Pennsylvania knows full well that he always found men of honor and integrity there, but at the same time that he also found sitting beside such men as these, men who were corrupt, who acted corruptly, and who gave their votes in a corrupt manner; and, Mr. Chairman, I think it is time that we had a specific prevention for the acts of just such men as these.

I find by reviewing the second section what is to be the penalty prescribed. The penalty simply is that if a man is detected perpetrating these rascalities he shall not hold office. Why, that is the penalty now. Not by law, I admit, but public opinion is such that if it were certainly known that a man had been bought in the Legislature, that he had been guilty of bribery, public opinion would consign him to the same position that we propose to consign him by the penalty of this second section. I would add to that second section, also,

that he should be punished by imprisonment of not less than six months, and that he might be indicted and tried in the county where he had his residence, in order that his constituents might lay hold of him; because if you say his bribery was committed at the State Capitol you might say that the party bribed should be indicted and tried at Harrisburg. I would make it so that his constituency could lay hold of him when he returns to his residence. If a member violates his oath let him be tried among his constituents.

Mr. Chairman, I cannot see any reason why this oath cannot be taken by any honorable man before he enters upon the important duty of making laws for this great Commonwealth.

Mr. J. W. F. WHITE. Mr. Chairman: I rise simply to say this: I shall vote against the amendment to this section, and vote against the section itself, because I think no such section should be in the article on the Legislature. I am in favor of a very strong, stringent and specific oath of office, but I want that oath of office to be applied to all the officers of the State, as well as to the members of the Legislature. I think that should be in a different part of our Constitution, and be made applicable to all officers of the State. Therefore I shall vote against this here.

Mr. BUCKALEW. Mr. Chairman: I do not know any mode by which we can get rid of this section but by voting it down. If it should be generally understood that this vote is not a test upon the question itself, no inconvenience will result. I think, with the gentleman from Allegheny, (Mr. J. W. F. White,) who spoke last, that the proper place to dispose of this question is in considering the eighth article. I believe it is that division of the Constitution, which will be under the sub-head of "oaths of office." There, if we choose to provide a special oath for members of the Legislature, and another oath for other officers of the government, we can do so. We will then have this whole question before us, and can dispose of it in a single debate. If, however, we are to consider this question of oaths, with reference to the Legislature in one article, and with reference to other officers in another article, or, perhaps, two or three other articles, we will consume much time unnecessarily and inconveniently.

My idea, then, is that it should be generally understood, that in rejecting this section for the present, and getting rid of

the debate for the time being, that we are not passing upon the merits of this proposition. Now there will be no advantage in postponing this section in committee, or in passing it over for the time being to consider other sections, because it would come up again. The committee of the whole must act upon it before the final report is made, so that we gain nothing by a temporary postponement or pushing aside of this section. Nor will we gain anything by letting it remain in until second reading and then acting upon it again. I see no convenient mode of acting upon this important question other than that which I have suggested, to strike it out and let it come up hereafter in its proper place, it being understood in the meantime that the Convention are not now acting upon the merits of the question, and that they will be considered hereafter.

The CHAIRMAN. The question is on the amendment to the amendment. If the gentleman from Luzerne will withdraw that—

Mr. H. W. PALMER. Mr. Chairman: I withdraw it.

The CHAIRMAN. The question then recurs on the amendment.

Mr. HANNA. Mr. Chairman: I withdraw that also.

The question then recurring on the section, it was rejected.

The eleventh section was read, as follows, and agreed to:

Eleventh. The foregoing oath shall be administered by one of the judges of the Supreme Court, in the hall of the House to which the member is elected, and the Secretary of State shall read and file the oath subscribed by such member. Any member who shall refuse to take said oath shall forfeit his office, and every member who shall be convicted of having sworn falsely to or of having violated his said oath shall forfeit his office, and be disqualified thereafter from holding any office of profit or trust in this State.

The twelfth section was read, as follows:

Twelfth. Each member of the General Assembly shall receive for such period of two years the sum of twelve hundred dollars and mileage, at the rate of ten cents for every mile traveled in going from their place of residence to their place of meeting and return therefrom, and no other allowance or perquisite whatever, either for expenses or services, whether as member of any committee or other duty as

member of said General Assembly: *Provided*, That if the Governor shall convene the General Assembly in special sessions each member shall receive ten dollars for each day of said session, with the same mileage as is herein before provided for the regular session.

Mr. WHERRY. Mr. Chairman: I offer the following amendment:

To insert after the word "Assembly," where it occurs the second time, the following:

"Nor in case of a contested election shall compensation or mileage be paid to any but the person entitled to his seat."

Mr. WHERRY. Mr. Chairman: This is a matter which, I presume, commends itself to the attention of every member of the Convention, and does not contemplate, I think, a general debate. The amendment which I have offered seems to rest on the common-sense principle, that when a man is sent to do a work and does it he shall have his pay; but if another man comes in and takes, by violence, the implements with which he is working and does the work, that he, too, is not entitled to the pay. I have nothing more to say about it.

Mr. EWING. Mr. Chairman: It strikes me that that amendment is not germane to this section. It will come in properly in the section relative to contested elections and the manner of determining them, but I suggest that it is not in order at this particular time. This section is in relation to the pay of members alone, and does not refer to contested elections or the determination of them, or anything about them, and would properly come in, I think, in a different section.

Mr. KAINE. Mr. Chairman: I would like the gentleman to suggest where.

On the question of agreeing to the amendment, a division was called, which resulted fifty in the affirmative, and twenty-seven in the negative. So the amendment was agreed to.

Mr. HOWARD. Mr. Chairman: I move to further amend, as follows:

By striking out, in the first sentence, the words "twelve hundred" and inserting "two thousand."

Mr. HUNSICKER. Mr. Chairman: I offer the following amendment to the amendment:

To strike out, after the word "year," in the first sentence down to the word "provided," and insert in lieu thereof as follows:

"Such compensation for his services as shall be ascertained by law, to be paid out of the treasury of the Commonwealth: *Provided*, That no Legislature shall have power to increase the compensation of its members during the term for which such persons were elected."

Mr. HUNSICKER. Mr. Chairman: The reason I have for offering that amendment is because it will be utterly impossible for this Convention to fix, for all time to come, the compensation of the members of the Legislature. What would be big pay to-day might be much too small in time to come, or it might be much too large; I have limited in that amendment the power of the Legislature, so that it is impossible for a man to corruptly vote an increase of his own pay. If the Legislature desire to increase the pay of its members it can only do it by an act which would apply *infuturo*, and would by no possibility have relation to the members then in existence. I am in favor, on general principles, of making offices salaried, but I am opposed to this Convention attempting to fix a salary, when it is utterly impossible for us to foretell what the future may require, and I think we will be making a great mistake by attempting now to fix the compensation of the members of the General Assembly. There never has been any complaint in the Legislature, so far as I am aware, against the pay of members. The pay has always been low, sufficiently low, and, indeed, too low to meet the necessities of members themselves, and I do not think it will be wise now to hastily fix a sum of money, which would compensate the members for their service, and I prefer to leave that to the Legislature in the mode provided for in the amendment.

The CHAIRMAN. The question is upon the amendment to the amendment.

The Clerk will read the section as amended.

The CLERK read:

"Each member of the General Assembly shall receive for such period of two years such compensation for his services as shall be ascertained by law, and be paid out of the treasury of the Commonwealth: *Provided*, That no Legislature shall have the power to increase the compensation of its members during the term for which such persons were elected."

Mr. BUCKALEW. Mr. Chairman: I would be in favor of that amendment if it were so modified as not to affect the members of the Senate, whose terms extend

beyond the pending representative terms; that is I am in favor of having this matter of salary regulated by law, and that in no case shall the change, whether of increase or decrease, take effect pending the representative term—the term for which the members of the House are elected. As the Senators are elected, some in one year, and some in another, it would follow that they never could increase the compensation of the members of the Legislature, and make the compensation uniform, as to the Senate. With a change in that amendment, by which the legislation shall apply to the pending representative term, the two years' term, I will vote for it.

Mr. HUNSICKER. I will accept that modification, making it for the representative term.

Mr. EWING. Mr. Chairman: I am very sorry the gentleman has accepted the modification. With the substance of the amendment I heartily agree. I listened, with a great deal of pleasure, upon the first day that this section was before the committee, to the chairman in his opening speech, giving the reasons why they had adopted and reported certain sections. Many of his reasons had considerable weight with me, and I confess changed my first impressions, which had been against certain sections of the report. Upon this section he gave the arguments against fixing the salary of members of the Legislature so well, so forcibly, that, to my mind, he was utterly unable to evade the force of his reasoning when he came to give the reasons why they had undertaken to fix the salary. I think that this Convention will act very unwisely if it should undertake to fix, absolutely, the salary of any officer during the term, which we hope the new Constitution may be the organic law of the State. As has been said, we cannot tell what the value of money is going to be in a few years in this State. It is very uncertain.

If I recollect rightly, at the time of the adoption of our present Constitution the country was enjoying what was called "flush" times. Everybody had money and speculation was rampant, and a hundred dollars or a thousand dollars was of very little account. Within five years from the adoption of that Constitution, or perhaps within three, a dollar was worth as much as three, or four, or five dollars had been at the date of the adoption of the Constitution. So it may be again. The compensation that we would fix to-day

may, in five years from this time, be a compensation that would be oppressive to the State, or it may be such as to be utterly inadequate.

Now I do not think there is any danger in leaving to the Legislature itself the fixing of the compensation for the term. It is a power that, so far as I have ever heard, has not been abused. It is one of those powers which the constituents of the members will watch the exercise of very carefully, and I think that we may safely leave it to them that the provision that was in the original amendment offered, namely: That no member should enjoy any increase of salary or pay, by virtue of any law passed during the term for which he had been elected, and I can see no difficulty and no injustice in a member of the Senate, who has voted for an increase of pay or salary, being deprived of any benefit of that increase during his term. I think it a wholesome provision, and I hope that the Convention will avoid a restriction of that sort, if we leave to the Legislature the determining by law of their own salaries.

I would go a little further still, and provide for the pay of mileage for members for the extra session. I would not increase their pay for any extra or special session.

I would limit them to a salary, to be fixed by law, and let that be the pay for all the services they render during the entire term, whether it be a regular session or a special session. Then there will be less danger of having unnecessary special sessions. For the reasons that I have given I will vote against the amendment as it has been modified.

Mr. HEMPHILL. Mr. Chairman: I hope that the Convention will, for the present, postpone this matter or vote it down, that being the parliamentary method of getting rid of it; vote down both the amendment and the section, and wait until we hear from the Committee on Legislation. On the fourteenth of this month, on page 194 of the Journal, will be found a section which I think will cover this case, as well as all other officers of the State. It reads as follows:

"All State officers shall be paid in salaries for services, which shall be fixed by the Legislature, and shall be neither increased nor decreased during the term for which the person is elected or appointed, excepting in cases of appointment or election during good behavior or for life, when the salaries may be subject

to legislative apportionment every ten years."

I think this covers the matter we have under discussion, and will provide, not only the salaries of members of the Legislature, but for all other officers of the State. I think it would be an advantage to have all in one section. It embraces all there is in this amendment and much more, and I hope the Convention will dispose of this matter for the present by voting it down, and wait until we hear from the Committee on Legislation, as we have done with other sections.

Mr. LEAR. Mr. Chairman; I agree with the suggestion of the gentleman from Chester (Mr. Hemphill) for more reasons than one; but it is sufficient to discuss this amendment and this section for the present, whatever may become of it hereafter. If we adopt no section at all upon the subject of fixing or limiting the compensation of members of the Legislature, the legislative power of this Commonwealth is vested in that body. They have abundant power to fix their compensation, from time to time, as they have done heretofore, and no difficulty will arise without this provision in the Constitution.

Now the gentleman from Montgomery (Mr. Hunsicker) proposes to amend the Constitution by giving the Legislature power to do this thing. All the legislative power in this Commonwealth is vested in that body; and, unless satisfactorily restricted, they would have it as part of their duty, and it would be within the compass of their power to direct what salaries these officers should receive.

I was glad when the amendment was proposed, for I wish to get rid of this awkward section, and I wish to get rid of it not only because I do not think that such a limitation is necessary, but because it has a misuse of the English language in it. I do not desire to amend it, for fear that the accomplished chairman of the Committee on Legislation might oppose it, and therefore we would affirmatively endorse this misuse of the English language. Yesterday I made an attempt to amend the language, but it was saved, because it was a part of the old Constitution of 1837, and in deference to that it was allowed to stand, and express the idea that no man shall be a member of the Legislature who has been a citizen of this Commonwealth for the past four years. But this does not come under any such saving provision as that, and the

common school system went into operation about the time of the adoption of that Constitution, and therefore, having taken advantage of its benefits during that period, I think that we ought not to allow "their" to represent "each member" in two different places in this section of this Constitution. The word "their" is certainly objectionable; but I do not move to strike it out, for I do not desire to make a motion of that kind to amend the language, but I want to get rid of this section so that this committee will not send forth to the people of Pennsylvania a Constitution in which the pronoun "their" stands for "each member."

Mr. CORBETT. Mr. Chairman: It appears to strike me that every step we are taking here is leading us into further difficulty. We have just adopted an amendment with reference to the pay of members. You are now considering an amendment which is in the shape of a limitation upon the legislation. I will simply say this: That if the committee of the whole wishes to dispose of this matter now, well enough; but I will say to you, Mr. Chairman, that this subject has been before the Committee on Legislation, which appears to me to be the proper committee to report upon that subject, and if that committee wishes to make a uniform report, I do not see how they are to do it after these provisions are adopted.

For instance: This subject of contested elections has been before that committee; and I do not understand that this report makes any provision on that subject. If they are to take up this matter of contested elections, can they take it up and make a report in part? To make it uniform, ought it not to cover the whole ground? I make this suggestion to the committee. If the committee see proper now to act, why, of course, it will relieve the Committee on Legislation of that subject. It does appear to me that the whole matter in the hands of the Committee on Legislation would, at least, present a plan that would be uniform and consistent. If the Convention did not agree to it, they would have the whole matter before them, and they could then mould it into a shape that would suit.

Mr. WHERRY. Mr. Chairman: Admitting all that the gentleman has said, and there is force in it, there is still this difficulty: There are some of us who are anxious to have engrafted into the Constitution restrictions that will cure these great and notorious evils. I do not see how the

committee, to which the gentleman refers, can act so intelligently as they can if this committee has passed upon those very questions. It does no harm to incorporate these amendments into this report, because the Committee on Revision can report that there are double sections on that subject, and recommend the striking out of one, retaining the most appropriate and acceptable. I take it that the passage of this section with these amendments does not at all prohibit this Convention from inserting these same amendments into the entire report.

The question being upon the amendment offered by Mr. Hunsicker to the amendment of Mr. Howard, a division was called for, and resulted: In the affirmative, thirty-six; in the negative, forty-five.

So the amendment to the amendment was rejected.

Mr. EWING. I now move to amend the amendment, by striking out all after "section twelve," and inserting:

"Each member of the General Assembly shall receive a fixed salary for such term of two years, and mileage for each regular and special session, and no other compensation or perquisite whatever, whether as member of any committee or otherwise, during such session, which salary and mileage shall be determined by law; but no member of either House shall receive any increase of compensation or mileage by virtue of any law passed during the term for which he shall have been elected."

The question being upon the amendment of Mr. Ewing to the amendment of Mr. Howard, it was rejected.

Mr. FELL. I move to amend the amendment, by striking out "\$2,000 00," and inserting instead "\$700 00."

Mr. SIMPSON. I propose merely to say this: That I shall vote against both the pending amendments; and in answer to the argument that money changes its value, I would ask members to remember that the sessions can be shortened.

Mr. DARLINGTON. I wish to say a few words to the committee on this subject. While I believe the labor is worthy of his hire, I do not believe he is worth any more. How is the proper figure to be reached? The old-fashioned pay was by the day; now it is by the job. Do we do our work any better than if we were paid by the day? Now what is the proposition before the Convention? As submitted by the committee it is to reduce the sessions

of the Legislature to one session every two years, for which the committee proposes to pay \$1,200 00. That amount is supposed to be proper compensation for the services. How long are the members to be in session? We have been enlightened on this subject from various parts of this hall; and we are told that when once we get rid, by this Constitution, of special legislation, we shall want scarcely anything. Then why pay \$1,200 00 if they are not wanted there? Your theory ought to work out consistently. If it be true that we shall so improve the quality of the Legislature, and so diminish the work that they will have to do, why, in the name of common sense, should we pay more than we do now? I think \$1,000 00 would be sufficient. Perhaps my friend from Fayette (Mr. Kaine) could express an opinion on that point. I regret that the gentleman from Indiana (Mr. Harry White) is absent, as he could doubtless inform us, though I do not doubt that the President of this Convention, if he would, could give a valuable opinion on this head. It has been so that members got extra pay for committee work, and each man might, I presume, be on several committees, and get extra pay for each committee. I presume it will be one of the duties of this Convention to cut off this system of extra pay. If members now get two or three thousand dollars a year by indirection, it should be stopped. With all due respect to the members, I think the propriety of that course was very questionable. Certain it is we do not mean to continue that sort of thing. We intend to pay the members of the Legislature a fixed sum, or a fixed *per diem*, which they should not exceed. We propose to say to them: "Gentlemen, you undertake, for a given sum, each, to perform the duties of your office. The State is entitled to the whole of the time in which you undertake to do these duties, and you have no right to charge extra for anything you do inside that time."

Now, Mr. Chairman, what do you want to pay \$1,200 a year to pure men for. We do not need it and do not yet. We are supposed to be a pure body, and as much immersed in business as any other body. And yet, by the Legislature itself, we are supposed to be amply paid by \$1,000. I think they are right. It is sufficient pay. I do not think we ought to get any more than our expenses. We ought not to make a Legislature a money-making con-

cern. Compensation that will cover one's hotel bill and railroad fare, ought to be sufficient, just enough to keep one from drawing on one's private purse for such purposes.

If \$1,000 is enough for us, as I beg to submit it is, why should members of the Legislature, who have themselves shown their sense of the propriety of that amount, have any more?

If you fix a bulk sum for members of the Legislature, make it \$1,000. The fact that it extends over two years is nothing, for it makes no more expense. One thousand dollars will have to be paid for all the work the members of the Legislature have to do. I am opposed to any larger sum than this, and, in fact, I am in favor of reducing it. In the first place I will vote for the amendment which fixes seven hundred dollars as the compensation for the members of the Legislature, and then, if possible, endeavor to convince the committee of the propriety of reducing it still further.

It has only been within the last few years that the Legislature dared to ask for seven hundred dollars. Members of the Legislature, until very recently, were satisfied with three dollars per day, and probably it has only been ten or fifteen years since the Hon. Eli K. Price, who was a member of the Senate, advocated and carried through a provision to pay the members of the Legislature only \$500, and the Legislature were satisfied with it. The very next year or two, because of the passage of the apportionment bill, it was proposed to increase the amount to seven hundred dollars. This occurred in a year in which there was extra labor, and by reason of this apportionment of the State for the members of the Legislature and members of Congress, this standard of compensation was established. I entertain the same opinion which has been already expressed, that it is a sufficient compensation beyond all doubt. In the language of one of our delegates, it is amply sufficient to enable a member of the Legislature to pay all his expenses at Harrisburg, and to enable him to take part of it home with him. I can see no reason why the expenses of delegates to the Legislature should be greater than they were when this standard of compensation was established. Hotel bills were higher then than they are now, for we were in the midst of war times, when the purchasing

value of money was less than it is now. Gold was at a higher premium, but this compensation was found to be large enough to meet all the expenses of our legislators. I hope therefore that the Convention will set an example of economy.

Mr. ELLIS. Mr. Chairman: I feel myself completely at sea this morning in the absence of the chairman of the committee that reported this article. I am desirous to be further informed in regard to this subject, and as I know other of our members entertain the same opinion, I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

The committee then rose, and the President resumed the chair.

Mr. C. A. BLACK. Mr. President: The committee of the whole, having had again under consideration the report of the Committee on the Legislature, have instructed me to report progress and to ask leave to sit again.

Mr. DALLAS. I move that the committee have leave to sit again to-morrow.

The motion was agreed to.

The PRESIDENT. The Chair asks the consent of the Convention to present the following communication.

The Convention granted its consent, and the Clerk read as follows:

BOARD OF PUBLIC CHARITIES,
OFFICE OF EXECUTIVE COMMITTEE, }
January 30, 1873.

Hon. WM. M. MEREDITH,

President of Constitutional Convention:

DEAR SIR:—I am instructed by the Board of Public Charities of the Commonwealth of Pennsylvania to submit, for the consideration of the Convention, of which you are President, an extract from their annual report to the Legislature, now in session. The accompanying paper presents the views and suggestions of the Board of Crime and Prison Reform. A copy has been presented to each member of the Convention.

GEO. L. HARRISON,
President.

The communication was laid on the table.

Mr. DE FRANCE moved to adjourn, which was agreed to.

And the Convention thereupon, at two o'clock P. M., adjourned.

THIRTY-FIRST DAY.

FRIDAY, January 31, 1873.

The Convention met at eleven o'clock A. M.

Prayer was offered by the Rev. Jas. W. Curry.

JOURNAL.

The journal of yesterday's proceedings was read and approved.

RAILROADS.

Mr. JOS. BAILY presented a petition from certain citizens of Perry county, relating to railroad corporations, which was referred, without reading, to the Committee on Railroads and Canals.

INTEMPERANCE.

Mr. KNIGHT. Mr. President: I have two memorials from the yearly meeting of Friends, which I wish read and referred to the appropriate committees. I concur with the sentiments expressed in the memorials.

The CLERK read as follows:

To the Convention of Delegates to revise the Constitution of the State of Pennsylvania, now sitting:

This memorial of the representative committee for the yearly meeting of the Religious Society of Friends, held in Philadelphia, respectfully represents:

That the evil arising from the sale and use of intoxicating liquors, as a drink, having claimed our serious consideration, we have felt it to be our duty to endeavor briefly to call your attention to the subject in all its bearings.

The practice is utterly void of advantage to the individual or the State. We believe it to be the most fruitful known source of crime, entailing misery and wretchedness, both physical and mental, upon its immediate victims and their posterity; that it supplies more inmates to insane asylums, prisons and almshouses than any other cause; that the cost to the community in money, in addition to the moral depravity it engenders, in the occupancy of courts of justice,

in prosecutions for crimes committed under its influence, and the increase of taxes for the support of almshouses, necessitated by the poverty it produces, far exceeds the income derived to the State from the sale of licenses. Were it otherwise, has the State a moral right to license this fruitful source of crime for the purpose of revenue? The places where liquor is sold are legion. The foul taint thereof is upon the breath of youth and age, in most places of public resort. We believe the increasing magnitude of this evil to be so great that it is second to none that can claim your attention.

We respectfully, but most earnestly, appeal to you, as a body chosen by a professed christian community, whose duty it is to exercise the powers delegated to you for the promotion and protection of virtue as the surest guarantee for the public good, solemnly to consider the subject, and do what you can to arrest and diminish this flood of iniquity. The Constitution, as it now stands, requires the enactment of laws for the protection of property and life, whilst it sanctions the sale, by license, of means which more than any other cause endangers property and life, and may prove destructive to the soul. We therefore request that you will so amend the Constitution that it will take from the Legislature of this Commonwealth the power to grant licenses for the sale of intoxicating liquors as a drink, and substitute provisions prohibiting such sale. Whilst we thus desire that the poisonous streams now surrounding the paths of the youth, luring them to destruction, shall forever cease, we shall hail with joy any modification of our laws approximating to so desirable an end.

Signed, by direction and on behalf of the representative committee aforesaid,

CALEB CLOTHIER, Clerk.

PHILADELPHIA, 1st mo. 24th, 1873.

The memorial was referred to the Committee on Legislation.

MILITARY SERVICE.

The CLERK read the following memorial:

To the Convention of Delegates to revise the Constitution of the State of Pennsylvania, now in session:

This memorial of the representative committee for the yearly meeting of the Religious Society of Friends, held in Philadelphia, respectfully sheweth: That the Constitution of the State of Pennsylvania, as it now stands, requires of the Legislature the enactment of laws demanding from all citizens of the State between certain ages, capable of bearing arms, the performance of military service, excepting that *"those conscientiously scrupulous to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service."* (See article VI, section 2, Constitution of the State of Pennsylvania.) We consider such constitutional provisions and laws to be in disregard of the conscientious scruples upon the subject of war of a large class of the professors of christianity in this Commonwealth; and deem it our duty earnestly and solemnly to remonstrate against them as a violation of our religious rights guaranteed by William Penn, the founder of this Commonwealth, in his great charter, in the following remarkable language:

"Almighty God, being the only Lord of conscience, Father of Lights and Spirits, and the Author, as well as object, of all divine knowledge, faith and worship, who only doth enlighten the mind and persuade and convince the understanding of people, I do hereby grant and declare, that no person or persons, inhabiting this province or territories, who shall confess and acknowledge Almighty God, the Creator and Upholder and Ruler of the world, and profess Him, or themselves obliged to live quietly under the civil government, shall be, in any case, molested or prejudiced, in his or their person, or estate, because of his or their conscientious persuasion or practice, or to do or suffer any other act, or thing, contrary to their religious persuasion."

"And, because the happiness of mankind depends so much upon the enjoying of liberty of their consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my heirs and assigns, that the first article of this charter,

relating to liberty of conscience, and every part and clause therein, according to the true intent and meaning thereof, *shall be kept, and remain, without any alteration, inviolably forever."*

The Convention of 1790, which formed the first Constitution of this State, reaffirmed, in the Declaration of Rights, the great truths and rights granted by William Penn, and they were retained at the revision in 1837. Thus in the existing Constitution of this State it is declared: "All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences;" also, "No human authority can, in any case whatever, control or interfere with the rights of conscience." It is likewise declared that every thing in this article—that is, the Declaration of Rights—is excepted out of the general powers of government, and shall *forever remain inviolate.*

Thus it will be perceived that the present Constitution whilst in theory, it asserts and maintains the sacredness of the rights of conscience, also, by its future provisions in the matter to which we call your attention, violates said assertion as well as the guarantees of the great charter of William Penn, by compelling us to do an act contrary to our religious persuasion, and interfering with our rights of conscience, or otherwise to suffer molestation in our person or estate.

We represent a people who cannot comply with any law requiring military service without disobeying the command of God to them. Neither can they pay a fine imposed for exemption therefrom, because in so doing they feel that they would implicate themselves in a violation of their conscientious scruples in this respect.

For more than two hundred years our society has held the doctrine that all wars and fightings were forbidden to them as followers of Christ, differing in this respect from nearly all other associations of men claiming the christian name.

For asserting and maintaining this and other testimonies of the "Truth as it is in Jesus," they were brought under cruel persecution, enduring the despoiling of their estates, incarceration in prisons and loathsome dungeons and death. Through this long season of darkness their depend-

ence was upon the Divine Power, under which their patient suffering and earnest remonstrance obtained, in some degree, the favor of those in authority.

For the free enjoyment of civil and religious liberty they came to this land to seek, amongst the so-called savages of the wilderness, immunities and privileges denied them at the hands of a professed christian nation. Here William Penn and his friends planted their infant colony and proved the efficacy of the principle of peace. The conflict of arms was unknown, and history bears no record of strife between the Indian and the Friend.

We, their descendants, now appear before you, not alone with a view to shield ourselves from suffering, but, under a sense of duty to God, to assert the *sacred rights of conscience*, to raise the standard of the Prince of Peace before the people, and in His name to ask you so to frame and modify the Constitution that it shall prohibit the Legislature from enacting laws which bring under persecution innocent men for obeying His commands. "Ye are my friends if ye do whatsoever I command you."

In thus defining our position, we enter not into judgment or condemnation of those who differ from us.

Trusting in the mercy of our Heavenly Father, we desire that He may so touch your hearts and understandings with His wisdom that you may grant our petition.

(Signed) RICHARD MOORE
JOHN SELLERS,
JOS. C. TURNPENNY,
HENRY W. MOORE,
WILLIAM DORSEY,
CALEB CLOTHIER.

PHILADELPHIA, 1st mo. 24th, 1873.

The memorial was referred to the Committee on Militia.

SUFFRAGE.

Mr. CAMPBELL presented the petition of E. M. Davis, Lucretia Mott, and five hundred and forty-eight other persons, citizens of the United States, resident in the State of Pennsylvania, asking for suffrage, which was referred to the Committee on Suffrage, Election and Representation.

INTOXICATING LIQUORS.

Mr. DAVIS. I presented, on Wednesday, a petition of citizens asking for an amend-

ment prohibiting the sale of intoxicating liquors. I now move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

TRADE COMBINATIONS.

Mr. J. S. BLACK, on behalf of the Committee on Legislation, asked that they be discharged from the consideration of a resolution offered by Mr. Stanton, and referred to them, on the subject of commercial and trade combinations, and that the same be referred to the Committee on Industrial Interests, which was granted.

LEAVES OF ABSENCE.

Mr. LAWRENCE asked leave of absence for a few days for Mr. Landis, which was granted.

Mr. KAINE asked leave of absence for a few days for Mr. Buckalew, which was granted; also, for Mr. Wherry for a few days, which was granted.

COMMON SCHOOL FUND.

Mr. NEWLIN offered the following resolution, which was referred to the Committee on Declaration of Rights:

Resolved, That the Declaration of Rights be amended, by adding to section three:

"The common school fund shall never be divided for sectarian purposes, and no money shall be appropriated by any State, county, municipal or other public authority to any sectarian association or corporation for any purpose."

SEAT OF GOVERNMENT.

Mr. BRODHEAD offered the following preamble and resolution, which were referred to the Committee on State Institutions and Buildings:

WHEREAS, It is but right and proper that the seat of the State government should be fixed by the choice of a majority of the people, and not be subject to location or removal by a vote of the Legislature, prompted by the passions and prejudices of the hour; therefore,

Resolved, That the following article be incorporated into the amended Constitution:

"ARTICLE —. The seat of government shall be fixed by the people. That at the time and place designated by this Convention for the people to vote for or against this Constitution, the people shall also vote upon the location of the seat of the State government. That each voter

may vote for any one of the following places:

"Pittsburg, Altoona, Harrisburg, Williamsport, Wilkesbarre, Reading, Bethlehem, Philadelphia.

"That if a majority of the whole number of votes cast shall be given for any one place, then such place shall thenceforth be the seat of the State government. But if a majority of votes cast shall not be given for any one place, those two places having the smallest number of votes shall be dropped from the list; and at the next ensuing general election the people shall again vote thereon, and if no one of the six places voted for shall have a majority, then the two places having the smallest number of votes shall be dropped from the list; and at the next ensuing general election the people shall again vote thereon, and if no one of the four places voted for shall receive a majority of the votes cast, then the two places having the smallest number of votes shall be dropped; and at the next ensuing general election the people shall finally vote thereon, and the place having a majority of the votes shall thenceforth be the State capital; and the Legislature shall provide by law for the proper carrying out by law of the objects of this provision."

MAYORS' COURTS.

Mr. PUGHE offered the following resolution, which was referred to the Committee on Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the feasibility of inserting a clause in the Constitution, that whenever a city has a mayors' court, and contains less than sixty thousand inhabitants, said mayors' court shall be presided over by the president judge, or a law judge of common pleas of the county or district.

FREE SCHOOLS OF SCIENCE.

Mr. PUGHE offered the following resolution, which was referred to the Committee on Education:

Resolved, That the Committee on Education be instructed to consider the expediency of establishing free schools in the mining districts for the study of geology, chemistry, mineralogy, mining and engineering, and the scientific ventilation of mines.

EXPENSES OF THE CONVENTION.

Mr. LILLY offered the following resolution, which was twice read:

Resolved, That the Committee on Accounts and Expenditures is hereby directed to report, as nearly as practicable, the probable amount of money that will be necessary to pay the expenses of this Convention, including salaries of members and officers, and all other probable expenses, and report the same to this House as early as practicable, that the same may be transmitted to the Legislature in time for the annual appropriation.

Mr. NEWLIN. I move the postponement of the resolution for the present.

Mr. HAY. I hope this resolution, in its present form, will not be adopted. It seems to me it interferes with the functions of the legislative department of the State. It is their duty to make appropriations for all the expenses of the State government; and the expenses of this body form part of such expenses. We ought not to interfere in such matters. They are quite competent to perform their duties in this respect.

The question being upon the motion to postpone, it was agreed to.

LEAVE OF ABSENCE.

Mr. TURRELL asked leave of absence for Mr. Long for a few days, which was granted.

PURITY OF ELECTIONS.

Mr. STRUTHERS offered the following resolution, which was referred to the Committee on Legislature:

Resolved, That the Committee on Legislature be requested to report an article or section providing for the purity of elections, and guarding against corrupt practices in all departments of the government, under penalty embracing forfeiture of office, and by fine and imprisonment.

LEAVE OF ABSENCE.

Mr. COCHRAN asked leave of absence for himself for a few days, which was granted.

ADJOURNMENT TO MONDAY.

Mr. DAVIS offered the following resolution, which was twice read:

Resolved, That when this Convention adjourns, it adjourns until Monday next, at eleven o'clock A. M.

Mr. HEMPHILL. I move to strike out all after the word "resolved," and insert the following: "That until otherwise ordered, the Convention will not sit on Saturdays."

Mr. JOHN M. BAILEY. Mr. President: I rise to a point of order. Under the rules adopted by the Convention the amendment should lie upon the table for one day.

The PRESIDENT. The point of order is raised that this amendment involves an alteration in the rules of the Convention. The hour of adjournment is not embodied in a rule of the Convention, but is merely an order of the Convention, and can be at any time changed by a majority vote thereof.

The question being taken on the amendment, the yeas and nays were required by Mr. Corbett and Mr. Alricks, and were as follow, viz:

YEAS.

Messrs. Baker, Bannan, Bartholomew, Biddle, Boyd, Brodhead, Broomall, Buckalew, Cassidy, Clark, Corson, Cuyler, Davis, Elliott, Ellis, Ewing, Finney, Funck, Gibson, Hanna, Harvey, Hemphill, Heverin, Hunsicker, Lear, Lilly, M'Camant, M'Clean, Metzger, Palmer, G. W., Pughe, Read, John R., Reynolds, S. H., Rooke, Runk, Simpson, Stanton, Wetherill, J. M., Wherry, Woodward and Worrell—41.

NAYS.

Messrs. Achenbach, Alricks, Baer, Bailly, (Perry), Bailey, (Huntingdon), Barclay, Beebe, Black, Charles A., Black, J. S., Bowman, Campbell, Carter, Cochran, Collins, Corbett, Craig, Curry, Curtin, Dallas, Darlington, De France, Dunning, Guthrie, Hay, Hazzard, Horton, Howard, Kaine, Knight, Lawrence, Littleton, M'Allister, M'Connell, M'Culloch, M'Murray, Mann, Mantor, Minor, Mott, Newlin, Patterson, D. W., Patterson, T. H. B., Patton, Purman, Purviance, Sam'l A., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Smith, Henry W., Smith, W. H., Stewart, Struthers, Temple, Turrell, Walker, Wetherill, Jno. Price, White, David N., White, Harry, White, J. W. F., Wright and Meredith, *President*—62.

So the amendment was not agreed to.

ABSENT OR NOT VOTING.—Messrs. Addicks, Ainey, Andrews, Armstrong, Bardsley, Brown, Carey, Church, Cronmiller, Dimmick, Dodd, Edwards, Fell, Fulton, Gilpin, Gowen, Hall, Hopkins, Lamberton, Landis, Long, MacVeagh, Niles, Palmer, H. W., Parsons, Porter, Purviance, John N., Ross, Sharpe and Van Reed—30.

Mr. ALRICKS. I move to amend the resolution, by inserting the following after the word "resolved:" "That this Convention meet on Saturday from ten A. M. to one P. M., and on Monday from six P. M. to nine P. M., until otherwise ordered."

The amendment was not agreed to.

Mr. LITTLETON. I move to lay the resolution on the table.

The motion was not agreed to.

On the question of agreeing to the resolution, the yeas and nays were required by Mr. Corbett and Mr. Kaine, and were as follow, viz:

YEAS.

Messrs. Baker, Bannan, Bartholomew, Beebe, Biddle, Black, J. S., Bowman, Boyd, Brodhead, Broomall, Buckalew, Cassidy, Clark, Cochran, Corson, Curry, Curtin, Cuyler, Dallas, Davis, Dunning, Elliott, Ellis, Funck, Gibson, Hanna, Harvey, Hemphill, Heverin, Hunsicker, Lear, Lilly, M'Camant, M'Clean, Mott, Newlin, Palmer, G. W., Patton, Pughe, Reynolds, James L., Reynolds, S. H., Rooke, Ross, Runk, Simpson, Smith, Henry W., Stanton, Struthers, Temple, Wetherill, J. M., Wherry and Woodward—52.

NAYS.

Messrs. Achenbach, Alricks, Baer, Bailly, (Perry), Bailey, (Huntingdon), Barclay, Black, Charles A., Campbell, Carter, Collins, Corbett, Craig, Darlington, De France, Ewing, Fell, Finney, Guthrie, Hay, Hazzard, Horton, Howard, Kaine, Knight, Lawrence, Littleton, M'Allister, MacConnell, M'Culloch, M'Murray, Mann, Mantor, Metzger, Minor, Patterson, D. W., Patterson, T. H. B., Purman, Purviance, Sam'l A., Read, John R., Reed, Andrew, Russell, Smith, H. G., Smith, W. H., Stewart, Turrell, Walker, Wetherill, Jno. Price, White, David N., White, Harry, White, J. W. F., Worrell, Wright and Meredith, *President*—53.

So the resolution was not agreed to.

ABSENT OR NOT VOTING.—Messrs. Ad-dicks, Ainey, Andrews, Armstrong, Bards-ley, Brown, Carey, Church, Cronmiller, Dimmick, Dodd, Edwards, Fulton, Gilpin, Gowen, Hall, Hopkins, Lamberton, Lan-dis, Long, MacVeagh, Niles, Palmer, H. W., Parsons, Porter, Purviance, John N., Sharpe and Van Reed—28.

LEAVE OF ABSENCE.

Mr. M'CLEAN. Mr. President: I ask leave of absence for myself for a few days from to-day.

Leave was granted.

COMMITTEE OF THE WHOLE.

The Convention then proceeded to fur-ther consider, in committee of the whole, the report of the Committee on the Legis-lature, Mr. C. A. Black in the chair.

THE LEGISLATIVE ARTICLE.

The CHAIRMAN. The matter under consideration in committee of the whole when it last rose, was the twelfth section, and the question before the committee is the amendment of the gentleman from Philadelphia (Mr. Fell) to the amend-ment of the gentleman from Allegheny, (Mr. Howard,) to strike out "\$2,000" and insert "\$700."

Mr. FELL. Mr. Chairman: I wish to say a few words in defence of what may seem like an illiberal amendment—a mo-tion to strike out \$2,000 and put in \$700. In the first place, I will say that in regard to the amount of \$700, my friend, the gen-tleman from York, (Mr. Cochran,) tells us that that is about all they are entitled to draw, at any rate at the present time; and if you regard the idea which has been presented here with such force, and which appears to be received with so much favor, that of biennial sessions, you will so reform our Legislature that it will be a very pure body, and have a very clear conception of just what it ought to do, by reason of the curtailment of special legis-lation. If this idea be carried into effect, the Legislature will not be occu-pied in doing anything except the very proper business that they are sent there to perform. I think that everybody will admit that \$700 will be enough for sixty days' work, which will be the time that the General Assembly ought to be occu-pied in transacting their legitimate busi-ness. Even considering that ninety days, the extreme amount of time that ought to

be occupied by public business, will be the length of their session, \$700 will be ample compensation therefor.

As to their having annual sessions after the expression of opinion here in favor of biennial sessions, I think we may safely conclude their meetings will not be as frequent as they have been hitherto, and, with their reduced duties, \$700 will be sufficient pay for the members of the General Assembly. Indeed, I would re-duce it below \$700 if I could. I would like to see the time when we reach the posi-tion now occupied by the British Parlia-ment, who receive no compensation for their services. That a man would go to the Legislature to make money is some-thing abhorrent to the idea of honorable people. If their salary is to be held up as a prize, by making the sum as high as \$2,000, it will turn every man's attention to this subject, and we will have as much effort made to secure seats in the Legis-lature as there is now made to get into public places here in Philadelphia. I therefore trust that, with the iron-clad and brimstone oaths that we intend to provide on the subject, the Legislature will be confined to proper subjects of leg-islation, and that we will not be troubled with sessions lasting more than sixty or ninety days. That is the full limit neces-sary for the Legislature to sit, for in that time everything can be done that ought to be done, according to the provisions on the subject that we are now perfecting.

Mr. BOYD. Mr. Chairman: I took oc-casion in the remarks I made a few days ago to indicate my view of the subject now under consideration. I stated then that I would vote in favor of the largest sum proposed as compensation for the members of the Legislature. I stated that because I believed that the public, no more than an individual, can expect to have service rendered honestly and faithfully, unless it is adequately paid for. I mean by adequately paid for, a sum that will be sufficient to maintain a man and his family. Now, sir, I insist that it is impossible for a member of the Legis-lature, even for the short session of sixty or ninety days, to support himself and those dependent upon him, with the sum of seven hundred dollars. And it is in vain to expect that always members shall be elected to that body who are able, inde-

pendent of their pay, to defray their expenses and support their families while they are engaged in this public duty.

I do not propose to occupy the time of this Convention by any extended remarks on this subject, but rather refer to what I have said in the past, and with the view of re-inforcing what I did state the other day, I am now prepared, as I think, with proof that will at least satisfy every man in this body that what I asserted here the other day in relation to the history of the legislation of this State in regard to the Credit Mobilier was substantially correct. And without claiming any egotism, I will here state that as a rule it will be safe for gentlemen upon this floor to believe that when I state a proposition in debate they may take it for granted that it is about correct [laughter.] But when the gentleman from Lancaster (Mr. H. G. Smith) followed me in the debate, I was not in the hall. I was at that time in the President's room, doing there what was fit and becoming to the place, [laughter,] and I knew nothing of the remarks of the gentleman from Lancaster until I saw them in print the next morning. I have sought the first reasonable opportunity to reply to those remarks. I understood that the gentleman from Lancaster did not state what he did upon his own responsibility, but upon the information and upon the responsibility of a distinguished democrat, who either was at the time or had been clerk to both branches of the Legislature. In that statement the gentleman declared that the legislation on the part of Pennsylvania had no reference whatever to the Credit Mobilier, and that it was consummated long before the Union Pacific railroad was thought of, and that the Legislature of Pennsylvania, in effect, had never legislated in behalf of that corporation.

Now, sir, it is always well to come prepared with the documents and with the dates.

Now, sir, according to Poor's Railroad Manual on Railroads, we find that the first act of Congress—

Mr. LILLY. Mr. Chairman: I rise to a point of order. Is it in order to discuss the Credit Mobilier to-day, or the salary of members of the Legislature?

Mr. BOYD. If you pay the members of the Legislature an adequate sum, they

will not have occasion to even entertain propositions, such as is embodied in the act incorporating the Credit Mobilier; and hence I say that is where the relevancy of my argument, and the competency of it, come in; that if you pay a man two thousand dollars (for which I shall vote when the proposition is presented) for the purpose of preventing this kind of legislation in the future; and if the argument which I made the other day, and am now making, falls short of this view, then it goes for nothing, and I shall then be prepared to vote for the proposition of my friend from Philadelphia (Mr. Fell) for seven hundred dollars a year; but it is for the purpose of removing and keeping away temptation from the "third house," and from the Legislature itself. I trust that any remarks that I may make upon this subject will not pinch or hurt anybody in this Convention, because I apprehend that if there is a body that is above suspicion it is this body.

The act of Congress, then, was passed on the first of July, 1862. That was the first act incorporating the Union Pacific. It lay dormant until July 2, 1864, when Congress added an amendment to the charter, in which they furnished the money to build the railroad.

The first act of the Legislature, and the main act which has been referred to, will be found in the pamphlet laws of 1860, page 886. It will be observed that the act first incorporating the Union Pacific railroad was passed in 1832. In 1860 the act incorporating the Pennsylvania Fiscal Agency was passed. It is true that is two years anterior in date to the incorporation of the Union Pacific, but everybody knows that long before acts are passed for building railroads, there are certain preparations to be made. The thing is generally conceived long before it is born in Congress and in the Legislature, and whilst the Clerk of the House may be, and is a very superior gentleman, the intellect that guided the pen that framed this act was that of one of the first lawyers in the country, because no ordinary man could, at the suggestion or request of an old visionary, sit down and pen such an act as this. If this is a skeleton, I would respectfully say that it is the plumpest, fullest, fattest, roundest skeleton that has ever yet been created or ordained; and,

furthermore, although this was two years before, it seems upon its face to indicate that whoever drafted it had in his mind's eye the act incorporating the Union Pacific in 1862.

The purpose of this act is to organize or incorporate a company, and to authorize it as such, "to become an agency for the purchase and sale of railroad bonds"—that strikes pretty close to the Union Pacific—"and other securities, and to make advances of money and of credit to railroad and other improvement companies, and to aid, in like manner, contractors and manufacturers; and to authorize them, as a company, to make all requisite contracts, and, especially, to receive and hold, on deposit and in trust, estate, real and personal, including notes and bonds and obligations of States and of individuals and of companies and of corporations." If that is not a little too large for the State of Pennsylvania it would seem to me difficult to know what would be too large for such a Commonwealth.

"And also to sell and dispose of them in any markets in the United States or elsewhere."

"SECTION 3. The capital stock shall be fifty thousand shares of one hundred dollars each,"—which I understand to be five millions of dollars—"and they may from time to time increase their resources by borrowing money on pledge of their property, or without such pledge, or by new subscriptions not exceeding fifty thousand shares," thus swelling it up to ten millions of dollars. Then what do they do with this last subscription of fifty thousand shares? "*And when new subscriptions are made the shares may be issued at par, or sold for the benefit of the holders of the shares thereof,*" so that when they come to issue this additional stock of five millions they may issue it at par, or they may sell it, and in either way the previous owners of the stock receive the proceeds of it.

Section four provides that the "principal office of the company shall be in the city of Philadelphia, but the directors may establish branches and agencies in Europe and elsewhere."

That is a very extraordinary Pennsylvania charter for Pennsylvania consumption! It provides, however, very properly,

that "three-fifths of the directors shall be citizens of the United States of America," so that it shall not be a foreign institution entirely.

Section six provides for payment of bonus on the stock and tax upon dividends, exceeding six per cent. per annum. We all know how the State got the tax!

Now, then, in the pamphlet laws of 1864, page 97, an act was passed to change the name of the Pennsylvania Fiscal Agency.

"Be it enacted, &c., That from and after the passage of this act the Pennsylvania Fiscal Agency shall be named, instead thereof, 'The Credit Mobilier of America,' with all the powers, privileges and authorities had under their former name, and be subject to all the restrictions and liabilities to which they were subject under the same," approved March 26, 1864.

So you see they got this act passed by our Legislature in March, 1864, and in July, 1864, they went to Congress and got the supplement passed, giving them sixteen thousand dollars per mile and forty-eight thousand dollars per mile, &c., in government bonds.

Now it seems to me that it is plain that this Credit Mobilier of America is a Pennsylvania institution; that it was concerned in the Legislature of Pennsylvania; that it was born there, and then, in February, 1867, further aid and assistance was given, as we find in the pamphlet laws of 1867, page 291, in an act approved February 28, 1867. This is something which, in scripture language, passeth all understanding. It certainly does mine, but it may come within the range and comprehension of some of the gentlemen who are familiar with this subject.

"In every case where the Credit Mobilier of America, a body incorporated and established by the laws of this Commonwealth, has heretofore agreed, and shall hereafter agree, to aid any contractor with a railroad company, by advancing money to such contractor, or by guaranteeing the execution of a contract for the building, construction or equipment of a railroad, or for materials or rolling stock, it shall be lawful for the said Credit Mobilier of America to take such measures as will tend to secure the faithful performance of the contract," &c.

That looks to me as if it were to authorize the individual who had taken this contract to transfer it to this Credit Mobilier of America.

Mr. LILLY. Mr. Chairman: I ask, now, whether that has anything to do with the seven hundred dollars.

Mr. BOYD. Mr. Chairman: My answer to that is this:—

Mr. LILLY. I ask the Chairman to decide it. I do not like to see the time of this Convention consumed with such things as we do not care anything about.

Mr. BOYD. Mr. Chairman: I will promise that I shall not be in the way of the eloquent gentleman occupying the floor.

Mr. LILLY. Will the Chair decide the question of order?

The CHAIRMAN. The gentleman from Carbon (Mr. Lilly) is out of order. In committee of the whole much greater latitude is allowed in debate than in Convention. I do not see how the chairman can interfere in a matter of this kind. It is far better to let the debate proceed.

Mr. KAINE. Mr. Chairman: I understand, in committee of the whole, no gentleman can be called to order for anything except a personal reflection. I understand that to be the rule in committee of the whole.

The CHAIRMAN. Certainly. The Chair has no power over the debate, except in case of personal reflection.

Mr. BOYD. I am exceedingly sorry that the remarks I have made here should be unpleasant and unpalatable to any gentleman.

The CHAIRMAN. The gentleman will proceed with his argument.

Mr. BOYD. I was going to apologize to the gentleman from Carbon (Mr. Lilly.) But I will dispense with it under the ruling of the Chair.

Mr. Chairman: I have now given a brief history of a specimen of legislation which has been enacted by the Legislature of this State. I question whether it has a parallel in modern history. I doubt whether powers so unlimited have ever been granted by any legislative body to any corporation. In view of such legislation, and for the purpose of preventing a repetition thereof, it seems to

me that it would be an evidence of wisdom upon the part of this body—a body assembled for the purpose of reform—to make some provision which will, in a measure at least, counteract the temptations held out to legislators to disgrace our statute books by such enactments. The liberal payment of public servants for the performance of responsible public trusts, I feel assured, will be one of the means of accomplishing this purpose, and therefore I shall vote for the proposed increase of pay to members of the General Assembly. As two thousand dollars per annum is the maximum amount proposed, I shall vote for that sum first.

Mr. HOWARD. Mr. Chairman: The subject now before the Convention is, I believe, the question of the appropriate fixing of a salary for the members of the Legislature; and one question is, whether we shall fix the salary at all, or whether we shall turn it over to the legislative bodies to make that provision themselves; and the next is, if we fix the salary, whether we shall make it a reasonable one, giving a sufficient amount for the service that we expect to be given.

I consider this one of the most important questions that will come before this Convention, and I think the subject itself is well worthy the discussion of its members. Gentlemen have complained of the manner in which legislation has been obtained at Harrisburg, and what has been the principal allegation? It is that there has grown up in this Commonwealth great and wealthy corporations; that these corporations have used their power and their wealth for the purpose of corrupting the makers of our laws. I am one of those who believe that the more poorly you pay a man, the more open he is to the danger of these influences. I cannot, for myself, understand, I cannot satisfy my judgment in any way, upon any principle whatever, how it is that gentlemen can rise in this Convention and say that seven hundred dollars is a sufficient compensation for the men who make the laws for this great Commonwealth; a sum that would be disgraceful to offer to the merest hireling that had any capacity whatever. Seven hundred dollars I understand to be the figure that the gentleman from Philadelphia (Mr.

Fell) thinks sufficient pay for the men who legislate for this Commonwealth. Would he offer compensation so miserable to any man that had capacity or integrity for employment in anything of equal magnitude or importance? I know he would not. Why, sir, presidents of railroads command from ten to fifteen and twenty thousand dollars; presidents of banks, and indeed of all sorts of corporations, command from five to ten thousand dollars per annum.

We pay the expounders of the laws from five to eight thousand dollars a year, and yet we say their salaries are not sufficient. But the law-maker is to be paid the contemptible—the miserable, beggarly sum of seven hundred dollars, according to the views of the gentleman from Philadelphia (Mr. Fell.) If a man wanted to perpetuate the corruption of which complaint has been made, he could wish nothing better than that we should continue to pay cheap salaries so that we would have cheap men, and these great corporations could buy legislation at a cheap price. I do not know upon what principle it is that gentlemen reason, or how they can expect that men will abandon the walks of private life to serve the public in this special business of making laws for nothing, or next to nothing, for their trouble. You do not ask men to do it in the cases of the sheriffs of your counties; you do not ask them to do it as prothonotaries of courts, as recorders, as judges. You ask them to do it in nothing else except in the making of laws—the most important of all the functions that a citizen can be called to perform.

I maintain that we can never expect to elevate the character of our legislation unless we pay a salary sufficient to command the talent and the services of honorable and high-minded men, and to induce them to leave their professional or other pursuits and take upon themselves the business of making our laws; and to do that the public ought to be willing to pay them. It is the highest economy to pay a liberal salary. "But," some gentlemen say, "the people would vote down the Constitution if you were to establish reasonable salaries for these members." I say, sir, that is not the fact. We all remember that a few years ago Congress-

men got the miserable compensation of eight dollars a day, and it took nearly the whole of it to pay their expenses in Washington city. If they had a session of about six months their pay amounted to little over \$1,100. They then fixed their compensation at \$3,000. There was a little said by some small politicians, but what did the people do afterwards, when Congress increased the pay of these members to \$5,000 per annum? Why, they returned to Congress the same men who had thus voted themselves this increase of compensation, and there never was a word of complaint at the fact that they had given themselves decent salaries, upon which they could support themselves and their families. It would be much more respectable to say we will not pay them anything at all, and thus put it directly upon the question of honor, put it directly on the principle on which men are elected to office in our cities. The councilmen of our cities and our boroughs have no pay. What is the result of this no pay plan? Do men of worth and character enter city councils for the purpose of serving the public upon the principle of pure and disinterested patriotism? Why, we have only to look to the city governments throughout the length and breadth of this land, to see that they are rankling with corruption, and that, too, under the policy of no pay. Very well; then, if you do not give enough pay, you exclude a man who is honest, if he is not rich. On this principle you exclude every man who has not wealth enough to take upon himself this position, because, in the case of a wealthy man, if the salary is not sufficient, he can supply the deficiency out of his private means. Or you must give it to scoundrels, who are willing to steal what they need. There is no question about that proposition. Men of wealth must take this position, who are able to support themselves from their private means, or you must give it to the rogue, who is willing to say: "I will take no salary," or, "I will take a salary so low that no honest man can live on it, because I know that I can make up the difference and make both ends meet before the end of the term."

This, sir, is a very serious matter for the people of this Commonwealth. For my part I am not willing to trust it to the

Legislature, because, if it be true, as stated, that the Legislature has been corrupted, year in and year out; that there have been influences brought to bear upon that body by the wealthy corporations of this Commonwealth, these same influences will be brought to bear hereafter; and it will be in favor of cheap men and cheap salaries, in order that they can buy them cheaply.

Let us raise the standard. Let us give a man the means of living. Let us put it into the Constitution, beyond the power of these men to control it. If we put it not in the Constitution, I have no doubt whatever that the Legislature will be approached again, and the same influences will be brought to bear, and they will not have a respectable salary, in order that things may be kept as nearly as possible as they are now.

I believe, sir, that the people of this Commonwealth are perfectly willing to pay a reasonable salary; and I say to the people that they cannot, in reason, ask any man to go to the Legislature, even if it does not take more than sixty or ninety days, as some have said, for less than \$2,000. Men coming from the rural districts might, perhaps, be able to leave their farms for less, but look at the condition of city men and of professional men. If a man is engaged in professional employment, especially if he comes from a city, he breaks up his business; he is obliged to surrender it, for it is equivalent to a surrender, not only for the whole year, but there is considerable damage done for more than that year. He cannot thus permit the business whereby he earns his livelihood to be disturbed without an equivalent consideration. Hence, if he is a poor and honest man he is virtually excluded from the privilege of representing a constituency in the Legislature; so that you leave the door open for all those that are willing to serve and help themselves to whatever they can.

I hope, therefore, that this Convention will fix the salary of the legislators, and at an honest sum—a sum that will be reasonable for the services required; and I hope we will put it in the Constitution, and not leave it to the Legislature, who may, perhaps, continue without change the present state of things.

Mr. WOODWARD. Mr. Chairman: I want to ask the gentleman a question before he takes his seat. I understand from the gentleman's argument that one of the difficulties with the legislators is, that the corporations buy them up. I would like to know at what price he supposes the people could secure the purity of legislators against the approach or the influence of these corporations—what figure he would place it at?

Mr. HOWARD. I will answer the gentleman in a very few words. The people have a duty to perform in this matter, and that is to fix the compensation of their legislators at a reasonable sum, so that it will not be necessary for the members to sell their influence or votes in order to make a livelihood for themselves and their families. My answer to the gentleman's question, therefore, is, that when the people have done this they have done their duty, and cannot hold themselves to blame for the weakness or the wickedness of the avaricious. There will be weak and avaricious men always, who will be willing to buy and sell; but the people certainly should not put their servants in a position where it becomes necessary for them to sell in order to live. That is my answer.

Mr. BIDDLE. Mr. Chairman: I shall vote against the amendment of the gentleman from Philadelphia, (Mr. Fell,) but for reasons a little different from those that have been given by the gentleman from Columbia (Mr. Boyd) and the gentleman who last spoke (Mr. Howard.) I agree fully with both these gentlemen that it is a false economy to pay the representatives of the State a salary upon which it is impossible for them to live properly.

But I think the whole of this subject is out of place in a Constitution, and my reasons are briefly these: We are endeavoring to lay down and frame a rule of government which shall be permanent in its results, and yet, by introducing clauses of this kind, necessarily temporary, as the least reflection will show, we are inviting the people of this Commonwealth to change it within a very short period of time. Now what is the existing state of things in regard to this subject? We have, at this very moment, two different kinds of currency, which

have been declared, by the highest tribunals of the country, to be equally legal. We have a gold currency, and we have a paper currency. It is within the recollection of every gentleman upon this floor that the period of time is hardly a decade in which the purchasing power of money has diminished almost half. It is about fair, I think, to say that a dollar of the ordinary currency to-day has not a higher purchasing power than forty cents possessed ten or twelve years ago; and yet, Mr. Chairman, we are undertaking to lay down a binding rule relative to the pay of all our future legislators, which can only be changed by amending the organic law of the State. I deem this very unwise. So far as I have read the legislation of this Commonwealth there has been no cause of complaint in regard to the salaries that have been voted for the performance of this public service. I challenge any gentleman upon this floor to point to any system of salaries which can be regarded at all as high. That is not the way in which the public funds are wasted, if they are wasted. It is by indirection, and not by high salaries, because legislators will not face their constituents after voting high salaries. I think, therefore, that it will be altogether wiser to leave this question with our representatives, so that they may be able to make provisions suitable to the exigencies of the times; but if I am privileged, by the sense of this Convention, to vote, I certainly shall vote for something like the amendment of my distinguished friend from Montgomery (Mr. Hunsicker.)

Mr. H. G. SMITH. Mr. Chairman: I would not take up the time of the committee with any remarks upon the subject now pending, but for the fact that the speech made by the gentleman from Montgomery (Mr. Boyd) seems to call for a personal explanation on my part. The other day he boldly made the specific charge that the Credit Mobilier company, which has involved so many members of Congress in its meshes, and caused every honest American to blush at the shameful recital, which is being daily doled out purchased privileges from the Pennsylvania Legislature, which the Legislature of New York had refused to grant for a sum of money six times greater. I agree with the gentleman from

Montgomery, that statements should not be made upon this floor without due consideration, and I am willing that this Convention shall judge himself and myself by the very proper standard which he sets up. I was led to reply to the sweeping remarks made by him the other day, simply and solely because I believed that he had been unwittingly seduced into making false statements by relying upon false information. I am sure he would willingly bring any baseless accusation even against the Legislature, which has provoked so much adverse criticism of late years. I am no defender of the Pennsylvania Legislature. I am sorry to be forced to believe and to admit that it has committed many acts which cannot be defended, and not a few which deserve to be unsparingly denounced. Some of these misdeeds may have sprung from errors of judgment, but there is, unfortunately, too much reason for believing that corrupt influences have not unfrequently controlled the action of a majority of the members of our Legislature, sometimes directly and sometimes by indirection. But, while it is true that the moral tone of our Legislature has been lowered, it is none the less true that men of both political parties have been found in each branch of that body doing battle with all their might against every form of corruption and every species of improper legislation. Not a few of the ablest and most conscientious members of this Convention have been members of the Legislature, and they are here prepared by experience to aid in reforming abuses which have soiled the reputation of the State and affected the welfare of the people of Pennsylvania. I am disposed to believe that evil, rather than good, is likely to result from wholesale denunciation of the Legislature by members of this Convention.

Acting in strict accordance with the very proper rule laid down by the gentleman from Montgomery, I endeavored to correct the mistakes made by him the other day. I fully agree with him that allegations should not be made upon this floor without a careful examination of the basis upon which they are founded. I am glad to see that he has taken the trouble to look up the record of the Credit Mobilier com-

pany, and I am only sorry that some defect of judgment prevents him from perceiving that the documents which he has produced completely substantiate my version of the matter. He has shown that I was mistaken in the single unimportant statement that the original title of the company was the *Credit Mobilier*, afterwards changed to the *Pennsylvania Fiscal Agency*. The fact that it was first styled the *Pennsylvania Fiscal Agency*, and afterward entitled the *Credit Mobilier of America*, does not invalidate any of the material facts adduced by me. The gentleman has shown that the charter was granted by our Legislature in 1860. Had the building of a railroad across the continent by government aid been conceived of then? Why, sir, such an idea had not been broached at that time. The change in the name of the company was sanctioned by our Legislature in March, of 1864, months before the act authorizing the building of the Pacific railroad was passed by Congress; and this swindling *Credit Mobilier* was not organized within the Pacific railroad company for some years after that—not, I believe, until 1867. The truth is that the charter, which was stolen from Philadelphia and sold in New York, was passed through the Legislature of Pennsylvania without corruption and with little opposition. It was drawn by a gentleman now living in this State, from whom I have the facts as I state them, a gentleman who has had great experience in such business. No man knows better how to draw a charter, and no one has had more experience in legislative management. The whole thing was regarded as one of Duff Green's most visionary schemes. The design was to mobilize credit. Like the French corporation, which was its prototype, it proposed to undertake and to aid enterprises of almost every description. Its credit was to be lent to railroads, canals, manufactories and other large enterprises of a speculative character. And this was to be done, not only in Pennsylvania, but throughout the United States and in Europe. Agents were to be employed to scrutinize new projects, and such as promised profit to the managers of this great mobilizer of credit were to be endorsed and aided. A scheme projected upon so vast a scale needed a charter of the most liberal character, and the one

under consideration was passed through our Legislature with comparatively little difficulty, because it was regarded as the harmless vagary of a visionary enthusiast. It is not to be wondered at that the attempt to carry out the projects contemplated by the charter proved a complete failure. That the charter and the books of the company were stolen, carried over to New York and sold to the present managers of the *Credit Mobilier* is a well ascertained fact. Nor is this any reason to doubt the story related to me by the man who framed the charter, in regard to the subsequent value of the stock of the original company, which he sold for an insignificant sum. There are gentlemen upon this floor conversant with the passage of the charter referred to, and they will bear me out in the statements I have made. The Convention will pardon me for taking up a few moments in this explanation of a matter which has assumed a national importance in consequence of the great scandal that has sprung from the transactions of the *Credit Mobilier* company, which was eventually constructed under a stolen charter.

In reference to the subject, immediately under consideration, I have only a few words to say. I am disposed to agree with the gentleman from Philadelphia, (Mr. Biddle,) who has just taken his seat. It will be so difficult for this Convention to fix the compensation of all the salaried officers of this Commonwealth for half a century in advance, that it is safe to presume no such attempt will be made. If the Legislature is left to an exercise of discretion in any matter of this kind, I believe it may be safely trusted to fix the salary of its members. Members of the Legislature will always be careful not to do openly that which may endanger their personal popularity. They would naturally feel less hesitation about increasing the salaries of other officers than in adding unnecessarily to their own. The eyes of the people will always be directed immediately to this matter, and members of the Legislature will be conscious of the watch kept upon them. In my judgment, it would be best for us to leave the pay of members of the Legislature to be fixed by law, with the proviso that no member shall receive the benefit of any increase

of salary, voted for by him, during his existing term of office. If that be done, and if it be further provided that no extra perquisites of any kind shall be allowed, I think the action of the Convention upon this subject would meet the approval of the people and the exigencies of the future.

Mr. ELLIS. Mr. Chairman: I know this is a very important subject. I have no doubt it is an important subject, but in the subject itself there is nothing that particularly incites me to a very earnest discussion of its provisions. Whether members of the Legislature are to have seven hundred dollars, one thousand dollars, or two thousand dollars, is a matter of no very great consequence. But I will say in the beginning, that I am in favor of leaving this question, as the gentleman from Philadelphia (Mr. Biddle) has suggested, entirely to the Legislature, with such restrictions as that members voting in favor of an increase in salary shall not vote that increase into their pockets. I have listened this morning, as I have listened upon several other mornings, with considerable interest to the discussion touching the qualities of the members of the Legislature of the State of Pennsylvania. There has been a great deal said that I think was not uttered in very good taste, to say the least of it. This Convention has been called together by a decree of the Legislature. The Legislature is composed of men taken from the body of the people of the State, and everything that has been said in regard to this article under discussion has seemed to treat members of the Legislature as if they were a different class of people from ourselves. I regard this as a very grave error indeed. If the Legislature is regarded as an evil, the less frequently its sessions can recur will be for the better. It is a sorry period in our history, when those whom we select to make our laws must be regarded with suspicion. If we cannot elevate the standard of public morals and sentiment to such a degree that people will send good men to the Legislature, then representative government will prove a failure. This great evil of a corrupt Legislature lies far deeper than all the mere forms or expressions of law that you may put into the Constitution will be

able to remedy. You must restore a healthier tone to the public sentiment.

Ah, but gentlemen say ballot-box stuffers can defeat the will of honest people. I deny it. If the people will faithfully and honestly vote at primary elections, and at succeeding elections, the best men of the State can organize a Legislature that will be above corruption. As to past Legislatures and the present Legislature, it is well known that there are many members in this Convention who have represented the State in that body. The distinguished President of this body was, I believe, at one time a member of the State Legislature. Running down from year to year, this Convention is dotted all over with gentlemen who have been members of the Legislature, and I may say that I, myself, have occupied a seat in that body. Lest it may be thought that I speak of it in vanity, I may add that I am not specially proud of it. When this Convention was suggested, I supposed that to acquire a seat in this body would be a distinguished honor, but I have since experienced that, in this case as well as in many others, "distance lends enchantment to the view."

But, sir, I have listened to an expression of sentiment on this floor which, I think, by no means does credit to advanced humanity. We should practice those virtues, for the absence of which we abuse the Legislature, and first and most important of all would be that of charity. We have almost, without exception, denounced, in the strongest language, our fellow-men, members of the Legislature; and one gentleman, in the importance of his position, asserts that the members of the Legislature should be tied down by organic law, because they are the servants of the people, and we are to do this because we are the counsellors of the people. Why, we are more the servants of the people than are the members of the Legislature. Our duties are circumscribed, defined and limited in the utmost degree. The very existence of this body is brought about by the act of the people, and I maintain that there is no vital force in anything we do, until the people breathe life into it. Not so with members of the Legislature; they have the power to pass a law which takes from you your liberty and your

life, if you violate that law. We have no such powers. Their powers are pre-eminent to ours. We are no better than they are, even if you come to the question of weighing in the balance our virtue with theirs.

I say this much for the purpose, if possible, by my weak protest, to stem this continued denunciation of another body of men sitting at the same time with us in this State. No good can come from it. None whatever. And when gentlemen get into the zeal and warmth of eloquence, and call on Almighty God to help us through with the work of tying down the hands of these rascals in the Legislature, I cannot, for the life of me, understand why these feelings must be exercised upon this floor, in order that we may do our duty. I am in earnest in this, because it is a very important matter, if we expect our labors to be useful and profitable, and to be adopted by the people, we should avoid exciting these warm feelings, and these antagonistic feelings in the State. Let us calmly and deliberately act upon our duties, mature well our work, and avoid these profitless charges against our fellow-men. What the Credit Mobilier has to do with this body I cannot understand. When it had its beginning, and when it shall have its ending, is something with which I cannot understand this body has anything to do.—These, and kindred subjects, I think it well to leave where they properly belong, and out of this discussion.

Mr. HUNSICKER. Mr. Chairman: I consider this the most important question which has yet been presented to the consideration of this body, and I shall therefore make no apology for trespassing upon the time of this Convention. Yesterday I offered an amendment which substantially restored the old Constitution in this respect, with the limitation that the Legislature should have no power to increase the compensation of its members during a representative term, as amended by the gentlemen from Columbia (Mr. Buckalew.) It is important, because it is the entering-wedge to a decision whether this Convention shall be a legislature or whether we shall be a body to revise and amend the organic law. And I am only sorry that the chairman of this committee is not in the hall, for when he made his address

on the presentation of his report he said that he had been careful to keep within the bounds of constructing such a general form of government as would protect the liberties and rights of the people against the encroachment of Executive and legislative power, and yet at the same time leave to the Legislature that which properly belonged there. Yet here, in the very twelfth section of his report, we have a provision which is purely legislative, and which has always been legislative; and can this body of one hundred and thirty-three members, about one-fifth of whom are constantly absent, say, to-day, what will be the proper compensation for a Senator or Representative in the General Assembly in ten or fifteen years to come?

I therefore consider this a highly important question, and I believe that the amendment which I offered yesterday would have been carried had it not been injudiciously slaughtered by one of its friends, the gentleman from Chester, (Mr. Hemphill,) and by others, who argued that this was not the proper place for the consideration of this section, in which I partly agreed; but, inasmuch as it is here, and inasmuch as there are amendments pending to fix the salary at \$700, at \$1,200, and at \$1,500, and as there will be various other sums named as the consideration goes on, I think that now and here the only way in which this question can be properly reached would either be by the motion of some gentleman who voted against the amendment yesterday to restore it by a motion to re-consider, or, as I know there is no middle ground left, that every gentleman who believes that this is a Constitutional Convention and not a legislature, will be compelled to vote against each amendment as offered, and then vote down the section.

Has there been any reason urged here why we should fix the salary of the members of the Legislature? Has there ever, from one end of this Commonwealth to the other, been a single complaint that the Legislature ever abused this power of itself determining the compensation of its own members? "Oh, but," they say, "it makes them unpopular to vote themselves high salaries!" Not at all. The very gentleman upon my left, (Mr. Howard,) who says that members of Congress voted to increase their pay to \$5,000 a year, knows

that it did not create a ripple on the surface of politics.

Another reason against this proposition is that it is an innovation. It is not every innovation that is for the better. This is an innovation, and in fact it is starting out in legislation. Let it be where it belongs. Let the Legislature fix its own pay, and if it is understood by the people that their representatives have unduly paid themselves out of the public treasury, then it is in their power to retire such men from public life, and send to the General Assembly in their places men who will soon repeal such a law. There is no mischief to remedy, and therefore, under the present attitude of this question, I shall vote against all the amendments and against the section.

Mr. BEEBE. Mr. Chairman: I shall detain the Convention with but a few remarks. I am too ill, and I suppose the Convention will be glad of it. But I wish to put myself right on the record in this matter and express my decided conviction that an increase in the salary of the members of the General Assembly is a wise and proper thing for us to do. I have listened carefully to the suggestion of the gentleman from Montgomery, (Mr. Hunsicker,) in regard to our acting in a legislative capacity. I respect the force of that suggestion, but still I would like to act upon this section for one single reason, which seems to be better than any other which has been suggested here, and which is this: Were the salaries of members of the Legislature increased it would have a legitimate, conservative effect in calling to that body a better and purer class of representatives. Hitherto the Legislature has not increased the pay of its members. While the representatives have looked to their interests in other respects, their love of ambition, their anxiety for power and distinction, has led them to fear that the people might not approve an increase of their compensation and therefore their salary has always been small.

But this increase of salary would give us better men. I wish to draw no invidious distinction, but there is a class of men, men like Abraham Lincoln, if you choose, and Stephen A. Douglass, entirely self-reliant, self-made and self-educated. If such men have the ambition, and it is an

honorable one, to distinguish themselves in the legislative halls of this Commonwealth, are they to be proscribed, are their salaries to be so cut down that they cannot maintain a respectable position as representatives at the State Capitol? Are they to be pushed aside when they come in contact with that class of people who will serve for nothing and find themselves? Rather would I desire that a poor and respectable man should, by a reasonable salary, be able to maintain a respectable position at the Capitol of the State. Do we not know that men who have this ambition, men who have this desire to distinguish themselves, and who would make honest and capable legislators, would be unable on a small salary to maintain themselves and their families in a respectable position; and is it not equally apparent to every member here, that corruption is forced upon a Legislature that does not receive adequate compensation? If it be true that members of the General Assembly have taken bribes, and that corruption has reached the Legislature of this Commonwealth, it is because the people do not give them sufficient compensation to enable them to honestly maintain that position of respectability which is required of a member of the Legislature of Pennsylvania. Why, sir, I heard one gentleman say, using a familiar illustration from the Bible—and when I commence quoting Scripture I am very apt not to get it correct, but the idea is, that a man who does not look after his own household is worse than an infidel. The necessities of the representative's household may perhaps be urged as a justification of many things which have been done in the Legislature.

Now, sir, these are briefly the reasons why I shall vote for an increase of salary for the members of the Legislature of this Commonwealth. I believe that when the people call upon gentlemen to assume positions of trust and responsibility that they should award them compensation, certainly in some degree proportionate to the duties of the office so assumed. And I will cheerfully vote, Mr. Chairman, for the highest sum that has been named in this committee. I think that \$2,000 is scarcely adequate. I would prefer to fix the salary of the members of the General

Assembly at \$2,500 a year, believing that sum none too large. I am ashamed of this Commonwealth, with its wealth and with its resources, that this compensation has not been increased before this. It has been well remarked, that we can better to-day afford to pay ten dollars than we could afford to pay one dollar twenty years ago. I am ashamed of the great State of New York, referred to by the gentleman from Chester, (Mr. Darlington,)—the Commonwealth first in numbers in this Union, the Empire State of this continent, which boasts of its wealth and of its civilization, its proud standing and its morality, and yet which sends men to its Legislature without sufficient compensation to properly support themselves and their families—a compensation that would not pay their board at a respectable hotel. Virtually this is saying to such representatives, “steal your way.” Is it any wonder that they recognize and practice that principle?

Mr. WRIGHT. Mr. Chairman: I wish to make but few remarks upon this question. In the first place I desire that whatever sum shall be awarded to these men who make our laws shall be incorporated in the Constitution. It will then be free from being tampered with. It will be known before a man runs for office what he is to have, and it cannot be changed by any corrupt practices.

It has been truly said, that in the past the Legislature never abused the power which was entrusted to them, of fixing their pay. We cannot answer, in these progressive days, for the future. If we look around us upon our legislative halls, State and national, I think we can come to the conclusion that men are not always to be trusted. I am, therefore, opposed to the idea which has been expressed here, that the sum should not be in the Constitution. I am in favor of placing it there.

Then, what amount of compensation shall a member receive? Why, sir, if we call upon a man to serve us in the Legislature we should give him that amount of pay that will support himself and his family at home. Some men of distinguished ability are foreclosed from going into political life from the fact that they are not able so to do. When a man does sacrifice his business prospects and leave

his home he should be amply paid for it, and yet I am afraid that if this largest amount is fixed too high, it may be a glittering object that will attract the attention of the corrupt, the scheming and the vicious.

I believe in the report of the committee. I take the middle ground. I think that seven hundred dollars is hardly sufficient, and that two thousand dollars is rather too much. I have faith in the report of the committee. I believe they have thoroughly considered the subject. A committee who gives its attention to any question, and has thoroughly considered it and reported upon it, as a general thing should be followed. I shall stick to the committee, and shall give my vote consequently for the twelve hundred.

The compensation now is a thousand dollars. Who ever has heard of a man coming from Harrisburg complaining that he did not get enough? I have heard no such complaint in my part of the Commonwealth. They are always willing to go back the second and the third term. I am willing to add two hundred to that amount, and I think the report of the committee should be sustained, and the sum be fixed at twelve hundred.

Mr. PURMAN. Mr. Chairman: I think it is quite proper that there should be a limitation placed in the Constitution as to the salaries of members of the Legislature. But what should be the character of that limitation? Should we say that the salary should be seven hundred dollars, one thousand dollars, or two thousand dollars, or should we simply limit the power of the Legislature over the salaries of its members?

If we fix the salary at a specific sum, it carries with it the idea of a temporary arrangement, and takes away from the Constitution one of the features that ought to apply to it, namely: A permanent matter for years to come.

It is utterly impossible for this Convention to guess what may be the condition of affairs in Pennsylvania fifteen, twenty or thirty years from this time, or what may be the purchasing power of the money with which the members of the Legislature will be paid. We cannot now tell how much it would cost to sustain the family of a member of the Legis-

lature, and sustain a member at the seat of government, whether in the city of Harrisburg, or in the city of Philadelphia, fifteen or twenty years from now; but we can place proper limitations upon the salary, so that justice will be done to all.

I would suggest that we impose as a limitation, and the only one, that the existing body should have no power to increase its compensation, but that it shall have a right to increase or diminish the compensation of its successors. The direct responsibility of the Legislature to its constituents is a sufficient protection, a sufficient guard against any abuse of the exercise of this power, and I suppose if we were to undertake to examine the appropriation bills for the last forty years, there would be few cases of the abuse of the power vested in the Legislature in this direction.

Whether you have the sessions annually or biennially, and whether you have annual or biennial elections, it can make no difference. The same laudable ambition of a member of the House or the Senate to succeed himself will still exist, and when he comes to fix the compensation of those who are to follow him, whether he is to succeed himself or not, he is made directly responsible to the people for his act. If the Legislature of 1873, for illustration, fix the salary of the members for 1874, at a rate which the people would regard as exorbitant and unjust, they would return members pledged to reduce this salary. In other words, put the limitation, if you put any, upon the power of the body to vote an increase of compensation to the existing body, and trust them as to their successors.

I know, Mr. Chairman, it has been said here that the Legislature cannot be trusted, and that its members have done a great many things to bring their characters into reproach. A discussion of the character of the members of the Legislature may be a little apart from the question directly before the committee, but as this whole subject has been again and again referred to, it may not be inappropriate for me to say a few words with regard to the matter.

Having been a member of the Senate, during the sessions of 1870, 1871 and 1872, I have had some little opportunity of ascertaining the practice of legislative bo-

dies. I have had my thoughts turned, somewhat, to the power of the Legislature, and to the manner in which abuses have been carried on, if any have existed, and therefore, I shall take this opportunity of talking for a few moments upon this subject.

Now one of the purposes of this Convention is to restrain the power of the Legislature. The Legislature is not to blame for the power it has, and for the power that it has been exercising. The people framed the Constitution which gave them the power, and the people who made the Legislature have called upon them, and invoked them to exercise the power that was vested in them. Sometimes, doubtless, they have made mistakes in the exercise of their powers, but I submit, Mr. Chairman, with all due respect and deference to all that has been said, yet like mistakes have often occurred in the exercise of power by other tribunals, acting with even greater deliberation. This has occurred in Pennsylvania, and in other States in this Union. Have not questions that have been passed upon, been re-opened and re-argued, and the former decision reversed in other tribunals, as well as in the Legislature of Pennsylvania? Of course, members of the Legislature are not infallible, and, of course, they make mistakes in their judgment, as to the proper exercise of the power vested in them. And I will add, that I have not the slightest doubt but that this has often occurred in matters where there was not a particle of impure motives, or any unrighteous or unjust means applied to any of the members of the Legislature. They have been again and again appealed to, and invoked by their constituents to exercise the power which exists in this body, and in such exercise have made great mistakes. I have no doubt of it. That this Convention cannot make mistakes in the construction of the organic law, I suppose will not be claimed. We have been elected by the same people that elects the Legislature. Many of us have been members of the Legislature. We come here with just the same judgments, the same merits, and are responsible to the same people, as the legislative body.

Now, Mr. Chairman, what I mean is this: That it is a mistake in this Conven-

tion, that it is a mistake in the press, and that it is a mistake upon the part of the people to speak of the Legislature, indiscriminately, as a dangerous body. The people and the press have lowered the standard of the Legislature and of their own character by so doing, and the press has lost the power that it would otherwise have in the Commonwealth, for good, by charging the Legislature as a body with corruption. They ought to indicate the men who have gone astray. They ought to name them. They have the power and the right, and they ought to do it, and those men ought to be brought to condign punishment.

I repeat here what I have repeated upon the floor of the Legislature, that there is a class of men who have been at various times in the Legislature, and who go there from year to year to lobby, who ought to be tried for their crimes, convicted and sentenced to the penitentiary, and who ought not at any time to have the privilege of the floor, or a seat in the house. But the infirmities of some of the members, or the infamy of the lobby does not make all men, who are or have been in the Legislature, rogues, nor justify the wholesale charge against the body as a body of bad men. I do not pretend to say here, nor elsewhere, that there have not been unworthy representatives at Harrisburg, as well as in other States of this Union, (for I am quite convinced there has been,) but I do undertake to say, that there have been as good men in the Legislature of Pennsylvania, as ever graced any position in the Commonwealth, and the history of the Commonwealth will bear me out in what I have said.

The distinguished President of this Convention is a living example of the ability and of the purity of the former members of the Legislature. The distinguished gentleman who sits upon my right (Mr. Buckalew) is another living example of the ability, of the integrity and the character of the Legislature of Pennsylvania. I trust, Mr. Chairman, I will not be regarded as invidious by referring to these gentlemen. There are other living examples, (yourself among the number,) equally worthy, who have occupied seats in the Legislature of Pennsylvania.

Now, Mr. Chairman, if there were nothing else, policy and taste would be sufficient to admonish this Convention to be measured and prudent in the expression of opinion in regard to remarks upon the Legislature. And whatever censure ought to be placed upon the Legislature, should be upon individuals and classes, and not on the body itself. The members of the Legislature come directly from the people, return to the people, are mingling with the people, and would be powerful to influence the people against the action of this Convention if it should so determine to act.

Much complaint has been made here about the manner in which acts of the Legislature have been passed, and the character of those acts. We all know that hundreds of local bills have been passed; and at whose instance? Why, sir, committees of each House of the Legislature have sat in Harrisburg, day in and day out, from seven o'clock in the evening until twelve at night, to examine these local bills, hearing parties in regard to them, and passing upon them as their best judgment would admit. These local bills are always passed at the instance of the people, and never on the mere motion of the Legislature itself. Are the Legislature to be anathematized for doing what the people has asked them to do? One of the objects of this Convention is to take away the power to pass these local bills. Let us take away that power if it is an improper power. If the people have invoked the exercise of it to their own injury, take it away. But do not abuse the Legislature for using the power placed in their hands by the people, and exercised at the instance of the people. Why, sir, the courts occasionally make mistakes in the exercise of their power, and sometimes make erroneous decisions, decisions unavoidably harsh, or decisions that may seem, perhaps, to require legislative correction, and resort is sometimes had to the Legislature to correct the judgments pronounced by the court. That does not necessarily affect the character of the members of the court, or the other decisions of the court. Its action or decision may have been correct under the law as it then stood. It only shows that the necessities of the times demand a change in the law, and that such changes as the

times or the people demand does not necessarily reflect discredit on the Legislature or the court.

The same may be said of special legislation. The members of the Legislature do but the bidding of their constituents. In these days of railroad and easy travel, Harrisburg is flooded on Monday evenings with the constituents of members, from county after county, demanding this special or that local law; and if the members did not advocate and pass these measures, not a man of them would ever return to Harrisburg as a representative of the people. They must obey the will of their constituents. Their constituents are the people; and it is the people that have brought this evil of special legislation into existence, through their representatives. When, therefore, we denounce the Legislature, we merely denounce the people—the same people who sent us here, and who created this Convention.

I shall not consume the time of the Convention any further on this subject. I repeat, however, so that the mind of the committee may be recalled to the point really before the Convention, that, in my judgment, it is proper that the Convention should put limitation upon the power of the Legislature over the salary of its members, but should not undertake to fix the sum—limit their power so as to take away from them the power to increase their own compensation, so that the existing body can never increase their own compensation.

Mr. ANDREW REED. Mr. Chairman: I am in favor of the report of the committee; but I am in favor also of having it amended, so that the Legislature may change its salary, if it does not thereby affect the salary of any members of the then existing Legislature. That amounts to pretty much the same thing as the amendment of the gentleman from Montgomery (Mr. Hunsicker.) I was in favor of the main idea of this amendment, but was compelled to vote against it, because he moved to strike out a clause that I wanted retained. That is this: "And no other allowance or perquisite whatever, either for expenses or services, whether as member of any committee, or other duty as member of said General Assembly."

For myself I do not care whether a specific sum is stated or not, or whether we shall merely say that members of the Legislature may receive a sum to be fixed by law; but I desire to have it so fixed that it cannot be increased by any other allowance or perquisite, as in the report of the committee. With that idea ingrafted into it, I am in favor of it. We may fix a stated sum, as now, and give the Legislature the power to amend, but in such a way as not to affect the salaries of members then voting so to amend. That, I think, would be fair, and at the proper time I would move to amend it that way.

Mr. MANTOR. Mr. Chairman: I do not propose, in the few remarks I may make at this time, to debate the question of the Credit Mobilier, where it had its origin, or under what name it may have commenced its frauds, for, suffice it to say, it now stands before the tribunal of public justice, and will receive that condemnation it so justly merits. What I propose to do is, to ask some questions and give some reasons for sustaining the views I have, on this question of compensation for future legislators.

I presume these questions can be answered by at least forty gentlemen on this floor, for there are not less than that number of gentlemen in this Convention who have had the honor to sit in one or the other branch of the Legislature of this Commonwealth.

In looking over the record of the actions of our Legislature for years gone by, I think there will be little found in it indicating trespass, in the respect of salary, upon the people's rights. A few years ago the Legislature received only three dollars per day, for a session of one hundred days, and for any farther days of session the sum of one dollar and a half per day. We have gentlemen here with us on this floor who, for seven years, occupied seats in the Legislature of this Commonwealth, who received the small compensation of three dollars per day. They found that that amount was not sufficient to pay their expenses, and they therefore raised it to the bulk sum of five hundred dollars per year. This again was found insufficient, and the sum of seven hundred dollars was fixed upon. And, as the war came on, prices advanced, and it was

found necessary to increase the compensation to one thousand dollars a year, where it now stands.

I appeal to any gentleman on this floor to tell me wherein will be the advantage if we here take from the Legislature the right and privilege which they should have, of fixing their own compensation? This matter has thus far been trusted to the Legislature, and they have not, to my knowledge, violated the honor and trust thus reposed in them.

Therefore I shall vote, when the question comes before this body, first, to support the report of the committee, and when this shall have been done, I shall fall back upon my rights, and think it would be much better for this Convention to leave the question just where we found it, in section eighteen, of the old Constitution.

I am aware, sir, that special legislation will receive, at the hands of this body, a death blow; and when this has been done, the Legislature of this Commonwealth will not be called upon to sit for over two months, perhaps, at one session. If we put the sum at \$1,200, it will be \$600 for every month's service. This will give gentlemen a liberal compensation for their services.

I am aware, too, that while many thrusts have been made at the Legislature of this Commonwealth, yet, sir, in my belief, that body has never betrayed the trust reposed in them by the Constitution under article eighteen, nor do I believe they will. The gentleman from Philadelphia (Mr. Fell) has offered an amendment to the amendment, to the effect that \$700 ought to be the sum paid. That sum I think altogether too small. In all my business intercourse with men I have always found the better service done by him who is, comparatively speaking, best paid. I think this sum entirely too small, and I think that must be the experience of the gentleman himself, (Mr. Fell,) for I know he is a business man.

I have nothing more to say on this question, only that I believe it is best to decide now on this matter; and that in deciding I hope we will consider what is best calculated to secure purity and integrity, and that we will vote to give as liberal compensation as possible to the

men who do the work of legislation for us in this Commonwealth.

Mr. SIMPSON. Mr. Chairman: I do not propose to play the *role* of the man in the New York Legislature who, when a bill was before that body proposing to restrict the limits of the wharfingers, got up and said he knew all about that class of men; that they were a great set of scoundrels; "and," said he, "I know this to be so, because I was one, myself, for twenty years."

I have had the honor of being in the Legislature of this Commonwealth, and sat there at the first session that fixed the annual compensation of members, and voted in that body for that bill, although I was threatened on all sides that it would prove my political destruction if I dared to vote for it.

Up to and including the session of 1854 the pay of the members was, by law, \$3 00 per day for one hundred days, and \$1 50 per day for any time beyond that. If you will examine the legislative appropriation bills, you will invariably find that, although the law allowed \$3 00 per day for only the one hundred days, they got \$3 00 per day, right along, for every day they sat, no matter how long it might be. If they sat just the hundred days, or less, they got their \$3 00 per day. If they sat for more than the hundred days, they got \$3 00 per day for the time *after* as well as *before* the expiration of the legal limit for that figure. On the principle that the Legislature was not bound by an act passed by its predecessor, regulating such matters, they got their \$3 00 a day every time.

The session of 1855 commenced on the second day of January, and terminated on the eighth day of May, having been a session of four months and seven days. When I had footed up all the bills, and paid all my expenses, and supported my family at home on the salary of \$500 00 and the perquisites, such as mileage, candle allowance, &c., I had just been able to make both ends meet. But, unlike some gentlemen, I had no outside expenses to meet. My experience is that \$500 00, in 1855, was, in purchasing capacity, about equal to \$1,000 00 now. I have been keeping house all this time; I know pretty nearly about how much I

costs to live, and I know it is now just about double what it was then.

If we pass the restrictions on the powers of the Legislature which have been suggested, and which I suppose will be done—restricting them in certain directions, and preventing a large amount of special legislation—there will be no necessity for the Legislature to be in session for four months and seven days, as in 1855. Therefore the salary proposed by this report—\$1,200 00—will be a fair and honest compensation, and that I am willing to vote for. I am not willing to vote for the amendment of the gentleman from Philadelphia, (Mr. Fell,) to make it only \$700 00, because it will compel the position to be sought only by those who can live without it; and my experience is that there are men, not only in the city of Philadelphia, but all through the districts of this State—in the mines, on the farms, in the workshops, counting houses and places of business—who would honor the Legislature by a seat in it—men who have brains enough to know what they are doing as members of a legislative body; and if you fix a salary such as that offered by the gentleman from Philadelphia, you keep these men from going there, or, going there, you place them in a position where they will be subject to great temptation, to realize enough from their place to meet their actual expenses, and, for one, I am unwilling to expose any one to temptation to do wrong.

I would not, on the other hand, fix the salary of members of the Legislature so high as to make it an inducement for men to become candidates for that body because of the salary attached to it. I would rather adopt a happy medium, and, I think, in making the amount twelve hundred dollars a session we will have reached that end. I trust that the members of this committee will not adopt either of the proposed amendments, but accept the section as it is reported by the committee. There are other very important reasons why I am unwilling to vote for either of these amendments. If the amount of compensation to be paid to members of the Legislature is placed in the organic law of the State, every man who becomes a candidate for the Legislature knows precisely the amount he is to

receive. It cannot be diminished by the Legislature, and therefore, when he enters the arena and takes his seat, he knows precisely the compensation he is to receive when he goes there. There is also another reason. I am very well aware that whatever the Legislature does is supposed to be the will of the people, because its members are elected to serve as the representatives of the people; but if we place this provision in the organic law the people themselves, if they adopt the Constitution, will have voted directly upon the proposition, instead of leaving it in the hands of their representatives to determine the amount. I trust, for these reasons, the two amendments will be voted down, and the section as reported by the committee will be adopted.

Mr. COCHRAN. Mr. Chairman: I desire to do what I suppose may be somewhat disorderly in this body, and that is to speak to the amendment which is now immediately pending. I am in favor of the amendment offered by the gentleman from Philadelphia, (Mr. Fell,) to fix the compensation of members of the Legislature at seven hundred dollars. I do not think that we are ever likely to return to those times of primitive simplicity of which I have somewhere read as existing before the revolution, when, it is said, an order was made in one of the provincial assemblies prohibiting the country members from eating their bread and cheese on the steps of the State house. Nor do I suppose that that section which was introduced into the Constitution of Pennsylvania in 1776 would meet with a great deal of favor in this body, from what I have heard in the discussion of this morning. It was set out there, as a principle of free government, that it was improper and inadvisable to offer such salaries to public officers as would draw their attention from the industrial interests of the State to its political work and operations. I entirely concur in the correctness of this wholesome sentiment as a principle when applied to the circumstances of the times in which we live. It has been said that the sum of seven hundred dollars is not a competent salary for a man to maintain himself and his family. If it is to be a mere question of dollars and cents, so much legislation for so many pennies a line, the argument is a good one; but if

you introduce into the consideration of this question another feature, which I think is properly admissible, and introduce the element of honor as connected with the position of representing the people of the Commonwealth of Pennsylvania, an additional factor enters into the calculation which should not be entirely forgotten when we are discussing this matter of compensation. We are not here asking our legislators to legislate by the year, and to give their entire time for a whole year for the purpose of attending to the legislation of this Commonwealth. We do not ask them to surrender their own business and occupations entirely during the time they are public servants. Nor do we ask them to serve the State with the understanding that we will maintain their homes and families during their lives by paying them a large compensation for their services. That is not at all the idea. The Legislature requires the performance of a public service, in aid of which we call citizens in the same manner as we call them to perform many other public services which, in themselves, include no honor, and we propose to pay them reasonable compensation—a compensation which will enable them to discharge their duties without positive loss, and which will not make the compensation an object for covetous or designing persons, who are not just exactly the class of men, or the best calculated to represent the people in their legislative assembly. I recollect the time when gentlemen served in the Legislature of Pennsylvania for three dollars a day; but was that a sufficient compensation to those gentlemen at any time of their lives? I have heard honorable gentlemen referred to, who are members of this body, as having served the people for that sum with great skill and ability. I well recollect when the city of Philadelphia was represented by such men as Fraley, Shackman and Jacob Gratz in the Senate, and in the House, by George Sharswood, Edward E. Law, William W. Haly, Charles B. Trego, and other men of this class, who are either now living or have passed away. Such men as these served the State for the sum of three dollars a day. Was that a sufficient compensation for their time? Not at all; but they considered, I apprehend, that there was something of honor which

attached to the position. They were willing to serve in the General Assembly of this State, because they felt honored in being the representatives of their constituents, and were able to render some public service to the people whom they represented. It is in this point of view that I favor the proposition of the gentleman from the city of Philadelphia (Mr. Fell.) I believe that all this idea of getting better men by increasing the salaries of the members of any representative body is entirely fallacious. We have increased salaries from year to year, and without intending to disparage the members of the present Legislature, I apprehend that they are no better in quality than their predecessors, and I do not believe, by returning to moderate compensation connected, with the idea of honor attached to this public service, that we shall fail to receive the services of good men. Aye, better men than many who sit in the legislative hall to-day. Believing this to be the fact, I shall vote for the amendment of the gentleman from Philadelphia.

MR. CUYLER. Mr. Chairman: At the close of a debate so protracted, in which every gentleman has expressed his views, I cannot hope that anything I can say will influence the judgment of any of my brethren in the Convention; yet I find myself wholly unable to vote for either of the amendments which have been offered, or for the report of the committee. I am in favor of an amendment which I propose to offer hereafter, if these amendments are voted down, which shall cause this section to read somewhat as follows: "Each member of the General Assembly shall receive a reasonable compensation for his expenses and his services in the discharge of his office."

I am not willing to undertake to define, by an organic law, what the proper compensation of a member of the Legislature is. I cannot look so far into the future as to be able to discern what the length of a session may be, what the expenses of living may be, or what the condition of money may be, that would enable me intelligently to vote to define in the Constitution what the proper compensation is. But I have a reason, which controls my judgment, which is back of all that. I am unwilling to descend to anything so piti-

ful, as it seems to me, as to define that compensation in an organic law. If we cannot place in our Legislature men whom we can trust with so small a duty as to determine what their proper compensation shall be, I should despair of having a Legislature which would command the confidence of our citizens. What, Mr. Chairman! Place all the vast and varied interests of this Commonwealth, present and prospective, in the hands of the Legislature, and be unwilling to trust its members with so small a matter as the determining what the reasonable compensation for their services is? I could understand the objection if I had ever heard any complaint upon this subject, or if any gentleman upon this floor had ventured to say that any citizen of the Commonwealth had ever publicly complained of unreasonable action of the Legislature in the amount of compensation they had prescribed for themselves; but I hear, from the lips of honorable gentlemen upon this floor, the confession of the fact that nothing of the kind has ever occurred. Why then shall we provide a restriction for a fancied or imaginary wrong? Why should we attempt to provide against an evil which has never existed, and which no reason or discernment can see is likely to arise in the future? It is for reasons such as these, that I find myself unable to vote for any provision in the Constitution which shall attempt to define, for all future time, what the proper compensation for the members of the Legislature is. If we cannot trust, in the hands of the Legislature, so small a power as this is, how can we trust it with the enormous interests that are to rest there in other behalfs.

Mr. J. PRICE WETHERILL. Mr. Chairman: The chairman of the Committee on the Legislature, in leaving yesterday, asked me, as a member of the committee, to be kind enough to take charge of the report, and therefore I rise merely to say a word or two at the close of the debate on this section. I think, from what we have heard to-day, that every member of this Convention must certainly be satisfied that if all that has been said of the corruption of the Legislature is true, that it would be no more than proper for us to fix exactly the salary which its members shall receive. I differ from the gentleman who has just taken his seat. I ad-

mit the powers of the Legislature; I admit the dignity of the position they hold, but I must say that this Convention ought most certainly to ascertain how much salary every member of the Legislature receives. In this connection I desire to call the attention of the members of the Convention to the Journals relating to the cost of the Legislature, which have been laid upon our desks. On page sixty-eight, they will find the appropriation for the pay of the members of the Senate. It reads as follows: "For the pay of members of the Senate, including mileage, stationery and extra pay, \$50,274. Now let us analyze these figures. There are 33 members of the Senate, the salary of each, as fixed by law, \$1,000 per session, making in all \$33,000. Now the mileage and stationery of this Convention amounts to \$10,953, so that if the members of the Senate were allowed the same mileage, and the same for stationery, as the members of this Convention, there would be only \$3,000 to add to the \$33,000, which would make \$36,000 against the expenditure under that item of \$50,274. How was this excess of \$17,000 appropriated? Again, to continue the same argument, and to look still further into the figures, I ask gentlemen to refer to our Journal, on page seventy, and they will find that the cost of the items of pay of members of the House of Representatives, including mileage and stationery, is \$152,464. In analyzing this account in the same manner we find that there are 100 members of the House, costing the State \$100,000 per session, and if the mileage and the stationery are based upon the same calculation as the mileage and stationery of this Convention, there will be \$6,000 to add to this \$100,000. We have, therefore, the pay which every member of the Legislature is entitled to receive—\$1,000 per term and a fair mileage, a fair amount for stationery—which would make \$106,000. What did they receive? \$152,000! Now I ask the members of this Convention, what became of that forty thousand and odd dollars? Where did it go? I charge no one with corruption. I do not charge the Legislature with corruption. We have had enough of that on the floor, I think, to-day and yesterday, but when we have the figures before us we have a right to investigate them. We have a

right to see if they are correct, and if they are not to examine into the cause of this excess. And here, in the two instances of the yearly expenditure of the Senate and House of Representatives, we have a clear sum in the neighborhood of \$60,000, which I do not suppose a single person upon this floor can account for. I contend, as a member of this body, that this is a good reason why we should fix their pay. That is a good reason why we should look carefully into the subject; that it is good reason why every member of this Convention on this floor should desire to save the State of Pennsylvania the amount of sixty thousand dollars in these two items. For these reasons I hope that the section, as reported by the committee, will be sustained by the Convention.

Mr. HAZZARD. Mr. Chairman: I was very glad to hear the arithmetic of the other members of the committee; but it seems to me that we have all overlooked one fact, which may not only involve the loss of \$60,000, as the gentleman from Philadelphia (Mr. J. Price Wetherill) has estimated, but of many another \$60,000. It is proposed that we give these members \$1,200 a year, and that in extra sessions we will give them \$10 a day. Let us, just for a moment, see where such a scale of compensation might lead us. I will admit that it is a mere possibility, not at all probable, but it is possible that under this scale of compensation the Legislature could very largely increase their pay. It is now proposed to give a member of the General Assembly \$1,200 a year. If he is elected in October he takes his seat in January; his term of office commences, as we have fixed it, in December. He goes to Harrisburg and receives his \$1,200 at once; for there is no provision that he cannot check it out when his term of office begins in the first winter. Now, after the members have all drawn their full amount of pay, suppose they have a very short session and go home without finishing their duties. They have drawn their salaries, held a nominal session and adjourned. Suppose, what has been said here by some, that the exigencies of the case may demand more legislation, or there be another session required to pass general laws. What then? Why, the Governor, in concert with the members of

the Legislature, may call an extra session, and the Legislature may go on and sit two hundred days at \$10 a day, which will make \$2,000 more to add to the \$1,200. Then the Governor can assemble the Legislature the next summer, and they may sit another one hundred days, or two hundred days, if you choose, which will add another \$2,000 to their compensation, and bring their pay to between \$5,000 and \$6,000 per term. This, I admit, is not a probable case, but it is possible, if the Governor should call them together, and they would sit two hundred days at \$10 a day.

If we adopt this section of the Constitution, as proposed by the Committee on Legislature, we make it possible that the Governor may call the Legislature together to sit three hundred extra days or four hundred extra days, and cost the Commonwealth \$4,000, in addition to the \$1,200, making, as I said before, a possible cost of between \$5,000 and \$6,000 per member per term. This is possible, and even more. They may appropriate these other sums in some mysterious way, and we may lose these \$17,000, which have been described by the gentleman from Philadelphia, (Mr. J. Price Wetherill,) in addition to the \$10 a day extra pay. This is simply a sum in arithmetic, under the plain provisions of the section, and I have been waiting for an opportunity to say that the pay of the members at extra sessions should be much less than \$10 per day. They should not be so paid that the salary would be an inducement and motive for an extra session. Their compensation should not be over \$2 or \$3 per day when in extra session, not more than sufficient to pay their board-bill.

Mr. H. W. SMITH. Mr. Chairman: I do not desire to detain the committee longer, but I do earnestly desire to say a few words upon this question of legislative compensation. I do not wish to renew the subject of corruption at Harrisburg. Much has been said about the corruption and dishonesty of the Legislature. That subject I do not intend to renew.

Mr. Chairman, I am not able to speak loud, and am not well, so that if it is desire of the committee to rise I have no objections.

Mr. D. W. PATTERSON. Mr. Chairman: I move that the committee rise, report progress, and ask leave to sit again, in order that the gentleman from Berks may have the floor in the morning.

Mr. DABLINGTON. Mr. Chairman: I would prefer to leave that to the gentleman from Berks. If he desires the committee to rise I am satisfied, but if he prefers to go on I wish to hear him.

Mr. H. W. SMITH. Mr. Chairman: I would prefer that the committee rise, and make that motion myself.

The motion was agreed to, and the committee rose. The President resumed his seat.

IN CONVENTION.

The chairman of the committee of the whole reported that the committee had further considered the report of the Committee on Legislature, and requested leave to sit again.

To-morrow was named as the next day for the sitting of the committee.

Mr. TEMPLE. I move that the Convention do now adjourn.

The motion was agreed to.

And, at one o'clock and fifty-five minutes P. M., the Convention adjourned.

THIRTY-SECOND DAY.

SATURDAY, *February 1, 1873.*

The Convention met at eleven A. M.
The Journal of yesterday was read and approved.

FEMALE SUFFRAGE.

Mr. EWING presented a memorial from citizens of Pittsburg praying for an amendment to the Constitution, permitting women to vote at elections, which was referred to the Committee on Suffrage, Election and Representation.

Mr. S. A. PURVIANCE presented a similar memorial from citizens of Pittsburg, which was referred to the same committee.

Mr. CARTER presented a similar memorial from citizens of Lancaster county, which was referred to the same committee.

CRIME AND PRISONS.

Mr. FELL. Mr. President: I move that the portion of the report of the Board of Public Charities relating to crime and prisons, which was laid before the Convention a few days ago, be referred to the Committee on State Institutions.

The document was so referred.

RESIGNATION.

Mr. MACVEAGH. Mr. President: Is it in order to present the resignation of a member?

The PRESIDENT. Not at this time.

LEAVES OF ABSENCE.

Mr. BAER asked leave of absence for a few days from to-day for Mr. Curry, which was granted.

Mr. CORBETT asked leave of absence for a few days from to-day for Mr. J. S. Black, which was granted.

Mr. MACVEAGH asked leave of absence for himself for a few days from Monday next, which was granted.

Mr. HOWARD asked leave of absence for a few days from to-day for Mr. Beebe, on account of sickness, which was granted.

ADJOURNMENT.

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

Resolved, That when this Convention adjourns to-day, it adjourn to meet on Monday next, at seven o'clock P. M. ; and that hereafter the Saturday session shall be from ten o'clock A. M. until twelve noon, and on Monday from seven o'clock P. M. until ten o'clock P. M.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was not agreed to.

LIMITATION OF OFFICES.

Mr. NEWLIN offered the following resolution, which was read and referred to the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office :

Resolved, That no member of the Legislature of any municipal council shall, during the term for which he shall have been elected, be appointed to or exercise any public office or employment whatever.

SUFFRAGE AND ELECTIONS.

Mr. M'ALLISTER, from the Committee on Suffrage, Election and Representation, reported the following article, viz :

ARTICLE —.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, having resided in the State one year, and in the election district where he offers to vote two months immediately preceding the election, shall enjoy the rights of an elector. But an elector of the State, who having removed therefrom and returned thereto, and who shall have resided in the election district as aforesaid, shall be entitled to vote after having resided in the State six months: *Provided*, No naturalized citizen shall enjoy the rights of an elector until one month shall have elapsed from the time he becomes a citizen.

SECTION 2. All elections of citizens shall be by ballot. The ballots voted may be open or secret, as the elector shall prefer, and they shall be numbered by the election officers when received. Each elector shall write his name upon his ballot, or

cause it to be written thereon, and attest for him by another elector of the district, who shall not be an election officer.

SECTION 3. Electors shall in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SECTION 4. Whenever any of the qualified electors of this Commonwealth shall be in any actual military service under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual place of election.

SECTION 5. The Legislature shall enact a uniform law for the registration of electors, but no elector shall be deprived of the right to vote by reason of not being registered.

SECTION 6. Any person who shall give or promise, or offer to give to an elector any money or other valuable consideration for his vote at an election, or for withholding the same, or who shall give such consideration to any other person or party for such elector's vote, or for the withholding thereof; and any elector who shall receive, or agree to receive, for himself, or for another, any money or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election. And any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SECTION 7. Every person convicted of any fraudulent violation of the election laws shall be deprived of the right of suffrage; but such right, in any particular case, may be restored by an act of the Legislature, two-thirds of each House consenting thereto.

SECTION 8. In cases of contested elections no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding.

SECTION 9. No election or appointment to fill an official vacancy shall extend beyond the unexpired term.

SECTION 10. The Legislature shall provide by law, that in all elections for directors and managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of shares of his stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors and managers shall not be elected in any other manner.

SECTION 11. Wards of cities or boroughs, and townships, shall form or be divided into election districts, of compact and contiguous territory, in such manner as the court of common pleas of the city or county in which the same are located may direct: *Provided*, All districts in cities of over one hundred thousand inhabitants shall be divided by the court of common pleas of said city whenever the preceding election shows the polling of more than two hundred voters; and in other election districts, whenever the court of the proper county shall be satisfied that the convenience of the electors and the public interests will be promoted thereby.

The PRESIDENT. This report has now been read a first time. It will be laid on the table.

Mr. M'ALLISTER. I move that it be laid on the table and printed.

The PRESIDENT. A motion is not necessary. That will be done.

MINORITY REPORT.

Mr. J. W. F. WHITE, also from the Committee on Suffrage, Election and Representation, made a minority report, which was read as follows, viz:

I do not concur in the report of the majority of the Committee on Suffrage, Election and Representation, in the following particulars, viz:

1. I believe the section defining the qualifications of an elector, and some of the other sections, might be more briefly and clearly expressed.

2. I object to requiring each voter to write his name on his ballot, because it will destroy the secrecy of the ballot, will be vexatious to electors, and will occasion much delay and trouble at elections.

3. A general act on the subject of restoring the right of suffrage in forfeited cases will be more satisfactory than a

special act in each case, and save a vast amount of very objectionable special legislation.

4. Election districts should be formed by general law, uniform throughout the State, with no special provisions for any locality; besides the maximum of voters reported for city districts is too small.

5. The provision in reference to numbering the ballots is too indefinite.

6. The method of electing managers for corporations properly belongs to the Committee on Corporations, and not to this committee.

7. The proposition to *compel* witnesses in contested election cases to criminate themselves, without protection from prosecution, which must inevitably follow, is a dangerous innovation on American jurisprudence, will have no terrors to bad men, and presents to good men but one alternative—perjury or the State prison.

I therefore submit the following as a substitute for the article reported by the majority, and to present the article as a whole, the first two sections, already adopted by the Convention, are inserted.

J. W. F. WHITE.

I concur with the view expressed in the fifth paragraph of this report, relative to its numbering of ballots, but am in favor of electors endorsing their names in or on their ballots.

I also prefer the wording of the section relating to the qualifications of electors to that presented in the majority report. I think it more perspicuous, and believe it would be more readily understood by election officers.

JOHN M'MURRAY.

ARTICLE —.

ELECTIONS AND SUFFRAGE.

SECTION. 1. The general election shall be held on the Tuesday next following the first Monday of November, but the Legislature may, by general law, fix a different day, two-thirds of each House consenting thereto.

SECTION 2. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SECTION 3. Every person possessing the following qualifications shall be an elector, and be entitled to vote at all elections, viz :

1. A male person twenty-one years of age.

2. He shall have been a citizen of the United States one month.

3. He shall have resided in the State one year, or if he had previously been an elector of the State, removed therefrom and returned, six months immediately preceding the election.

4. He shall have resided in the election district where he offers to vote two months immediately preceeding the election.

SECTION 4. No soldier, seaman or mariner in the army or navy of the United States shall be deemed a resident in this State, for the purpose of voting, in consequence of being stationed therein; nor shall any person gain a residence while confined in any public prison, or kept in any alms-house or other institution at the public expense.

SECTION 5. Whenever any of the qualified electors of the State shall be in any actual military service, under a requisition from the President of the United States, or by the authority of this State, such electors may exercise the right of suffrage in all elections by the people, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of voting.

SECTION 6. Electors shall, in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SECTION 7. No person who shall have given or offered to give, received or agreed to receive, directly or indirectly, any money or other valuable thing, for the purpose of corruptly influencing the vote of an elector, or shall have made any bet or wager, or shall be interested in any bet or wager on the election or defeat of any candidate, or the result of any election, shall vote at such election: *Provided however*, If any elector be challenged for such cause, his vote may be received on his taking an oath or affirmation that the matter of such challenge is not true.

SECTION 8. All persons who shall hereafter be convicted, in any court of this State, of treason, bribery or perjury, or shall be convicted of fraudulently voting, or fraudulently interfering with the ballots or returns of any election, or of making any false and fraudulent count or return of the votes at any election, shall be deprived of the right of suffrage: *Provided however*, That the right may be restored after five years from conviction, in such manner as may be prescribed by law.

SECTION 9. All elections by the people shall be by ballot; the election officers shall enter and number the names of the electors on a list, in the order of their voting, and number each elector's ballot with his number on the list; elections by persons in a representative capacity shall be *viva voce*.

SECTION 10. The Legislature shall, by general law, provide a mode for ascertaining and registering the voters in each election district; but no elector shall be deprived of his right to vote by reason of his name being omitted from the registry list.

SECTION 11. The Legislature shall provide, by general law, for establishing election districts of convenient size, and fixing the place of election in each; but no election district shall be created or divided, or the place of election be changed, except by the court of common pleas of the proper city or county, in such manner as may be prescribed by law.

The PRESIDENT. This will be laid on the table.

Mr. KATNE. I move that it be printed with the majority report.

The PRESIDENT. A minority of a committee has no right to report an article. This matter can therefore not be printed as such; but it will be printed in the Journal, as a matter of course. If any other course is desired a motion can be made. [A pause.] If no motion is made this minority report will be laid on the table.

Mr. JOSEPH BAILY. It is proper to print a minority report, though not as an article. There I think your decision is correct. But I think the report itself ought to be printed.

The PRESIDENT. Unless a motion is made it will be laid upon the table. It will be printed in the Journal with the proceedings of to-day.

MINORITY REPORT.

Mr. CARTER, also from the Committee on Suffrage, Election and Representation, made a minority report, which was read as follows, viz:

The undersigned, a minority of the Committee on Suffrage, Election and Representation, are unable to concur in so much of the report of said committee as favors the forfeiture for life of the right to vote of an elector who may be convicted of fraud, or of any violation of the election laws, unless pardoned by a two-third vote of both branches of the Legis-

lature. We also cannot concur in requiring each voter to write, or cause to be written, his name on the ticket, &c. It has been a paramount object with the entire committee to guard the purity of the ballot-box by every possible or practicable means, but we think that object can be obtained by other means than the above. We think that disfranchisement after conviction of violation of election laws should be absolute for a period of five or more years, and would not have the Legislature entrusted with the pardoning power, thus introducing a new feature of special legislation, when all rather propose to curtail it. We disapprove of the endorsement of every ticket as reported, because it virtually, and in an indirect manner, does away with the secret ballot, while stating, at the same time, that the ballot *may* be either secret or open, which many would regard as adding insult to injury. We would only further add that it would, in our opinion, be found very inconvenient, and that the other means proposed will, to a great extent, effect the object in view.

H. CARTER,

LEVI ROOKE.

The PRESIDENT. It will be laid upon the table and printed in the Journal of this day.

The first business now in order is the consideration, in committee of the whole, of the article reported by the Committee on Legislature.

ADJOURNMENT.

Mr. WHEERY. I move that the Convention do now adjourn.

The question being upon the motion, it was rejected.

THE LEGISLATURE.

The Convention then, as in committee of the whole, Mr. Chas. A. Black in the chair, proceeded to the further consideration of the article reported by the Committee on Legislature.

The CHAIRMAN. The committee of the whole has had referred to it the report of the Committee on Legislature. When the committee last rose it had under discussion the twelfth section. A motion had been made to strike out "\$1,200" and insert in lieu thereof "\$2,000." The gentleman from Philadelphia (Mr. Fell) moved to amend that amendment, by striking out "\$2,000" and inserting in lieu thereof "\$700."

Mr. H. W. SMITH. Mr. Chairman: The subject really before the committee, the

section under consideration, together with the amendments that have been offered, is nothing more than the compensation of the members of the Legislature.

A wide range has been taken in this debate, which I intend to avoid. I do not rise for the purpose of making a speech. I have only a few words to say—giving to the committee some information that I have thus far not heard communicated.

Gentlemen have stated that they have been members of the Legislature at *this* time, and at *that*; they have had the *honor* to serve in the Legislature. I will say that I, too, twenty-eight or thirty years ago, served two terms in the Legislature of Pennsylvania. I shall not say that I had the "*honor*" to serve there, because at that time we had no "*honorables*" there. We were plain men. I was known as "Harry Smith," and our Senator, Fagley, was "Sam Fagley," or "Old Sam Fagley." Others were known by similar plain titles. I have a recollection that we had only one *Esquire* among us, and he weighed two hundred and sixty pounds, so that he was a man of weight, as well as intelligence. Now, however, they are all "*honorables*!" At that time that compliment was only paid to members of Congress and judges of courts. All others were plain men; and I fear that the corruption we have heard of, and the rascality that has taken place in our Legislature, has all arisen since these compliments have been so freely paid to men who are mere plain servants of the people. They are now considered to occupy a position elevated above the people, so they are duly titled "*honorables*." In the Legislature of my time we had no bribery, no corruption. It is only since these *honorables* have been spread around that these vacancies in honesty and integrity are found.

For my part I am not aware that there has been any bribery or dishonesty in the Legislature; at least I was not aware of it until I heard it in this Hall. It is time that sort of thing was stopped.

With regard to the compensation of members of the Legislature, I will say a few words. I will give my recollection of a few facts relating to that matter; and I think it will appear evident that there ought to be a permanent compensation fixed, and that it ought not to be left to the members themselves.

There was a time, I believe, when the pay of members was \$4 a day and mileage. Sometime prior to 1843 the pay was fixed at \$3 a day. In 1843, as will be seen by a

reference to the pamphlet laws of that year, there was an act passed to reduce the expenses of government. Among other things, while the pay of the members had been \$3 per day, it was enacted and provided for, that where a session lasted longer than one hundred days they should, for every day over that, receive \$1 50. That had a tendency to despatch of business. At that time the Legislature met on the day fixed by the Constitution, and went through with their business without adjournment until it was all concluded. They did not do as the "*honorables*" do now, meet and sit a portion of the week, adjourn every Friday afternoon and meet again on Monday evening, and remaining not much more than half their time at Harrisburg. That was a peculiarity of the law and the times, and it so remained for, I think, eight or ten years. There was no adjournment then until the business was done. It is true, that at times the sessions lasted over one hundred days, but the pay was, accordingly, cut down to \$1 50. I served two sessions at that time; one of them lasted but eighty-five days, and the other ran a few days, eight or ten, over the hundred, for which we got \$1 50 per day. They thought some of them were too liberal with their expenses—paid out \$1 80—so that they felt like hurrying through with their business. It will be further found, by reference to the law of 1843, that if a member was absent when the roll was called, or at the call of the ayes and noes, if within the period of one hundred days, his \$3 were deducted from his amount. If the Journals of that time be examined it will be found that members answered fully to the call of names. I have the satisfaction to say that my name stands recorded every time when called while I was serving in the Legislature, excepting for one week, when confined to bed on account of sickness, and was, therefore, excused from attendance.

Matters stood thus until 1856, when the pay of members was raised to \$700 a session. Then the idea of small pay, after the one hundred days, was dropped, and finally, some six or eight years ago, the pay was fixed at \$1,000 a session.

Look at the consequences of this \$1,000 a session. Complaint has been made here that, in 1871, the legislative expenses were extraordinary. Compare the acts of our members now with those of 1843, and what do you find? Why, you will find that then members attended

to their duties. You find that, after this great increase, in 1871, although the session, I think, lasted one hundred and forty days, a joint resolution was passed, allowing for the *forty* days the proportional sum on that time which had been allowed on the one hundred days, allowing that one hundred days would entitle them to \$1,000 00. The Legislature met, in 1871, on the third of January, I believe, so that up to the twelfth of April, inclusive, amounted to one hundred days. Under that good old wholesome system, that plain men followed, they would have had \$3 00 per day. But in contrast with that, and far exceeding it in extravagance, and, I was going to say, in public plunder, what does the 1871 Legislature do? Why, make a provision that, for every day over the one hundred, a full, proportionate amount shall be paid—\$10 00 a day. The result was that each member got about \$400 00, besides his \$1,000 00. That will partially account for the waste—for the upwards of fifty or sixty thousand dollars which the gentleman from Philadelphia (Mr. John Price Wetherill) said was unaccounted for and inexplicable.

I think that the compensation should be fixed in the Constitution. I do not say that three dollars a day would be ample compensation, but the universal principle is, however reasonable the compensation of a man may be, he always wants a little more. If a member of the Legislature is paid by the day it will matter but little whether he is paid three dollars or ten dollars a day, as far as the economy in the length of the sessions may be. An illustration of this principle is found in an anecdote related of John Jacob Astor, of New York. It is well known that he lived to an advanced age. Upon one occasion, after he had retired from business, he happened to hear of some property that could be bought very cheap. Notwithstanding his advanced age, when a person would suppose all love of gain had vanished, he purchased the property and realized a handsome profit from it. Thus it always will be. The love of gain will always influence men in public positions. It matters very little whether you pay members of the Legislature high or reasonable compensation, they will always want a little more. Glance for a moment at the regulations respecting the salaries of members of Congress, and even the judges of this State. The Constitution, as it now stands, provides that our judges shall receive an adequate

compensation, to be fixed by law, which shall not be diminished during their continuance in office. The salaries of the judges were fixed under this clause in the Constitution some years ago; but the Legislature, during the last eight or ten years, has unfixed and increased these salaries. Now, the framers of the Constitution of 1790, and as amended in 1838, although they did not provide that these salaries should not be increased, in so many words, I am satisfied that they never intended that they should be unfixed every year. Notwithstanding this evident design of the framers of the Constitution, look at the acts passed in 1871 and 1872. You will find that the salaries of the judges are double the amount that was intended by the framers of the Constitution. It has continued to run on in this way. I am in favor of our judges and all other officers of the government receiving an adequate compensation, but I do think that something ought to be done to make it permanent, and for this reason I am in favor of the amendment which was suggested while we were at Harrisburg, by which the salaries of judges were to be neither increased or diminished during their continuance in office. We have a state of things before us that shows conclusively something ought to be done in regard to this question.

There is a provision in the Constitution now that the Governor's salary shall neither be increased nor diminished during his continuance in office, and it has been only a few days since we heard, before the present Governor was inaugurated, and before he took his seat in the Executive chair, that the Legislature doubled his salary, and increased it from \$5,000 00 to \$10,000 00. I feel, however, that I am occupying too much time of the Convention, but, perhaps, on some other occasion, I will endeavor to give my views in regard to these questions more fully.

MR. WM. H. SMITH. Mr. President: I know the Convention is impatient, and that it is time this question was settled. But I shall detain the Convention only a very few minutes. For, although so unused to public speaking that, like Selkirk on his desert island, I start at the sound of my own voice, I am impelled to say a few words on this subject. Mr. Chairman, I shall vote for the sum named in the report of the committee; but rather than that we should fail to fix the compensation for members of

the Legislature, I would vote for the two thousand dollar amendment.

If the Legislature of our Commonwealth had been guided by the practice of half a century previous to 1861, when, as I am told, these excesses began at Harrisburg, there never would have been charged upon a candidate for public office, as was done last fall, that, as a member of a committee of the Legislature, he took, in addition to his pay, large sums for serving on committees. Now when I read this charge in the papers, although the gentleman was neither friend, brother nor fellow-partisan of mine, I felt that it must be untrue. I looked for a denial that would acquit the candidate of, what I thought, was a most scandalous and damaging imputation; but I have not seen it till this hour, and the candidate has not sued for libel either. Now, Mr. Chairman, I submit the question to the members of this Convention, whether they do not know, or whether they have not been informed, and believe that it has been customary at Harrisburg to give members of committees, or chairmen of committees, extra pay for service on committees? I pause for a reply.

A colleague of mine, in a gushing tribute to the Legislature, said that the Legislatures, for the last twenty years, were as pure as the Legislatures were for the twenty years preceding. Truly, his faith is great—as great as that of the centurion of the Scriptures. But I venture to ask if any man believes that committees of the Legislature were allowed extra pay for committee service previous to 1853? If it be, even time does not justify it.

It has been argued here, Mr. Chairman, that if each Legislature fixed the pay of its successor and not of itself, they could not gorge themselves, and would not plunder the people without the immediate proceeds or to give others the benefits. There is force in this, and the act organizing this body gives it proof. The Legislature limited our pay to one simple, straight thousand dollars; no allowance to committee men for extra labors, no matter how hard they may have to work; no matter if it takes us six months to do our work, we are only to have one thousand dollars. Now that is all right, entirely right; I do not complain of it, nor do I complain that our stationery and postage is estimated at but fifty dollars, and that our mileage is brought down to dots. It is all right. But was it not wrong, eminently wrong, in the light of these enact-

ments, for the Legislature to pay itself so extravagantly?

Mr. Chairman, I have no doubt that many of the parties who have done most reprehensible things at Harrisburg, in the last twenty years, will be elected to the Legislature under the Constitution we are preparing, if it shall be adopted. Now, Mr. Chairman, I would not wish to confide to those gentlemen the fixing of pay or extra pay for members of the Legislature. Perhaps, I should say, I would not tempt them with that power, for they all, I hope, have resolved to cease to do evil and to learn to do well, and hope to deserve confidence. But I would fix the pay of the members here. I would put it out of the power of the grasping and the weak, to pay even their successors the indefinite rates that have been paid at Harrisburg for the last ten or twelve years. Therefore, as I said at first, I shall vote for the report of the committee.

The question recurring on the amendment of Mr. Fell, striking out "two thousand dollars," and inserting "seven hundred dollars," it was not agreed to.

Mr. HARRY WHITE. Mr. Chairman: I move to amend, by striking out the section, and inserting the following:

"The members of the Legislature shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation or perquisite whatever, whether for services as a member of any committee or otherwise. But no member of either House shall, during the term for which he may have been elected, receive any increase of salary, compensation or mileage under any law passed during said period."

Mr. HARRY WHITE. Mr. Chairman: I have just an observation or two to make, by way of explanation of this amendment. Members of the committee who have not heard the amendment just read will understand that it is a proposition to strike out the entire section, and supplant it with a proposition which requires the compensation of members of the Legislature to be such as shall be fixed by law. This compensation is to include all services, and no compensation or perquisites otherwise for services on committees shall be allowed, except the compensation thus fixed. But no member of the Legislature shall receive any increase of compensation in pursuance of any law passed during the period for which he shall have been elected.

It seems to me that this is a proper and just way to dispose of this much vexed question. It was to be expected from the out-set that some discussion would naturally result over the proposition, fixing the compensation of members of the Legislature. I do not, in my amendment, state what that compensation should be. Neither do I think this Convention should fix the amount to be paid to members of the Legislature.

Of course, it is unbecoming the dignity of a delegate to this Convention to attempt to make any cheap capital before the people, by an appearance of economy in relation to the matter of compensating the members of the Legislature. Certainly some compensation must be given to them. Gratuitous services, honorary services for the high function of making the laws of the State, cannot be now expected. Some gentleman in his place here, yesterday, made the observation that the time was when the compensation allowed the members of the Legislature was merely nominal. In answer to that, let me say that the same gentleman can also recollect the history of the time when members of the honorable profession of the law made no formal charge for their services, such services being compensated by that *quidam honorarium* which was customary among gentlemen. Those times have passed and gone. The great bread and butter question forbids the presumption that we can have any legislation or any other service performed without rendering proper compensation therefor.

Now, Mr. Chairman, how should this question be met? I grant that it should not be left open to the action of the members of the Legislature when the general appropriation bill is under consideration. Some gentleman has made the remark here that there is no law upon the statute book fixing the compensation of members of the Legislature. This, sir, is an error; the law to-day is as fixed as any other on the statute book of the Commonwealth, which provides that the compensation of members of the Legislature shall be \$1,000 per annum and the mileage fifteen cents per mile actually traveled; and furthermore, that a certain amount of stationery, to the amount of \$25 for each member, is allowed and has been allowed since the year 1842, when it was fixed.

I make this observation that so far as the Legislature is concerned, no great, startling abuses have been committed in

the matter of compensation. For years the compensation of members of the Legislature was \$500 per annum. That was succeeded by an increase to \$700, and only in 1864, when the actual necessities of trade, and when the increase in the price of commodities required it, the salary was increased, by a special appropriation, to \$1,000, and since then has been fixed at that rate upon the statute book, except an increase upon an extraordinary occasion. Thus for nine years, with the exception of the session of 1871, the compensation of the members of the Legislature has been at the fixed amount of \$1,000, and the stationery allowed by the act of 1842. Then, I think, it is wise and proper for us to say that we can allow the Legislature to fix, by law, that which should be a fair and proper compensation.

It is said that there may be abuse in this direction, that it is unsafe to trust individuals to legislate upon these matters which affect themselves directly. That is a sound argument, and that criticism is wise, but by the amendment under consideration, that abuse is hereafter made impossible. The provision is that when the Legislature fix their own compensation by law, no change can be made or benefits derived therefrom by members who vote therefor. Furthermore, it has been said that this matter of extra compensation to gentlemen who have served on committees has grown into an abuse. This is, indeed, not a broad question. No large amount of money has been taken from the treasury for this item, but I believe myself it is a wrong, and many members of the Legislature, some of them members of this body, never gave their assent to it by voting for any extra compensations. By this amended provision you make it impossible hereafter for any member of the Legislature to receive any compensation whatever for his services upon committees while the Legislature is in session and while it is not in session, but his compensation peremptorily and positively is defined by a simple statute.

Now gentlemen who vote for the proposition to fix inexorably and unchangeably the amount of compensation in the Constitution, do so on the assumption that the Legislature is not to be trusted. I am not here to defend the representatives of the people. The people themselves have their representatives in charge, and they are the proper parties to criticize them. But I do take pleasure in saying that there are as honorable gentlemen in the Legisla-

ture of Pennsylvania to-day, and have been in the past, as are to be found in the limits of the Commonwealth. They are answerable to their constituents for their acts, and to them I would remit the question of the responsibility of members of the Legislature. I do not pretend to say that all things that are done, that all legislation that is had is right and proper. I do not pretend to say that there are not members of the Legislature who have acted from sordid, base and corrupt motives. Such men acted, however, as individuals. They are responsible to their God, their consciences and their constituents. Delegates, how often have you seen the representative who has thus betrayed the responsibility entrusted to him, stricken down by his people, and consigned to retirement and oblivion?

Mr. Chairman, we must trust something to the Legislature. There are passed the laws which regulate our dearest rights. The family relation, the means of transmitting our property, everything which is sacred in society must be trusted to the enactment of laws which are to be passed agreeably to the policy of our government by a Legislature elected by the people and responsible to the people. It is folly to say, or to hope, that any provision which we place in our Constitution will change human nature in Pennsylvania. If men are not honest without constitutional enactments, they will not be honest with them. What we want to do is to remove from the jurisdiction of the Legislature certain powers, or certain classes of legislation, which the experience of the past has told us is exercised injuriously to the public. On the matter of special legislation we all agree that this has been exercised unwisely, but not necessarily corruptly. The most pernicious form of legislation, of a special character, from which the Commonwealth has suffered, has been passed at the instance of some favored constituents, in many instances, and not from mere motives of corruption.

We must trust something to the Legislature. We must not go upon the assumption that the members of the present Legislature, or members of future Legislatures, will be thieves, and rogues, and corruptionists. You are seeking by this Constitution which you are to pass, to repose in this Legislature the largest jurisdiction, the preparation and enactment of general laws. You assume that the people will send representatives to the next Legislature with breadth and comprehen-

sion enough to enact general laws for the government of the whole Commonwealth, and not merely for its sub-divisions. I submit, then, in view of this policy, in view of this demand of the people, that we ought to assume future Legislatures will have the wisdom and the integrity to pass laws which will fix justly the compensation of their successors in office.

I have felt it to be my duty to submit these suggestions, in this desultory manner, in support of this amendment, and I may furthermore remark that I speak correctly, when I say that it is the unanimous opinion of the Committee on Legislation that the provision, as read, should be placed in the Constitution. While I defer to the Committee on Legislation, and I have the greatest respect for every member of that committee, still, like other members of this Convention who have spoken upon this subject, I certainly differ with them upon the propriety of fixing, by constitutional enactment, unchangeably and inexorably, the compensation of members of the Legislature. I would fix it by law, and when fixed by law, let it there remain, unchangeably, so far as the persons who vote for the law are concerned.

Mr. TEMPLE. Mr. Chairman: I desire to have the amendment again read, that its exact language may be more clearly understood.

The amendment was read.

Mr. TEMPLE. Mr. Chairman: I have but one remark to make on this amendment, and I think it likely that the mover of it, if he were asked, would modify it, so that it would not be open to that branch of discussion. My objection to it is that, if it be adopted, it would not accomplish the purposes for which it is intended. My judgment is that the word "shall," which has been stricken out of the amendment, I suppose, by the gentleman from Indiana, (Mr. Harry White,) should be retained, and for this reason: That, under this amendment, the present Legislature might, if they saw proper, grant an increased salary; and if, as is probable, one-half or two-thirds of the same Legislature should be elected to the succeeding Legislature, they thus would reap the benefit of their own legislation.

It is easily perceived that, if this amendment should be adopted, as it is written, that that result will certainly follow. It is a view of the subject which has been considered by gentlemen who are here giving close attention to this

question of legislative compensation. It seems to be the opinion of very many members on this floor, with whom I have conversed, that if this amendment is adopted, the Legislature which is in session now may grant an increase of salary, and thus allow those of its members who are successful candidates for re-election to reap the benefit of legislation secured and passed by themselves.

But, independent of that objection, I can see no reason why this Convention should not establish the pay of our legislators. From the tone of the discussion which has taken place here, it is evident that it is the determination of many of our members to fix the pay of very nearly all the officers of the Commonwealth. I can see no reason why this should be made an exception. I do not deem it necessary to charge the legislators with bribery, or with ill-advised legislation. I do not think such reflection at all necessary to the discussion of the subject. But one thing is sure, that where the members of the Legislature are allowed, every year, to change the salaries of any officer of the Commonwealth, from the Governor down to the humblest servant of the State, that continued action upon this subject goes very far toward taking away that measure of the public confidence which is so essential in the proper balance of our body politic, and which they otherwise would fully and satisfactorily enjoy.

There is one thing in this amendment with which I cordially agree. It is the provision that no committee, or no committeeman at least, shall be paid an extra salary or compensation for committee service rendered while in the Legislature. I saw, in the official reports of the expenses of the Commonwealth, within the present week, where one member of the Senate, who was upon three or four committees, received, at one session, \$2,000 00 additional salary. Almost every member of the Senate, and many in the House, receive, every year, from \$500 00 to \$1,000 00 extra salary, obtained under the plea of committee service. As far, therefore, as this pending amendment proposes to check this practice, I agree that it is wise and proper. I, however, believe that, not only ought the Legislature to be prevented from so changing the law as to increase their salaries, but that there ought to be in the Constitution of this State an article preventing the Legislature appropriating the public funds,

either in the shape of increased salaries or in the shape of appropriations to meet contingent expenses. Therefore I endorse that part of the amendment offered by the gentleman from Indiana that prohibits extra pay to committees, and if he will so modify the proposition as to meet the matter of which I have spoken, I believe I will be willing to vote for it.

Mr. HARRY WHITE. Mr. Chairman: In answer to the criticism of the gentleman from Philadelphia (Mr. Temple) I must ask his pardon for not correctly understanding it. If he will rise in his place and categorically answer as to the particular portion that he desires modified, I may be able to act intelligently upon it.

Mr. TEMPLE. Mr. Chairman: I object to that portion of the amendment which says that no member shall receive extra pay for services for the time for which he may have been elected. Now, if this be adopted, in that language, the present Legislature, for instance, could grant an increase of salary, to take effect only at the commencement of the next legislative term, or, in other words, to increase the pay of the members of the next Legislature. One-half of the present Legislature will probably be re-elected, and then will receive the increased compensation for which they themselves have voted.

Mr. HARRY WHITE. They would?

Mr. TEMPLE. Mr. Chairman: Certainly they would, and precisely under the operation of this amendment. It only applies to the present, or any future present General Assembly, and the whole Assembly might be re-elected, in which case there would be no virtue at all in the amendment.

Mr. HARRY WHITE. Mr. Chairman: I am sorry to intrude again upon the Convention, but if the Convention will listen to the reading of the proposition, I think they will agree with me that there is no point in the objection of the gentleman from Philadelphia (Mr. Temple.) Clearly and distinctly the amendment is this:

"The members of the Legislature shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation or perquisite whatever, whether for services as a member of any committee or otherwise. But no member of either House shall, during the term for which he may have been elected, receive any increase of

salary, compensation or mileage under any law passed during such period."

On the question of agreeing to the amendment, a division was called, which resulted: Fifty-eight in the affirmative, sixteen in the negative. So the amendment was agreed to.

"COMPENSATION."

Mr. DARLINGTON. Mr. Chairman: Is an amendment now in order?

The CHAIRMAN. An amendment is in order.

Mr. DARLINGTON. Mr. Chairman: Then I suggest to the gentleman from Indiana (Mr. Harry White) that he so modify the language of his amendment as to strike out "salary and mileage," and insert "compensation."

The CHAIRMAN. That cannot be done now, except by unanimous consent. The amendment has been adopted by the committee, and cannot now be modified by the mover of the amendment.

Mr. DARLINGTON. Mr. Chairman: Then I will ask the unanimous consent of the committee to allow the change to be made.

THE WORD "LEGISLATURE."

Mr. HAY. Mr. Chairman: As I understand the amendment, as it was read, it provides that members of the Legislature should be paid. The word "Legislature" was used in place of the words "General Assembly," which have been used by the Committee on Legislature throughout their whole report. I would suggest that the words should be the same in this clause as in all other clauses of this article.

Mr. KANE. Mr. Chairman: Is that so? Is the words "General Assembly," or is it the "Legislature?"

The CHAIRMAN. The amendment will be read.

The CLERK. "The members of the Legislature shall receive such salary and mileage for regular or special sessions as shall be fixed by law," &c.

Mr. KANE. Mr. Chairman: Then I move that, by general consent of the committee, the word "Legislature" be stricken out and the words "General Assembly" be inserted.

Mr. HARRY WHITE. Mr. Chairman: I have no objection to that whatever. I inserted the word "Legislature" purposely, because the Committee on Legislation had that question up and concluded on the adoption of the word "Legislature" all through their report.

Mr. KANE. Mr. Chairman: If it is going into the section of an article where the words "General Assembly" are used continuously, then the words should be "General Assembly" also. The language ought to correspond in every section.

Mr. HARRY WHITE. Mr. Chairman: I accept the modification.

The CHAIRMAN. It cannot be accepted by the mover. It can only be done by the unanimous consent of the committee.

Mr. KANE. Mr. Chairman: I ask unanimous consent of the committee to have the change made.

Unanimous consent was given, and the words "General Assembly" substituted for the word "Legislature."

THE WORD "COMPENSATION."

Mr. DARLINGTON. Mr. Chairman: Allow me to ask the general consent of the committee to strike out the words "salary and mileage," and insert the word "compensation," for the reason that the Legislature may, if it see fit, not fix any salary, but determine an amount of daily pay. If they so desire I want them to be at liberty to do so. I hope there will be no objection to the substitution.

Mr. EWING. Mr. Chairman: I will object. I think that daily pay is just what the Legislature ought not to be allowed to have.

Mr. HARRY WHITE. Mr. Chairman: I must ask the leniency of the committee for my many interruptions, which, in consequence of this free discussion upon the amendment which I introduced, I have been compelled to make. I would state that in the Committee on Legislation the questions of salary and of compensation were considered, and it was deemed expedient to provide for a salary and not a daily compensation. The gentleman from Chester (Mr. Darlington) asks that we determine upon a *per diem* compensation. That, it seems to me, should not be our policy. Our policy should be to give the General Assembly a salary. Experience has demonstrated that it is wiser to give that body a salary than it is to give it a *per diem* compensation, that may affect the length of a session, &c. I have no objection to accept the modification of "compensation and salary" also, if the unanimous desire of the committee be to do so.

["No." "No." No." "No."]

Mr. SIMPSON. Mr. Chairman: I rise to a point of order. The committee having adopted the amendment of the gentle-

man from Indiana, (Mr. Harry White,) it is not in order now to amend it. That should have been done before the vote was taken.

The CHAIRMAN. The committee cannot amend the amendment which has just been adopted, but it can amend the section as amended.

TWELVE HUNDRED DOLLARS THE FIRST YEAR.

Mr. JOHN M. BAILEY. Mr. Chairman: I move to amend, by adding, as follows. That immediately before the amendment last adopted there shall be inserted the following:

"Each member of the General Assembly, at its first session held after the adoption of this Constitution, shall receive the sum of twelve hundred dollars and mileage, at the rate of ten cents for every mile traveled in going from his residence to the place of meeting and returning therefrom; and for each period of two years thereafter —"

Mr. EWING. Mr. Chairman: Let me suggest to the gentleman that he have this amendment referred to the Committee on Schedule. That is the place, it strikes me, that it ought to go.

Mr. HARRY WHITE. Mr. Chairman: That is right.

Mr. CUYLER. Mr. Chairman: Is this amendment in order?

The CHAIRMAN. It is in order.

Mr. CUYLER. Mr. Chairman: Has not the House just voted down a similar proposition?

The CHAIRMAN. This amendment is intended only to apply to the first year after the adoption of the Constitution.

The amendment was rejected.

The CHAIRMAN. The question now is upon the section as amended, and the amendment will be read by the Clerk.

Mr. TURRELL. Mr. Chairman: I want to vote understandingly on this question. It has been hastily read, and we, in this remote portion of the hall, hear with difficulty. I desire to understand exactly what the effect of this amendment will be. Suppose we adopt this amendment, then, under this section, if a man who is now or at any time a member of the Legislature, and who votes for an increase of pay, should return to the Legislature the next year or ten years after the increase for which he votes is passed, will he be entitled to the increase for which he voted or not? That is what I want to understand, and what a good many of us here

desire explained. Gentlemen in this quarter of the House express the opinion that under this section a man who is a member of the Legislature this year and votes for an increase of his salary, which is carried, if he goes back to the Legislature and becomes a member of that body again, five, ten, fifteen or twenty years hence, cannot receive one dollar of the increase for which he voted in the previous session, but must accept as his salary the sum which was then paid to members of the General Assembly. The section is understood by some gentlemen here to cover that ground. I do not so understand it, but I desire to understand it distinctly before I vote upon it, and therefore request an explanation on this point.

Mr. HARRY WHITE. Mr. Chairman: In reply to the inquiry from my friend from Susquehanna, (Mr. Turrell,) I will state that the concluding part of this section is drawn carefully to avoid that contingency. The provision on that subject is just here: "No member of either House shall, during the term for which he may have been elected, receive any increase of salary, compensation or mileage, under any law passed during such period." No man, for a term for which he was elected, can receive any increase of salary under a law passed during that period. If he happens to be elected subsequently, of course no action he may have had in the past in reference to any question of compensation can affect his position then.

The CHAIRMAN. The section as amended will be read.

The CLERK:

Twelfth. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation or perquisite whatever, whether for services as a member of any committee or otherwise; but no member of either House shall, during the term for which he may have been elected, receive any increase of salary, compensation or mileage under any law passed during such period.

Mr. HEMPHILL. Mr. Chairman: I move to amend as follows: To strike out all after the word "twelfth," and insert the following:

"All State officers shall be paid in salaries for their services, which salaries shall be fixed by the Legislature, and shall be neither increased nor decreased for the term for which a person is elected or appointed, except in case of election or ap-

pointment for good behavior for life, when the salaries may be subject to legislative revision."

Mr. T. H. B. PATTERSON. Mr. Chairman: I rise to a point of order. The amendment is not germane to the section as amended. The section only applies to the compensation of members of the Legislature, while this amendment of the gentleman from Chester (Mr. Hemphill) applies to all the officers of the State.

The CHAIRMAN. The matter has substantially been voted down, but it does not seem to be in order now.

Mr. CUYLER. Mr. Chairman: I understand the objection to be, that it is not germane to the section, because the section relates to the Legislature, while this proposition applies to all officers of the State, and is not confined to the Legislature.

Mr. HEMPHILL. Mr. Chairman: I offered the amendment for the purpose of preventing two sections of the Constitution which would overlap.

The CHAIRMAN. The Chair does not think the amendment in order here. It may be in order elsewhere, but not under this section.

The question is on the section as amended, which was agreed to.

THE THIRTEENTH SECTION.

The CHAIRMAN. The question now recurs upon the thirteenth section, which will be read.

The CLERK:

Thirteenth. Every person who shall be elected or appointed to any office by the Legislature shall discharge the duties of such office in person and not by proxy.

Mr. DARLINGTON. Mr. Chairman: I would like to know what that means.

Mr. MACVEAGH. Mr. Chairman: I will state to the gentleman from Chester (Mr. Darlington) that the gentleman from Philadelphia (Mr. Dallas) will explain the object of that section.

Mr. DALLAS. Mr. Chairman: I had no desire to take the floor for the purpose of making any explanation of this provision, but called upon to do so by the chairman of the Committee on Legislature, I cannot, of course, decline to comply. It was a portion of the same general purpose, indicated by the twelfth section, that led to the reporting of this thirteenth section to the Convention. The committee of the whole have passed upon the former section, and I have no desire to review its action. It was urged in committee by

gentlemen who believed they understood that of which they spoke, when they said that in the past, and I do not say this as a reflection upon the Legislature, and want to be understood, for one, that when I seek to put a restriction upon one of the branches of the government of this State that I am not necessarily imputing any wrong to that branch of the government. It was thought, in consequence of a suggestion, that offices not sinecure in fact, but which had become practically such, were created, and appointments made to them by the Legislature of Pennsylvania, and that this section should be presented to meet that evil. Among other minor instances referred to, mention was made of pasters and folders, and it was stated that pasters and folders were appointed at the annual sessions of the Legislature who never saw the inside of the pasters' and folders' room, at salaries of some consequence; their labor was done, in a number of cases, by small boys and young men, who did it at very reasonable wages.

The desire then of the Committee on Legislature in reporting this section was to make some provision which would require persons appointed by the Legislature to actually perform the services of the offices to which they are appointed, and not to draw their pay and have the work done by somebody else. The object in this section was merely this: It was, as I said a moment ago, a part of the same general theory which in committee led to the reporting of the twelfth section. It was thought that it was useless to specify in the Constitution the salary of members of the Legislature, if no restriction was put upon them in the way of appointments to sinecure offices.

The thirteenth section was again read and agreed to.

The CHAIRMAN. The question now recurs upon the fourteenth section, which will be read.

The CLERK read as follows:

Fourteenth. The Lieutenant Governor shall preside over the Senate, and in case of a vacancy in the office of Lieutenant Governor the Senate shall elect one of its members as Speaker. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Mr. MACVEAGH. Mr. Chairman: Is it the sense of the committee to postpone the consideration of this article until the Com-

mittee on the Executive reports, in order to see whether or not we will have a Lieutenant Governor? I consider that we may postpone the further consideration of it in committee of the whole.

The CHAIRMAN. It will have to come up again in committee. The better way would be to vote it down.

Mr. HARRY WHITE. Mr. Chairman: May I appeal to the chairman of the Committee on Legislature (Mr. MacVeagh) to let the section be considered for the purpose of amendment? I want to get a question before the House, by way of amendment, as to the power of the Senate to elect a Speaker *pro tem*, &c.

Mr. MACVEAGH. Mr. Chairman: I think it is better that for the present this section should not be considered until we have the report of the Committee on the Executive.

The CHAIRMAN. Then you had better vote the section down.

Mr. MACVEAGH. Mr. Chairman: Then I trust the committee of the whole will vote down the section.

Mr. Kaine. Mr. Chairman: With the understanding that it will be introduced again on second reading.

Mr. MACVEAGH. Mr. Chairman: Yes, sir.

Mr. HARRY WHITE. Mr. Chairman: I move to amend this question before the committee, by striking out the section under consideration, and inserting the following:

"A majority of the members elected to each House shall constitute a quorum to do business, but a smaller number may meet from day to day, and compel the attendance of absent members. Each House shall choose its own officers. The presiding officer of each House, while such House is in session, shall be addressed as "Mr. Speaker." The Senate, at the close of each regular session of the Legislature, and at the beginning of the next succeeding one, shall choose a Speaker *pro tempore*, who shall continue as such until his successor is chosen, and preside when the Lieutenant Governor shall not attend. And when the office of Lieutenant Governor shall be vacant, or he shall act as Governor, the Speaker of the Senate, *pro tempore*, shall be sworn in, and act as Lieutenant Governor for the balance of the term for which the Lieutenant Governor, whose office is vacated, was elected, and the seat of such Speaker *pro tempore*, as Senator, shall thereupon become vacant. The Secretary of the Commonwealth shall

call the House of Representatives to order at the opening of each regular session, and preside until a Speaker thereof shall have been chosen and taken his seat.

Mr. HARRY WHITE. Mr. Chairman: This must be explained so that the committee will understand it. If delegates will turn to their bound volumes of propositions, on page five, they will find this amendment, and can consider it intelligently. The committee will understand that this section is offered to supply the place of both the fourteenth and fifteenth sections of the report of the Committee on Legislature. I have offered this section in order to supply a present want; to supply a necessity which has been made obvious, by the experience of the Legislature in the last few years. It first has a clause that a majority of each shall be a quorum, but that a less number may, from day to day, assemble and compel the attendance of absentees.

Mr. MACVEAGH. Mr. Chairman: Will the gentleman allow me to state that everything that is material in his amendment will come up when the fourteenth section is disposed of.

Mr. HARRY WHITE. Mr. Chairman: I ask the pardon of the chairman of the Committee on Legislature, but if he will read this amendment carefully he will see that the report of the Committee on Legislature will not cover the ground I desire covered by this amendment.

Mr. MACVEAGH. Mr. Chairman: I have read it carefully and think I understand it. It is the intention of the gentleman from Indiana to strike out the fourteenth section, when the fifteenth section covers exactly the same ground that he now introduces.

Mr. HARRY WHITE. Mr. Chairman: O, yes. I desire to strike out both the fourteenth and fifteenth amendments, and insert this amendment, and, of course, if the amendment be adopted the fifteenth amendment will fall.

Mr. MACVEAGH. Mr. Chairman: But the section which the gentleman from Indiana desires to substitute pre-supposes that we will have a Lieutenant Governor.

Mr. HARRY WHITE. Mr. Chairman: I do pre-suppose that we are to have a Lieutenant Governor, and I have assumed that the Convention will add that officer to the Executive department of our government. The experience of the past few years has, I think, demonstrated the necessity of such an officer. If we are to have a Lieu-

tenant Governor, whose duties are to be specifically defined by the report of the Committee on Executive, this amendment will fully meet all that it is desired by the Committee on Legislature to cover by this fourteenth section. The experience of the last few years has demonstrated that it should be the policy of this Constitutional Convention to prevent a *hiatus*, at any time, in the office of the presiding officer or the Speaker of the Senate. The Lieutenant Governor will be, of course, *ex-officio*, the presiding officer of the Senate, and will also be, of course, *ex-officio*, the Governor of the Commonwealth if the Governor shall die or be removed by any cause. If he should, in such an event, become the Governor of the State, he cannot, at the same time, be the Executive of the Commonwealth and Speaker of the Senate also. Therefore the necessity for my amendment is apparent. There must be some provision for a continuity in the office of the presiding officer of the Senate. This want of continuity is met by the provision in the amendment I have offered, by providing for the election of a speaker of the Senate *pro tempore*. That Speaker of the Senate, when thus elected, would fill the place of the Lieutenant Governor. The Lieutenant Governor may die, or may be removed by some other cause, and when the Lieutenant Governor has been removed, or is acting as Governor, it makes his seat in the Senate vacant from that instant, and requires an election to fill that vacancy.

The fact that in 1864, and for four or five years afterwards, a large portion of the Senate denied that the President, who was elected the Speaker at the close of the previous session, should take his seat at the commencement of the succeeding session, makes some constitutional provision of this kind absolutely necessary. The amendment I have offered, as the committee will see, if they will take the trouble to look at it, is conveniently better than the section, and meets and supplies all these necessities.

Mr. CURTIN. Mr. Chairman: I trust the suggestion of the chairman of the Committee on Legislature will be adopted, and the section voted down. The Committee on the Executive will report early in the week, and after that we can act intelligently.

Mr. HARRY WHITE. I withdraw the amendment.

The CHAIRMAN. The question is upon section fourteen.

The section was rejected.

The CLERK read the section, fifteen, as follows:

"A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members in such manner and under such penalties as may be prescribed.

Mr. MACVEAGH. Mr. Chairman: That is in the exact words of the present Constitution, and I hope the vote will be taken.

Section fifteen was agreed to.

The CLERK read the sixteenth section, as follows:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State."

Mr. MACVEAGH. The same remarks applies to that.

The section was agreed to.

The CLERK read the seventeenth section, as follows:

"The doors of each House and of the committees of the whole shall be open, unless when the business is such as ought to be kept secret."

The section was agreed to.

The CLERK read the eighteenth section, as follows:

"Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Mr. HEMPHILL. Mr. Chairman: I offer the following amendment: Insert after the word "days" the following:

"Sundays and public holidays included."

I ask for the insertion of those words, for the reason that there was some dispute occasioned in the Legislature last winter, owing to an adjournment for more than three days if Sunday was included, and only for two if it was excluded. In order to remove all doubt on the subject I offer this amendment.

The amendment was not agreed to.

The question recurring upon the eighteenth section, it was agreed to.

The CLERK read the nineteenth section as follows:

"The members of the General Assembly shall, in all cases except treason,

felony, violation of the oath herein before prescribed, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place."

Mr. MACVEAGH. Mr. Chairman: I move to strike out the words "violation of the oath hereinbefore prescribed," because the oath itself has been voted down. Then the section will read as in the present Constitution.

Mr. J. PRICE WETHERILL. Mr. Chairman: I think that we did not vote the oath down. My recollection is that we declined to take action upon the oath, because it was in charge of another committee. I would let that remain and let the section be postponed.

Mr. KAINE. Vote it down, with the understanding that it can be put back again.

Mr. JOHN M. BAILY. Strike out the word "hereinbefore" and insert "herein."

Mr. MACVEAGH. That will do.

Mr. SIMPSON. Before we take a vote upon that subject, I wish to call attention to the fact that the two sections relating to the oath have been voted down, and they are not now parts of this article. I presume when the committee has completed its work, and reports the article back to the Convention, they would like to have it perfect in all its parts. If the oath is placed in this amendment it can be put in afterward, but there is no oath now in.

Mr. MACVEAGH. I would say to the gentleman that I made this suggestion in order to meet the views of several members. We will correct the whole matter when it comes before the Convention, if necessary. Undoubtedly there will be some oath prescribed in the Constitution.

Mr. TURRELL. I would suggest to the gentleman from Dauphin (Mr. Mac Veagh) to insert the words "their oath of office." That will make it harmonious, and it will apply to the oath when it is adopted.

Mr. MACVEAGH. I am willing to accept anything that accords with the views of the committee. I have no obstinacy about it. If it is the sense of the committee I will accept, as an amendment, the suggestion of the gentleman from Susquehanna (Mr. Turrell.)

The amendment then will be to strike out "the oath hereinbefore prescribed," and insert "their oath of office."

The amendment was agreed to.

The CHAIRMAN. The clerk will read the section as amended.

The CLERK read as follows:

Nineteenth. The members of the General Assembly shall, in all cases, except treason, felony, violation of their oath of office and breach or surety of the peace be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

The section was agreed to.

The CHAIRMAN. The Clerk will read the twentieth section.

The CLERK read as follows:

Twentieth. The General Assembly shall apportion the State every ten years, beginning at its first session after the adoption of this Constitution, by dividing the population of the State, as ascertained by the last preceding federal census, by the number thirty-three, and the quotient shall be the ratio of representation in the Senate; counties containing a population of four-fifths of said ratio shall be separate Senatorial districts, and elect each one Senator; counties containing not less than the ratio, and three-fourths thereof, shall each elect two Senators, and one additional Senator for each number of inhabitants equal to the ratio contained by said counties in excess of twice the number of said ratio; all Senatorial districts shall be formed of contiguous and compact territory, each, as nearly as possible, an equal number of inhabitants: *Provided*, That no city or county shall elect more than four Senators.

Mr. MACVEAGH. Mr. Chairman: The twentieth and twenty-first sections include matters that are under the consideration of the Committee on Suffrage, Election and Representation, and the proper disposition of them will very much depend upon the report of the Committee on Legislation.

The chairman of the Committee on Suffrage, Election and Representation has told me that this matter is, in one of its branches, before that committee, and is receiving its active consideration. Members of the Committee on Legislation have spoken to me, and have expressed the opinion that the Convention would be in far better condition to decide the

question of the constitution of the Houses when it has at least seen the result of the labors of that committee.

Therefore, if such is the sense of the committee, I move that the committee rise, report progress and ask leave to sit again.

Mr. SIMPSON. Vote the two sections down, and let the committee report its proceedings to the body.

Mr. MACVEAGH. Mr. Chairman: I was going to finish my motion by saying that the committee rise, report progress and ask leave to sit again after the Committees on Suffrage, Election and Representation and Legislation have made their reports to the Convention.

Mr. DARLINGTON. Mr. Chairman: I propose, at the proper time, to present a different section, in lieu of the twentieth and twenty-first sections, and I do not know that I shall be at all influenced in doing so by the fact that another committee has the subject under consideration. This is a question that presents itself that may just as well be met now and here as after the report of the Committee on Suffrage has been received. It is a fact which belongs here, and must be considered here, and must be decided here.

I know very well what the chairman of the committee who made this report alludes to. I suppose he means that the Committee on Suffrage intend to report some mode of election—probably by minority representation, or cumulative voting, or something of that kind. I am perfectly ready to meet that question whenever it comes up. I desire to be heard upon it. But it seems to me that, in the consideration of this section, we will receive no aid from the report of the Committee on Suffrage, for this does not concern the question of suffrage. This section and the one which follows it refer to the constitution of the Legislature—of how many members it shall consist, of how many each House shall consist, and in what kind of districts shall they be chosen.

You will observe that the committee have reported that there shall be thirty-three Senators and one hundred Representatives. I proposed an amendment—which I endeavored to bring to the notice of the committee some days ago, but it was then thought to be out of order—that we should increase the number. I very well know that a proposition of that kind will receive the consideration of this Convention, and I know that a very consid-

erable number are in favor of an increase of the number of the members of the Legislature. Now, sir, we cannot be aided in the determination of that question by any report from the Committee on Suffrage.

Mr. ELLIS. Mr. Chairman: I rise to a point of order. I am very sorry to interrupt the gentleman from Chester, (Mr. Darlington,) but I make the point of order that it is not proper to discuss the merits of the article on a motion for the committee to rise.

Mr. DARLINGTON. Mr. Chairman: I am opposed to the committee rising. I am discussing the question, whether we can be aided in the consideration of the question by anything which can be said by a committee which it is not competent to say upon the floor. Therefore there is no propriety in the continuation of this question to another period. I have no particular taste as to when this question shall be opened, but I wish to be heard sometime. I hope some gentleman can tell me what aid can be derived from the report of the Committee on Suffrage, in the consideration of the question of how many members the Legislature shall consist of.

I am at a loss to perceive why we should wait for its report upon another question, of what kind of districts we shall form, how we shall choose Senators and members of the House, some light may be thrown by the views of the members of the Committee on Suffrage, but I do not know how we can be aided in the discharge of that duty better by the report of the committee, than we can by the speeches of its members.

Therefore these two questions—first, the number of members of the Senate and House of Representatives, and, secondly, the districts or the mode of electing each by districts, are questions which are to be met and decided by this body. If gentlemen think they would rather have the report of the committee upon those questions, I do not know that I care, so that I can have the opportunity of presenting some views upon the subjects; and I do not know why we might not just as well now consider the question as at another time.

The CHAIRMAN. In the opinion of the Chair the motion is not debatable. The Chair did not wish to interrupt the gentleman, however.

Mr. MACVEAGH. Mr. Chairman: I would like to suggest to gentlemen one

thing. If any gentlemen have substitutes, the gentleman from Chester (Mr. Darlington) I know has one, for these sections, if they will hand them either to the Clerk or to the chairman of the Committee on the Legislature, they will be printed and placed upon the desks when we resume the report.

MR. DARLINGTON. Very well. Then, Mr. Chairman, in order that you may see that my remarks have some pertinency, I move, if in order, but I suppose it is not in order, —

THE CHAIRMAN. The question is upon the motion to rise.

MR. DARLINGTON. If the gentleman from Dauphin (Mr. MacVeagh) will withdraw that motion, so that I can present my amendment, I will then make no further opposition to it.

MR. MACVEAGH. I will withdraw it for the purpose of allowing the gentleman to offer an amendment.

THE CHAIRMAN. The question is now upon the section.

MR. DARLINGTON. Mr. Chairman: I now move to strike out all after the words "section twentieth," and insert the following:

"The General Assembly shall apportion the State for the selection of Senators and Representatives according to population, as ascertained by the last preceding census, every ten years, commencing at the first session after the adoption of this Constitution. Senators and Representatives shall be chosen by single districts, composed of contiguous and, as nearly as practical, compact territory, of equal population; when a city or county shall be entitled to two or more Senators it shall be divided by ward or township lines; no city or county shall be entitled to more than six Senators; each county shall be entitled to at least one Representative; when any city or county shall be entitled to two or more Representatives it shall be divided by ward or township lines; the number of Representatives shall, at the several periods of their apportionment, be fixed by the Legislature, and shall never be less than one hundred and fifty or greater than three hundred; the number of Senators shall, at the same time, be fixed by the Legislature, and shall never be less than one-fourth or greater than one-third of the number of Representatives."

I move that as an amendment to the twenty and twenty-first sections.

THE CHAIRMAN. The question is upon the amendment offered by the gentleman from Chester (Mr. Darlington.)

MR. MACVEAGH. I now move that the committee rise, report progress and ask leave to sit again as soon as the reports of the Committees on Legislation, the Executive, and Suffrage, Election and Representation are laid upon the table of the Convention, and that the amendment just offered be printed.

The motion was agreed to.

IN CONVENTION.

MR. C. A. BLACK. Mr. President: The committee of the whole, to which has been referred the report of the Committee on the Legislature, has instructed me to report progress and ask leave to sit again.

MR. CUYLER. Was not the instruction to sit again at a definite time?

THE PRESIDENT. That was not in order.

Leave was granted the committee to sit again on one week from next Monday.

REPORTING PRAYERS.

MR. HARRY WHITE. I ask unanimous consent of the Convention to offer a resolution.

Leave was granted.

THE CLERK read the resolution, as follows:

Resolved, That the official reporter be instructed to omit the prayers offered daily from the reported Debates of the Convention.

The question being, shall the Convention proceed to a second reading of the resolution, it was agreed to.

So the resolution was again read.

MR. M'ALLISTER. Mr. President: It is impossible for me to see why the prayers of the Convention should be omitted from our published proceedings. Should we do this because this part of our proceedings is distasteful to us? The introduction of this resolution is certainly to be deprecated, and I certainly cannot possibly see any reason why this part of our proceedings ought to be distinguished from the rest.

MR. HARRY WHITE. Mr. President: I desire to state that this resolution was introduced for the purpose of settling a vexed question. I am not able to say how it arose; but, at any rate, it is simply a question whether the official reporters shall report the prayer delivered every morning, or whether they shall not. The members of the Committee on Printing differ somewhat in their opinions, some believing that it is proper and others that

it is not. I will say, in answer to my friend from Centre county, (Mr. M'Allister,) that, so far as I have any personal knowledge, every delegate in this Convention is in favor of having our sessions opened with prayer, but I submit that it is not the custom in deliberative bodies, Congress, Legislatures, or in the majority of Constitutional Conventions, to have the daily prayer printed in the Debates.

Mr. HEMPHILL. I move that the Convention adjourn.

The motion was not agreed to.

Mr. NEWLIN. Mr. President: It is proper for me to state that this matter has been the subject of discussion before the Committee on Printing, and I was instructed by the committee to inform the reporters that under the orders of the Convention they were not authorized to report, nor the State Printer to print, the prayer daily offered by the Convention. I certainly must deprecate the attempt of the gentleman from Centre county (Mr. M'Allister) to place the members of the Convention in the position of objecting to the opening of our sessions with prayer. I am strongly in favor of having our sessions opened with prayer, as I have no doubt all of our members are; but I can see no reason why they should be reported *verbatim* and *verbatim* printed in the Debates of the Convention. I believe it has been the practice in a few instances, but as a rule it is unknown. When this subject was first discussed, and the committee gave me instructions to convey the decision of our members to the reporters, one of them declined to obey the instructions, unless instructed to do so by resolution of the Convention. This is the explanation I have to give in regard to the matter, and I trust the Convention will not allow itself to be carried away by the idea that there is an impropriety in not reporting and printing the prayers; or that the resolution has been introduced without a proper respect due to the Convention, and the views of its members concerning the matter.

Mr. SIMPSON. Mr. President: I would like to know how this question of reporting the prayers of the Convention ever came before the Committee on Printing. The subject has never been before the Convention. It certainly was never suggested by any resolution of any member of the Convention, and how the subject reached the Committee on Printing is a matter of curiosity to me. The members of that committee have not been author-

ized by the Convention to give any instructions to the reporters. When the Debates of the proceedings of the Convention are examined, we expect to find in them a report of all that has taken place, excepting such matters as the Convention has determined shall not be embodied in the report. Are not the prayers a part of our proceedings? Suppose, after the proceedings of the Convention had commenced, some one of our delegates doubted there being a quorum of members present, and a call of the House was made, would not the proceedings under the call form a very important part of the proceedings of the Convention, and would they not be reported? Undoubtedly they would. Why, then, should the prayers not be reported? What harm can there be in it? I have no doubt when this volume of Debates is completed that there will be found a great many foolish things in it, and I certainly should like to see along with the foolish things that may be printed some of the good acts of the Convention. I see no reason why the prayers of the Convention should not be printed, and I think, with all deference to the chairman of the Committee on Printing, that the committee exceeded its powers when they undertook to give directions to an officer elected by the Convention, without having the question submitted to them by the Convention.

Mr. NEWLIN. Mr. President: This question, it seems to me, is simply a question of "fat." A question of "fat" for the reporters and "fat" for the printer, and I think it had better be understood in that way.

Mr. MANN. It seems to me, Mr. President, that we have made a contract with the official reporter explicitly stating what he shall report and what shall not be reported or printed. I do not see why this resolution should have been offered. His contract is binding upon the Convention, and any resolution that may be offered or passed cannot affect it one way or another.

Mr. DARLINGTON. I understand that the debates of the Convention mean its proceedings. I cannot see how the prayers daily offered can form any part of our proceedings.

Mr. CUYLER. Mr. President: I must express considerable surprise that such a question has arisen in the Convention. I heard, with amazement, yesterday, that the prayers were regularly reported and were to be printed. I confess I had not observed it before. If there is any place

where man is humble it is when he enters in the presence of his God, and if there is anything more revolting than all other things, it is the practice of addressing the throne of grace, as it is popularly called, and printing the prayers. I say this without intending any criticism upon the prayers made here, which are truly devout, but in criticism upon the practice of printing them. I am compelled to observe that it is simply revolting, and anything that attempts to encourage pompous prayer is utterly out of place and ought to be promptly repressed. I cannot perceive how the language of the prayers can form any part of the proceedings of the Convention, and, believing that it is a simple question between our hearts and our God, I must confess that I am surprised that there should be any discussion upon the subject. For these reasons I hope that the resolution will pass, and that the prayers of the Convention will not be printed as a part of our proceedings.

The question being taken upon the resolution, the yeas and nays were required by Mr. Simpson and Mr. Biddle, and were as follow, viz :

Y E A S .

Messrs. Addicks, Ainey, Baer, Baily, (Perry,) Bailey, (Huntington,) Biddle, Black, Charles A., Campbell, Carey, Carter, Corbett, Craig, Curtin, Cuyler, Dallas, Darlington, Ellis, Fell, Finney, Gibson, Guthrie, Hanna, Hazzard, Howard, Kaine, Lawrence, Littleton, M'Connell, M'Culloch, M'Murray, Mann, Metzger,

Minor, Newlin, Palmer, G. W., Patterson, T. H. B., Patton, Read, John R., Reed, Andrew, Reynolds, James L., Russell, Smith, H. G., Smith, Henry W., Smith, W. H., Stewart, Walker, Wetherill, John Price, White, David N., White, Harry, Worrell and Meredith, *President* —51.

N A Y S .

Messrs. Alricks, Baker, Barclay, Bowman, Clark, Collins, Elliott, Ewing, Hemphill, Horton, M'Allister, M'Camant, Mantor, Mott, Purman, Purviance, Samuel A., Simpson, Stanton, Turrell, White, J. W. F. and Wright—21.

So the resolution was agreed to.

ABSENT OR NOT VOTING.—Messrs. Ach-
enbach, Andrews, Armstrong, Bannan, Bardsley, Bartholomew, Beebe, Black, J. S., Boyd, Brodhead, Broomall, Brown, Buckalew, Cassidy, Church, Cochran, Corson, Cronmiller, Curry, Davis, De France, Dimmick, Dodd, Dunning, Edwards, Fulton, Funck, Gilpin, Gowen, Hall, Harvey, Hay, Heverin, Hopkins, Hunsicker, Knight, Lamberton, Landis, Lear, Lilly, Long, M'Clean, MacVeagh, Niles, Palmer, H. W., Parsons, Patterson, D. W., Porter, Pughe, Purviance, John N., Reynolds, S. H., Rooke, Ross, Runk, Sharpe, Struthers, Temple, Van Reed, Wetherill, J. M., Wherry and Woodward —61.

Mr. BIDDLE. I move the Convention do now adjourn.

The motion was agreed to.

So the Convention, at one o'clock and fifty minutes, adjourned.

THIRTY-THIRD DAY.

MONDAY, *February 3, 1873.*

The Convention met at eleven o'clock A. M.

The Journal of Saturday, the first instant, was then read and approved.

REPORTS OF PROTHONOTARIES.

The PRESIDENT laid before the Convention the reports of the prothonotaries of Fulton, Cambria, Pike and Cameron counties, relative to the number of civil causes on their respective dockets, which were referred to the Committee on the Judiciary.

CAPITAL PUNISHMENT.

Mr. BROOMALL presented a memorial from the Chester county monthly meeting of Friends, relative to capital punishment, which was read and referred to the Committee on the Judiciary.

MILITARY SERVICE.

Mr. BROOMALL also presented a memorial from the same society, asking that a provision be made in the Constitution exempting the Friends of the State from military service.

INTOXICATING LIQUORS.

Mr. BROOMALL also presented a memorial from the same society, calling the attention of the Convention to the evil effects of the sale of intoxicating liquors as a beverage.

TAXING HOUSEHOLD EFFECTS.

Mr. STANTON offered the following resolution, which was referred to the Committee on Revenue, Taxation and Finance:

Resolved, That the Committee on Revenue, Taxation and Finance be instructed to inquire into and report upon the propriety of exempting from levy and sale, on execution or distress for rent, and from taxation, all household furniture, beds and bedding, and watches in actual use in any family, as well as wearing apparel, books, and one piano, melodeon, or parlor organ, and that no waiver of the exemption shall hereafter be permitted in any case whatever.

And that no law exempting any personal property from taxation for State, county or city purposes shall hereafter be operative.

FUNDS OF THE COMMONWEALTH.

Mr. LILLY offered the following resolution, which was referred to the Committee on Revenue, Taxation and Finance.

Resolved, That the Committee on Revenue, Taxation and Finance be instructed to inquire, and if they find it necessary and advisable, to report an article restricting the State Treasurer from farming out the funds of the Commonwealth.

REPORT OF THE COMMITTEE ON SUFFRAGE.

Mr. LILLY also offered the following resolution, which was twice read, considered and agree to:

Resolved, That the Committee on Printing be instructed to inquire why the report of the Committee on Suffrage, Election and Representation is not printed and laid on the table of members, and to report or apply the proper remedy against the recurrence of such a matter.

LEAVE OF ABSENCE.

Mr. BOYD asked and obtained leave of absence for Mr. Darlington, of Chester, for a few days.

Mr. JOHN R. READ asked and obtained leave of absence for Mr. Hemphill for a few days.

Mr. CAMPBELL. Mr. President: I desire to present the minority report of the Committee on Suffrage and Election.

The report was read as follows, and laid on the table:

WOMAN SUFFRAGE.

Minority Report of the Committee on Suffrage, Election and Representation.

The undersigned, members of the Committee on Suffrage, Election and Representation, dissent from that part of the majority report of said committee which limits the right of suffrage to male electors.

We recommend that the question, shall women exercise the right of suffrage, be

submitted by the Convention to the qualified electors of this Commonwealth; and also upon the same day therewith to those women of the Commonwealth who upon the day voting shall be of the age of twenty-one years and upwards, and have been a resident of the State one year, and in the district where they offered to vote at least sixty days prior thereto, and that if the majority of all the votes cast at said election should be in the affirmative, then the word "male," as a qualification for an elector, contained in section —, article —, on suffrage and election, shall be stricken out, and women in this State shall thereafter exercise the right of suffrage, subject only to the restrictions as are placed upon the male voters.

JOHN H. CAMPBELL,
LEWIS C. CASSIDY,
LEVI ROOKE.

THE LEGISLATIVE ARTICLE.

Mr. BROOMALL. Mr. President: I move that the House go into committee of the whole to consider the report of the Committee on the Legislature, which was up on Saturday and which was practically postponed for a week, I think, probably, without due consideration. I make this motion because I believe that there is nothing else reported for the consideration of this body, and I further believe that there are questions involved in that report which will require several days' debating before any conclusion can be reached.

Mr. BOYD. Mr. President: I ask the gentleman from Delaware (Mr. Broomall) to withdraw his motion for a minute to allow me to make a motion.

Mr. BROOMALL. Mr. President: I have no objection to withdraw the motion temporarily to allow a motion to be made, if it does not involve discussion.

The PRESIDENT. The Chair desires to state that in saying on Saturday that there was no business before the Convention, he was substantially in error. The business before the Chair would be the report of the Committee on Election, Suffrage and Representation, made on Saturday last, but which has not been printed, and is not now on the files of members.

CHANGE OF REFERENCE.

Mr. BOYD. Mr. President: Some days ago I offered a proposition creating the offices of Lieutenant Governor, a Commissioner of Insurance and an Inspector of Iron. These matters were referred to

committees; one, I believe, to the Committee on Legislature and to other committees. I ask now to move the discharge of these committees from the further consideration of these subjects, the withdrawal of the subjects from these committees, and their reference to the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office. I do so because I understand that committee propose the creation of new offices, and therefore I presume that that is the proper committee to whom to refer this proposition.

The PRESIDENT. What are the other committees to which you refer?

Mr. BOYD. Mr. President: I now understand all the propositions were referred to the Committee on Legislature, and desire to move that that committee be discharged from the further consideration of the subjects, and that they be referred to the Committee on Commissions, Offices, Oath of Office and Incompatibility of Office.

The motion was agreed to.

DILATORY PRINTING.

Mr. LILLY. Mr. President: In connection with the subject of printing, I beg leave to offer the following resolution:

Resolved, That the Committee on Printing, &c., be instructed to inquire why the report of the Committee on Suffrage, Election and Representation is not printed and laid on the tables of members, and to report and apply a remedy against the recurrence of such neglect.

The resolution was twice read and agreed to.

THE SUFFRAGE ARTICLE.

The PRESIDENT. The first business in order is the consideration of the article reported by the Committee on Suffrage, Election and Representation on Saturday last. Is it the wish of the House to proceed to the consideration of that article?

Mr. KAINE. Mr. President: I move that the consideration of the report made by the Committee on Suffrage, Election and Representation, on Saturday last, be postponed until it is printed and placed upon the files of the members.

The PRESIDENT. The report is not before the House and cannot be postponed. The motion therefore is not in order. The question is whether the House will take up the report or not.

The Convention refused to take up the report.

THE LEGISLATIVE ARTICLE.

Mr. BROOMALL. Mr. President: I move that the House go into committee of the whole, for the purpose of considering the legislative article.

Mr. HARRY WHITE. Mr. President: It occurs to me that this motion is not in order and cannot be entertained, inasmuch as the committee, on Saturday last, resolved to sit upon that article on next Monday. The language of the motion adopted by the House was, I believe, "on next Monday week." If we do anything in that respect, it seems to me that the proper way is to move to re-consider, and I do not think we can reach this case in any other manner.

While on the floor I would call the attention of the Convention to the fact that the chairman of the Committee on Legislature, for reasons relating to that department, requested that the further consideration of that report be held over until that time. And I may remark, furthermore, that his specific reason was that the Committee on the Executive Department had not reported, and that there are some features of the report of that committee which are necessary to make complete the report of the Committee on Legislature, and also that some features of the report of the Committee on Suffrage, Election and Representation are equally necessary to complete the report of the Committee on Legislature, which this motion of the gentleman from Delaware (Mr. Broomall) would now place before the committee of the whole. The chairman of the Committee on Legislature is absent. He has this matter in charge, and I am afraid we cannot make much progress in debating this report at this time. I have no feeling about the matter, but it seems to me that the motion is not in order, and if so, should not be entertained.

The PRESIDENT. The chairman is of opinion, as far as this point of order is concerned, that it is in order to go into committee of the whole at this time. The House granted leave to the committee of the whole to sit on Monday next, but it is in the power of the House to go into committee of the whole before that time.

The Chair will also state that the article reported by the Committee on Suffrage has just arrived, in print, and is being distributed among the members, and therefore it is possible to go into consideration of that article at this time.

Mr. BROOMALL. Mr. President: If that is the case I will withdraw my motion.

COMMITTEE OF THE WHOLE.

Mr. MANN. Mr. President: I move that we go into committee of the whole on the article reported by the Committee on Suffrage.

The motion was agreed to.

THE SUFFRAGE ARTICLE.

The Convention then resolved itself into committee of the whole, Mr. Lawrence in the chair.

The first section was read as follows:

SECTION —. Every male citizen of the United States, of the age of twenty-one years, having resided in the State one year, and in the election district where he offers to vote two months immediately preceding the election, shall enjoy the rights of an elector, but an elector of the State who having removed therefrom, and returned thereto, and who shall have resided in the election district as aforesaid, shall be entitled to vote after having resided in the State six months. *Provided*, No naturalized citizen shall enjoy the right of an elector until one month shall have elapsed from the time he becomes a citizen.

THE WORD "MALE."

Mr. BROOMALL. Mr. Chairman: I move to strike out the word "male" from the first line.

Mr. M'ALLISTER. Mr. Chairman: It would seem to be proper that I should state the reasons for the many changes that have been made in this entire article as reported, or in the eleven sections which have been reported. I do not know—

Mr. CAMPBELL. Mr. Chairman: Will the gentleman allow me to interrupt him for a moment? I wish to make a suggestion to the gentleman from Delaware, (Mr. Broomall,) that he withdraw his motion to strike out the word "male" until the report of the minority of this committee on this subject has been printed and placed before the House.

Mr. BROOMALL. Mr. Chairman: I have no objection to so withdraw my amendment, but prefer to let it stand as it is, though I have no desire to continue it now if the time of the committee is taken up with other questions.

Mr. CAMPBELL. Mr. Chairman: I do not desire the subject disposed of until the report of the minority of the commit-

tee, which was submitted this morning, is printed and laid before the House.

Mr. M'ALLISTER. Mr. Chairman: I was proceeding to state that I did not know whether the remarks that I intended to make as chairman of this committee, giving the reasons which induced the committee to propose the many changes that these sections contemplate, would be appropriate to this amendment. I had desired to make these remarks as chairman, prior to any amendment of a particular article, or to the consideration of a special section, and I therefore ask the gentleman from Delaware (Mr. Broomall) to withdraw his amendment until the articles are placed before the committee in the way they should be presented. If that is not done, however, I shall proceed in the remarks I intend to make.

I will say, Mr. Chairman, that the consideration of this report seems to have been precipitated upon the Convention at this time. There seemed to be great haste from certain quarters in reference to its consideration. The changes suggested are exceedingly important. The third and fourth sections are substantially the same as those in the present Constitution upon those subjects. The remaining nine sections are principally new, and involve material changes. Now I am compelled to speak from a rough copy of this report. I have upon my table no printed copy, and there is no printed copy upon the desk of any member in this section of the House, and I do not know how members can refer to these articles when they are alluded to.

The CHAIRMAN. The Chair will inform the gentleman that the pages and other officers are now distributing them and putting them on the files.

Mr. M'ALLISTER. Mr. Chairman: I understand that, but it has not yet been done. Your committee, Mr. Chairman, realizing the responsibility incurred by proposing the introduction of so much new matter, have given the subject very deliberate consideration. We had one meeting in Harrisburg, and adjourned to meet in this place on the Friday preceding the meeting of the Convention. We met on that day, and the committee have met every day from that time until the making of this report, on Saturday, and never failed to have a quorum at any meeting. After a free interchange of views, as well upon the objects to be attained as upon the means of their accomplishment, each section now before the committee was put in the form in which it has been presented.

The leading objects, and the leading principles involved in their accomplishment, I will now allude to; and, I think, I cannot better occupy the time of the committee of the whole than in bringing these subjects to their attention.

This I will attempt to do, as briefly as the exceeding importance of the subjects will permit, involving, as they do, not only the most cherished rights of man, but the welfare and perpetuity of our republican institutions.

The first section, it will be noticed, abolishes the tax qualification of the elector, which exists in the present Constitution, but which the committee thought a relic of our monarchical and aristocratic origin. "Taxable inhabitants" was the basis of representation. It is so in the present Constitution. It was conceded by every member of the committee, as it has, thus far, been by every member of the Convention, that the Constitution is in error in making "taxable inhabitants" and not population the basis of representation; but it was alleged there that the payment of a tax should be made a condition precedent to the exercise of the right of suffrage.

The first paragraph of the first section not only abolishes the tax qualification of the voter, but it limits the exercise of the right of suffrage to male citizens. And thus is raised two of the important questions in which there existed difference of opinion in the committee, and upon which there exists difference of opinion in the committee of the whole.

I am sure, therefore, Mr. Chairman, that I shall receive the attention of the committee in an humble effort to bring before them the principles upon which this portion of the report is based.

For the sake of brevity I shall try to consider together the principles involved in the tax qualification and in woman's right to suffrage.

Those who represented the Woman's Suffrage association here before the committee directed their attention, and the attention of the Convention, to the first and second sections of the ninth article of the Constitution, in these words:

ARTICLE IX.

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights.

SECTION 2. All power is inherent in the people, and all free governments are founded upon their authority, and insti-

tuted for their peace, safety and happiness.

These are sections of the Bill of Rights, which the Legislature deemed so sacred that they would not trust it to our hands. However we may differ in relation to the power of the Legislature, or their wisdom in the attempted prohibition, we certainly do not differ as to the inexpediency and impropriety of allowing either of these sections to be altered, and if we retain them it behooves us to inquire who are the people in whom all power is inherent; on whose authority all governments are founded, and for whose safety and happiness they are instituted; what men are born equal, free and independent, having certain inherent and indefeasible rights? It is conceded, as I have stated, that all intelligent human beings are under the protecting care of government, but who are entitled to participate in its administration? If any are excluded, why?

The right of suffrage is, and all will admit, should be forfeited by crime, and especially by those crimes which strike at the purity of the elective franchise. Such criminals are not therefore of the people, in whom all power is inherent. The non-tax-payer, though under the protecting care of government, is, by our present Constitution, excluded alike from the right of representation and the right of suffrage, and is not, therefore, of the people, in whom all power is inherent.

This being the organic law of Pennsylvania, obedience is the duty of every person under the protection of the government, whether with or without the right of suffrage. Viewed from a legislative or judicial standpoint, the inquiry, notwithstanding the above provisions of the Bill of Rights, must be, what is the Constitution? What is the foundation of the right of suffrage? To whom is the right of suffrage granted? The decision, whatever it may be, binds the entire population of the State.

This Convention occupies, Mr. Chairman, a different standpoint. The inquiry with us is not what is the Constitution, but what should the Constitution be? We are here, not to inquire what has been done, but what should be done. And this brings us then to inquire, first: What should be the basis of representation? I will not dwell upon that point, because it was conceded in the committee, and seems to be conceded in the legislative article upon which we have

passed, that population, and not taxable inhabitants, should be the basis of representation. I will not, therefore, dwell upon that point longer.

We come, then, to the inquiry: What is the foundation of the right of suffrage, and to whom should its exercise be extended?

In England, sovereignty exists in Parliament, and they call themselves omnipotent. No such claim has ever been set up by any legislative body in the United States. In our system of government sovereignty exists in the people, and the Legislature is limited by the organic law of the several States.

We are then brought to inquire as to the right of suffrage. Does it belong to man because he is a man, or does it belong to man because he is a tax-payer? Does it belong to woman—if the right of suffrage be conceded to her—because she is a woman, or does it belong to woman because she is a tax-payer?

Is the right a natural right, or merely a conventional right? Our natural rights, Mr. Chairman, in an absolute and restricted sense, are few, very few. Indeed, I know of no right that a man can claim, as an absolute natural right, except the right to breathe the air. He has the right of locomotion, provided he does not trespass upon another man's land. He has a right to drink the water that flows, provided it does not flow on another man's land. But I can scarcely conceive of an absolute right, except the right to breathe the air; other rights are restricted.

Whilst I will concede that the right of suffrage is not an absolute personal right, in this sense, I am here to assert that it is a natural social right. It is by the exercise of the right of suffrage that the individual passes from individuality to the social state. It is a high exercise of that power; and when he goes into that social state it is by the exercise of that natural right that he is protected there in all his other rights.

Now, Mr. Chairman, in the exercise of this right, we have man as a social being, and we have him in society, and what society first? In the society of the family, in the family relation. There he is found, and there every man has been found, and every man will be found. Every man who comes into this world passes through that, the most sacred of all relations upon earth. That, Mr. Chairman, is not only a sacred society; it is a secret society. It is

a society in which all are interested in the welfare of the others—each one in the welfare of all the other members of the family. It is a society which all consult for the interests of the whole.

I claim that this family, in the exercise of their right of suffrage, cast the ballot through the head, the representative of the family, making the family a part of *the people*, in whom all power is inherent. They are not cut off—the wife is not cut off—the children are not cut off. All are represented, and represented in accordance with their interests. The family, Mr. Chairman, thus becomes the unit of the State. It is out of families that governments are framed, and without these family relations there can be no governments; none ever has been formed. It is from these units that we call families that the government is constituted.

I have said that it was a secret society; that it was a society in which each one deliberated for the benefit of the whole. It is a relation into which discord should never enter. It may, however, possibly enter; but when it does, the fewer discordant sounds that are heard beyond the family threshold the better for the family and for the State.

Now it is proposed to throw an element of discord into this sacred relation, to constitute the wife a voter in opposition to the wishes of her husband, and bring disputes and quarrels into the family. I utterly deny its policy, and for this reason, if there were no other, I would vote against the granting of the right of suffrage to women.

But there are other objections of equal importance. The point of honor in man is bravery. Physical ability and courage are his distinguishing characteristics. He is the natural protector of woman, and the natural defender of his country's rights. The point of honor in woman is virtue. A refined nature and a delicate sensibility are her distinguishing characters. These impart to the many excellencies of woman the chief charm. I would not harden that refined nature, and blunt that delicate sensibility by conferring upon woman the right of suffrage, which, if exercised, would compel her to buffet, not only with the rougher specimen of her own sex, but with vulgar men, in her effort to reach the election window. To confer this right would impose upon woman the entire change of her dress. She would have to assume the Bloomer costume. How could a lady with her train,

in a crowd, get to the election window? It might be trampled on by fifteen men, one behind the other.

Again, Mr. Chairman, in bearing and nursing her children, the mother is often as unfitted to discharge the duties of an elector as she is to discharge the duties of a soldier. We should, for these and many other reasons, confer the right of suffrage upon male citizens only.

A word here with reference to the other pre-requisites to the right of suffrage, in the first paragraph of this section, the payment of taxes. I have already alluded to the principle upon which the payment of taxes, as a pre-requisite to the exercise of the right of suffrage, is founded, and I shall not dwell further upon that; but I shall ask the indulgence of the committee whilst I refer briefly to a few of the Constitutions of the States upon this subject.

The requisite of taxation is not found in any of the States of this Union but five. It did exist in many other States, but it is being gradually abolished from time to time and from year to year, so that there are but five left. They are Delaware, Massachusetts, Pennsylvania, Rhode Island and Tennessee. "A man is known by the company he keeps." It may be true with reference to States; and I do not myself desire that Pennsylvania should keep company with Delaware and her whipping-post, nor many other institutions that she now has; nor do I desire her to keep company even with Massachusetts in her free-hold qualification, which she still retains, or the substance of it; nor do I desire her to keep company with Rhode Island, for although after she incarcerated Dorr within the walls of her penitentiary she made material changes, which somewhat liberalized her institutions, she still retains property qualifications, which are a disgrace to any republican government. I am not here to allege that Dorr was not legally convicted and legally incarcerated. The inquiry of the court was, what was the Constitution of Rhode Island, and what the offence of Dorr? And under those inquiries Dorr was legally found guilty; and that, too, although Dorr, in common with a large majority of the citizens of Rhode Island, had honestly made every possible effort to secure proper and needed reforms; although a Convention had been called by the people to amend the Constitution, after every effort had been made to induce the Legislature to call it; after petition after petition had

gone up to the Legislature from a majority of the citizens of Rhode Island for relief from organic laws, which, confining the right of suffrage to a very small portion of the people, although the Legislature had turned a deaf ear to these petitions; although a Constitution was adopted, and submitted to the people and approved by them, and approved, too, even by a majority of those entitled to vote under their old laws, still it was not the Constitution of Rhode Island, because the Legislature of Rhode Island had not called the Convention or sanctioned the Constitution thus adopted by the Convention and approved by the people. And therefore Dorr was convicted, sentenced and incarcerated. And why? Because the people could not be permitted to revolutionize the government. If Rhode Island had been an independent government—if she had not been one of the United States—think you that Dorr would ever have been imprisoned? Not at all. It was the relation that Rhode Island bore to the general government, and it was the intimation that came down from that government that the power the United States must recognize was old Legislature, not the Legislature under the Constitution. And therefore it was that the army of Dorr dispersed, and that he was arrested and imprisoned. The patriot was suddenly transformed into the felon.

Still, Mr. Chairman, that effort at reform led to the improvements in the Constitution of Rhode Island, but it is still a disgrace to a government calling itself republican, and, therefore, I desire that Pennsylvania shall not keep that kind of company. There then remains but one other State, and that is the State of Tennessee. The only thing I admire in the State of Tennessee is: That although they have a tax qualification as a pre-requisite to the right of suffrage, the people have independence of character enough to call it by the right name. Some of the five States have a dollar tax, but they do not call it by the right name. In Tennessee, however, they call it just what it is—a poll tax. It is the same tax that we have in Pennsylvania, and the only difference is in amount, *five* cents and a dollar. The amount can make no difference in the principle. It is a poll tax in the one case, and it is a poll tax in the other. It is a personal tax in both cases. Other States have a poll tax of a dollar, but Tennessee comes up manfully, and calls it by its right name to her credit. It will be found

that in all these States they have retained other property qualifications, which have been abandoned in Pennsylvania. We have come down to the five cents, and yet it is claimed that we should continue to retain this pre-requisite to the right of suffrage, of which all other States in this Union, but those I have alluded to, have become ashamed. I have dwelt longer upon this section than probably I ought, but I have dwelt upon it solely from its exceeding importance. The report of the committee occasions me considerable embarrassment, from the fact that the printed report has just come to my hands, and I have been unable to make any notes upon it.

A number of the sections have been framed for the purpose of preventing fraud upon the ballot, and to preserve the purity of the elective franchise. The principle upon which the Committee on Suffrage acted in all these provisions was to do all that was absolutely and indispensably necessary to accomplish these objects, and no more. They conceived that the preservation of the purity of the ballot-box, and the honest exercise of the right of the elective franchise, lie at the very foundation of our institutions, and that if they be struck down and corrupted by the rogue and villain, we may as well surrender our republican government. Representation will be a failure. We would have misrepresentation, and not representation, and therefore the members of the committee were unanimously of opinion that whatever is necessary to be done must be done, no matter how burdensome and inconvenient to accomplish these objects. Although I should have greatly preferred to have grouped the different sections so as to have spoken upon more than one section at a time, yet, under the circumstances in which I am placed, I shall be compelled to take them up separately, and comment upon them as I proceed.

In the first section occurs the following sentence: "*Provided*, No naturalized citizen shall enjoy the right of an elector until one month shall have elapsed from the time he becomes a citizen." In regard to this portion of the section there was at first a great diversity of opinion in the committee. Various times were named. Six months, four months, three months, two months, and one month were named, and some of the committee opposed to any time whatever.

Quite a number would have voted

against any time rather than have a longer time than one month. But finally the committee almost unanimously agreed upon the section as it has been reported, believing that vigilance will supply the lack of time, and that any evils which may arise can be corrected. Therefore one month was agreed upon almost unanimously in committee. The second section reads: "All elections of the citizens shall be by ballot; the ballots voted may be open or secret, as the electors may prefer, and they shall be numbered by the election officers when received. Each elector shall write his name upon his ballot, or cause it to be written thereon, and attested for him by another elector of the district, who shall not be an election officer." When this proposition was first mooted in committee it had but few advocates. The more it was considered, and the greater the knowledge acquired of the frauds perpetrated in elections, the greater seemed the impossibility of guarding against them in any other possible way than this, and the more convinced the committee were of the necessity of reporting the section as it has.

In the opinion of the committee this section will preserve the secrecy of the ballot to as great an extent as is consistent with the detection of fraud. If the frauds on the ballot-box can be detected in any other manner than is provided for in this section, the committee is not desirous of urging upon the Convention its adoption as a necessity. The great difficulty in the past has been in ascertaining when the ballot-boxes were produced, where and in what manner the frauds had been committed.

It was represented in committee, by those who had facilities for obtaining the information, that instances are known where election officers have been bribed to allow parties to take the ballot-boxes into an adjoining room, change their contents, or rob them of every vote that had been deposited in them. This section proposes, therefore, to place the contents of the ballot-box in such a condition that when opened the officers of the court can have the means of detecting whether any frauds have been perpetrated upon the elective franchise. The committee knew of no way by which this could be done better than by affording a means under which the voter himself could be called before the court, and if he could not write, a means by which an elector of the precinct or district could be called before the

court and easily identify every ballot. The adoption of this section, it is believed, will accomplish this result. Every ballot can be identified by the elector who writes his own name, or by the elector who writes the name of another. There can be no change made in any of the ballots for the purpose of committing a fraud upon the contents of the boxes without prompt means being furnished of detecting the fraud. It was argued in the committee, and it will, no doubt, be argued here, that this will destroy the secrecy of the ballot. It will to some extent, I admit, and although it has been said that the election officers will be able to ascertain the nature of the ballot, I do not know that this necessarily follows, unless the name of the party for whom the vote is cast is taken down by the officers. The number of the ballot will be taken down, and by this and its endorsement it is to be identified.

It is not at all necessary, it seems to me, that the contents of the ballot should be known to the election officers, but if it were, then they could be sworn to secrecy. There is no necessity for the exposure of the ballot until it comes into the court for investigation, and there necessity requires the exposure.

"The Legislature shall enact a uniform law for the registration of electors, but no elector shall be deprived of the right to vote by reason of not being registered."

The CHAIRMAN. Does the Chair understand the gentleman from Centre to desire to go over the whole bill and discuss every section?

Mr. M'ALLISTER. Mr. Chairman: I want to give the reasons which induced the committee to make these changes.

The CHAIRMAN. The Chair has no wish to confine the chairman of the Committee on Suffrage, Election and Representation to the discussion of the first section unless objection is made. If it is the wish of the committee to allow the gentleman from Centre the privilege of discussing the entire report the Chair has no objection.

Mr. HARRY WHITE. Mr. Chairman: Will the gentleman from Centre give way a moment? I think that the chairman of the Committee on Suffrage, Election and Representation should have the privilege of explaining his full report, and I submit to my friend, the gentleman from Delaware, (Mr. Broomall,) that he withdraw his amendment, for the present, for the

purpose of letting the gentleman from Centre proceed.

Mr. BROOMALL. Mr. Chairman: That cannot be done now, but, as I understand the rules, the chairman of any committee has a perfect right to explain his whole report, and go over the whole subject in committee of the whole.

The CHAIRMAN. The Chair will give the gentleman from Centre that privilege unless some gentleman makes objection.

Mr. BROOMALL. Mr. Chairman: I suggest that, by the rules, he is entitled to it anyhow.

Mr. M'ALLISTER. Mr. Chairman: I certainly have no disposition to trespass upon the attention of this Convention.

The CHAIRMAN. The Chair desires the gentleman to understand that the Chair has no desire to stop him at all, and would prefer him to go on. The statement was made to the Chair, by some gentleman on the floor, that the chairman of the Committee on Suffrage, Election and Representation was discussing the whole bill.

Mr. M'ALLISTER. Therefore, Mr. Chairman, I suggested that the amendment be withdrawn, because I saw the embarrassment in which I would be placed by it. I conceived it to be my duty to make these explanations, and therefore felt embarrassed by the position in which the amendment placed me.

The CHAIRMAN. The gentleman from Centre will go on unless he is checked.

Mr. WOODWARD. Mr. Chairman: I desire to ask the gentleman from Centre if the Committee on Suffrage, Election and Representation have considered *viva voce* voting as a means of preventing frauds at elections.

Mr. M'ALLISTER. Mr. Chairman: The Committee considered the question of *viva voce* voting very fully. Indeed, my recollection is that there was no member of the committee who, when the subject was before it, did not share in the discussion of the subject. But there were so many objections raised to it that it was thought inexpedient to report a section incorporating that idea. I do not think it necessary that I should occupy the time of the committee on that subject, as my colleagues can answer any argument of my friend from Philadelphia, (Mr. Woodward,) or any other gentleman who proposes that view.

To return to the subject of the registration of voters. Evils have existed, in times that are past, growing out of our

registration laws. And yet it was deemed essential, indispensable, that a registry should be made of the electors, with the view of affording the citizens of a district an opportunity of inquiring into the places of residence of the proposed electors. The time, as many other things in all these other sections reported by the committee, is left to the Legislature. There is no one thing in our report that does not require legislation. The committee did not consider themselves as codifiers.

They simply establish certain principles to be carried out by the Legislature, by enactment of laws under these requisitions, and all that they required in this was a registration of the voters, with a view of furnishing that information which is indispensable to the detection of frauds at a coming election. But while this registration was thus conceded to be necessary, it was unanimously decided, in committee, that it should not deprive, as in the past it has deprived, men otherwise qualified to vote, of their right to do so, and therefore the above provision.

Then comes the section in reference to the bribing of voters, the giving or offering to give to an elector any money or consideration for his vote, or for its withholding at an election. The section is a little more voluminous than the committee could have desired, and yet it seemed to be necessary that it should be so extended to meet every possible case. It is not necessary that I should go into the verbiage of this section. It may be amended with advantage, but it seemed indispensably necessary to throw this shield around the exercise of the right of suffrage. It was stated in committee, by many members of the committee, that in many counties in the interior of the State the purchasing of votes, in closely contested districts and closely contested counties, has been and is a common practice, and that the price of votes have ranged from five to fifty dollars. Acting upon this information, and upon this basis, the committee reported this section as indispensably necessary to the protection of the the honest voter, disfranchising the perpetrator of the wrong, who, in these words, "shall thereby forfeit the right to vote at such election."

Then came the question, shall he be pardoned by an Executive, whose office was secured, perhaps, by the very fraud? Shall the Executive have the right to pardon? No gentleman on the committee

and no one in this assembly, could pretend that he should. Then should he be forever deprived of the right of suffrage, without the hope of relief, no matter what the circumstances? Here we had two alternatives—leaving to the Executive the pardon of his own accomplices, if you please, or depriving him forever of the right to vote. It seemed to the committee that the provision with which this section concludes would meet that fully, “shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.”

I thought it was a proviso, but I misstated. I beg the pardon of the Convention. That is another section. I was speaking of the proviso in another section—I thought it was in this.

I have a word further to say upon the section under consideration. It was conceded that the right which was forfeited by this section could not be tried at the election board. There was no one could pretend that it should. But where the right is challenged on that ground, it was thought right to put the man who claimed the exercise of that right upon his oath as to the truth or falsity of the cause of challenge. If he swear that the subject matter of the challenge is false, then he votes. No matter how the fact may be, he votes. But he is liable to the pains and penalties of perjury in a future prosecution if he swear falsely. It leaves him in hands of the law, but his right to vote shall not be further inquired into at that poll. This seemed to the committee to be right.

“Every person convicted of any fraudulent violation of the election laws shall be deprived of the right of suffrage, but such right, in any particular case, may be restored by an act of the Legislature, two-thirds of each House consenting thereto.” This is the provision to which I alluded in mistake. It was thought, for the reasons that I have given, and I will not repeat them, that this was the best disposition to be made with reference to pardon. That it should first be an act of the Legislature, requiring the assent of the Governor, and that it should also require two-thirds of each House before the pardons could be granted. It would not place the fraudulent voter, whether guilty or innocent, beyond the hope of relief, but it would place

him in a situation in which he would not be likely to obtain a pardon improperly.

Then, as to withholding testimony: “In cases of contested elections no person shall be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy, but such testimony shall not afterward be used against him in any judicial proceedings.” It was thought that the nature of this crime and its character, as striking at the very life of our institutions, at that which we hold most dear, at that on which all our institutions depend, justify the people in requiring a voter to tell what he knew about frauds at an election. And therefore it was that we compel all who participate in these frauds to testify. Now it was said, and it will be said, that you cannot depend upon the testimony of men who are guilty of these crimes. I admit that those who purchase votes at the election polls, to turn a doubtful contest and secure a victory in a doubtful district, cannot be depended upon. But the masses who come in from the country round can be. We had evidence that twenty five farmers come in at one election poll, and take compensation for their votes at an election held in the last year, and these men would not swear to a lie. They were induced thus to act under the belief that they might just as well make some money out of this thing as anybody else. Without reflecting on the enormity of the crime they come in and take the money, but if called up to testify in an investigation of the fraud, they would still testify to the truth, if relieved from the pressure brought to bear upon them by those who seduced them from the path of virtue, and who now come to them and say, “if you testify, if you open your mouth upon this subject, you will be in prison within an hour, and in the penitentiary before a year.”

It is this threat thus made to the man who has been seduced that prevents the detection and punishment of these frauds, and by removing the penalty, by taking this instrument out of the hands of the villain, will secure his conviction and his punishment, and prevent the frauds so common upon the elective franchise.

I will now refer to the provision relating to the election of managers and directors of incorporated companies—private corporations.

Although there were differences of opinion in reference to this mode of election, the free vote in its application to general elections, there was no difference in the

committee in reference to its application to private corporations. There are great evils to be remedied in these corporations, whether banks or railroads, or any other corporations. The securing of a mere majority of the stock at present enables the majority to rule the minority of the stockholders with an iron hand, and in any of these corporations, whether solvent or insolvent, the custom of certain individuals, including the officers, for they are always the creatures of the majority of the stockholders, the practice has been to secure a mere majority of the stock, and securing that, to secure all the directors, and then to govern the institution and to do it absolutely and to the injury of the minority of the stockholders. This was felt to be a great evil. It was so felt in Illinois prior to the adoption of her Constitution, and therefore she put in this provision, which is said to have worked well there. This section is copied from the Illinois Constitution upon this subject. It merely enables the minority of the stockholders to secure a representation for themselves by cumulating their votes, and casting them for just as many directors or managers as they can elect.

Under the present system they are compelled to cast their votes for so many that they can elect none.

All that is provided for by this provision is that unjust requisition shall be removed; that every stockholder shall be allowed to cumulate his votes and cast them all for one, or cast them all for two, or cast them all for any number that can be elected by those who act with him. There will always be a minority in the board, but the views of the minority will be heard then and there. If there be frauds perpetrated by the officers, or if there be frauds connived at by the managers of the road, the representatives of the minority may be cognizant of it. It cannot be done without their knowing it. Now it can be done without their knowledge. What can a stockholder, who has not participated in the election of directors, who has been cut off from being heard at all, who has no representation, what can he know of the transactions of the board of directors? Nothing at all. But if you give to the minority the power of electing an epitome of themselves, men who will represent them, then they will be heard; they will have a voice in the board, and they will have means which they do not now have.

It was for these reasons that this just provision commended itself to every mem-

ber of the committee who was present at the time, and when the question was voted upon the committee was full or nearly so. I believe a minority report has been made in reference to this by one member who was not present when this matter was discussed.

The next and last section, Mr. Chairman, is for the relief of cities, and especially for the relief of the city of Philadelphia, for it was not urged for any other city. There was an indisposition in the committee to countenance or connive at any local laws. It was thought best that we should have general laws, and therefore this provision.

"Wards of cities or boroughs, and townships, shall form or be divided into election districts of compact and contiguous territory, in such manner as the courts of common pleas of the city or county in which the same are located may direct. *Provided*, That all districts in cities of over one hundred thousand inhabitants shall be divided by the courts of common pleas of said city, whenever the preceding election shows the polling of more than two hundred votes."

"Shall be divided by the courts of common pleas." The gentlemen who represented Philadelphia in the committee unanimously agree that this power could be well deposited in the courts of common pleas, and they doubted the expediency of placing it anywhere else. They insisted upon the requisition that the polling of two hundred votes shall require a division of the precinct, in order to bring the precinct into such limited bounds that they can be enabled to guard against and detect fraud upon the elective franchise. Indeed, it was insisted by one gentleman in the committee, who represented Philadelphia, that instead of two hundred it should have been one hundred, and that one hundred was necessary to secure the result at which we all aimed; but upon further consideration he agreed to make it two hundred. But this would not do for the country. Our election districts in the country are generally townships, and frequently poll four or five hundred votes, and therefore, to make the provision uniform, it was left at the discretion of the courts, on the application of citizens whose interests were to be affected by it.

I have thus summarily gone over the report, not as I desired, not as I should have done if time had been afforded me for collating the sections, and concentrating my remarks upon certain defects.

The consideration of this report at this time was unexpected to me, because I knew that it had not been printed. I supposed that no member of the Convention would call it up and urge it on until the members had had an opportunity of reading and comparing the sections reported, each one of which bears upon another. Of the provisions to protect the ballot box and guard against fraud, no single one will reach the evil, or prevent the fraud. We hope that, taken together, and taken in connection with sections that this committee hope yet to report, the desired end can be accomplished.

Mr. CAMPBELL. Mr. Chairman: Before the chairman rose to explain the different sections of this report, I made a suggestion that we postpone action upon this first section until we had the report of the minority of the committee upon the question of striking out the word "male."

If it is the sense of the Convention now I move that the committee rise, report progress and ask leave to sit again.

The motion was not agreed to.

Mr. CAMPBELL. Then I do not wish to-day to enter into a discussion of the single question now before the Convention to strike out the word "male" from this section. I wish to have the consideration of the matter postponed in an informal way, if the committee so desire, until to-morrow, and that the debate shall continue upon the remaining parts of this section, so that it will not be brought to a vote to-day, upon striking out this word "male." We desire to have a fuller meeting of this committee, and as there will be a number of gentlemen who will desire to address the committee on this subject, we would prefer to have the discussion come up to-morrow, when we shall have a fuller attendance. We shall then be ready to proceed. If now in order, I shall proceed to the discussion of some of the other points of this section.

The CHAIRMAN. The first section?

Mr. CAMPBELL. Yes, sir. Is it in order now to proceed to the discussion of some of the other points of that section?

The CHAIRMAN. Certainly; the first section can be discussed fully; any portion of it.

Mr. BROOMALL. I would suggest to the gentleman that every part of the first section is before the committee. There are several questions in it that will require discussion to-day. I would accommodate the gentleman by the withdrawal of my amendment if it could be done, or could

do any good, but according to the rules, as I understand them, it cannot be done; and besides that it is not in his way.

The CHAIRMAN. The Chair has so intimated to the gentleman.

Mr. CAMPBELL. That will answer my purpose just as well. Several of us in the committee were of the opinion that a two months' residence qualification of an elector in the immediate election precinct was too long. The committee finally agreed to report the time of two months. Some of us, myself at any rate, intended, in the committee of the whole, and I shall do so as soon as it is in order, to move an amendment, to make that one month instead of two. My reasons for that are these: There is another section of the report that provides for very small election precincts in cities of large population, election precincts containing two hundred electors, and when an election shows that over two hundred votes have been polled in an election precinct, it shall be the duty of the proper authorities to sub-divide that precinct. If a provision of this kind is adopted, making the immediate election districts very small, there is no necessity for the requirement of two months' residence in that precinct. The object of a qualification as to residence at all is for the purpose of identifying the voters who present themselves at the polls of the district and ask to vote.

Now if there are small election precincts provided for, as I hope there will be, two months' residence will be too long, because it is, in the first place, unnecessary, the provision requiring small precincts allowing every voter in the precinct to be identified either by the election officers or by some other elector in the precinct. I am willing that a residence qualification of some kind should be adopted, but I think that going beyond one month is entirely unnecessary, and is too great a restriction upon the rights of electors, and especially upon the rights of poor men. It is a well known fact that in large cities, and especially in Philadelphia, with which I am more especially familiar, there are numbers of poor men continually removing from one precinct to another, and as we have in Philadelphia no specific time of the year, as they have in some sections of the State, in which removals will take place, the consequence is that poor men are compelled to move in every month of the year. They are frequently compelled to move a short time previous to the election, and out of

the utmost necessity. Sometimes a poor man will have to work in a certain section of the city, engaged there, perhaps, in a manufactory of some sort, and will require his residence to be changed, perhaps, but a few weeks before the day of election; by an absolute necessity of life he is compelled to remove to some other section of the city, in order that his residence may be near some other manufactory in which he has obtained work. Such men are not counted by the dozens or scores but by the hundreds and thousands, and they are moving in every month in the year. Therefore, I take it that if you have a residence qualification of too great a length of time, as two months will prove to be for that class of persons, you practically disfranchise a very large number of people of the city of Philadelphia, and of other cities. I say you practically disfranchise them, you absolutely deprive them of the right to vote, just because they are so poor and so unfortunate that they are forced to change their places of dwelling within two months of election day. To use a familiar example, taking the election precincts of Philadelphia, we find that at every election, even with the ten days' qualification, you find numbers of poor men and others are practically disfranchised, because they have been compelled to remove their residence within the prescribed ten days. With our old Constitution I hold that it was right to require some short residence qualification for a voter; and that there should be a very few disfranchised, as few as it was possible to be so, consistent with the good of the whole community. But the moment you get beyond the ten days, or the month—I am willing to accept a month—the wrong is extended to a large number. You are disfranchising, under the old Constitution, only the few that move within the ten days; but if you extend the time beyond a month, or up to two, three or six months, as some gentlemen favor, you disfranchise a large number of citizens whom you have no right to disfranchise. We have to look not only to the purification of the elections but to see that we do not disfranchise a large number of men who are so poor that they cannot live in one place for a long time.

I say it is not fair nor just. We must not look to the convenience merely of the rich people of the community, or the people who have fixed residences, and those who remain for years in the same district, for years in the same house. We

must look to the rights of the poorest class of the people, who are really the greatest number of the people. The point to be attained is to identify the voters at the several precincts, and to prevent the frauds of colonization, false personations, voting of repeaters, &c., of which we so loudly complain, and which are the crying evils of these times. But identification of the voter can be accomplished, not so much by the fixing of a time of residence, but more successfully and more perfectly by having small election precincts, bringing every voter down, as it were, to the acquaintanceship of his neighbors. If you have small election precincts, what will be the effect? A man comes up to vote; the election officers are there; some citizens of the precinct are around the polls; and it will not be one case in a thousand where the voter will not be personally known to somebody there.

Therefore I hope that, when the vote comes to be taken on this question, the committee will consider the serious matter of the disfranchisement of this large class of persons of whom I have spoken, and that the time will not be fixed at more than one month. This committee should take into consideration whether the real practical way of getting at and preventing the frauds that are now perpetrated would not be to have small election precincts, with a limited time of residence—not too long to work injustice, but long enough to take away the restrictions from honest voting—abolishing all unjust registry laws, and other laws that, practically, disfranchise a great many of the people.

I will not speak further to-day on the subject of this section. I have some further remarks to make about the proviso to the section, and I wish also to be heard upon the question of striking out the word "male," for which I am in favor. As I have stated I presented a minority report favoring that idea, signed by three members of the committee. I wish, and they all probably wish, as a number of other gentlemen doubtless wish, to be heard on the subject, and I would wish, therefore, that the vote be not taken on this subject until to-morrow.

Mr. SIMPSON. Mr. Chairman: The immediate proposition before the committee is to strike out the word "male" in the section as it has been reported by the Committee on Suffrage. I propose to vote against this amendment, and before doing

so I desire to give the reasons why I shall so vote. I am entirely willing that this question shall be submitted to the vote of the people, in order to determine whether this word shall remain in or be stricken from the article of suffrage in the Constitution, before it becomes the organic law of the State, but as a representative upon this floor, I cannot, and will not vote to submit a Constitution to them without the word "male," or its equivalent, in its suffrage article, thus giving the right of suffrage to all classes of citizens, irrespective of sex. It has been claimed by very many distinguished gentlemen that the right to vote is an absolute right belonging to a freeman, and it is just at this point that I desire to take issue with them. I hold, although it may seem singular, that no man has an inalienable right to vote because he lives in a free country, here or elsewhere. It does not belong to him of right. It is simply a privilege conferred upon the voter by the organic law of the State, or by the supreme power for the purpose of securing the best interests of the whole number.

The supreme power of the State decides that certain persons only shall vote, and at the same time prescribes certain qualifications of age, mental or educational capacity. If the word "male" is stricken out of the section, it will read that every citizen of the United States, without regard to sex, shall have the right to vote if they come within the remaining provisions of the section, and to that I am opposed. I am opposed to it because I believe it would be impracticable. In addition to the opinion expressed by the chairman of the committee that originated this article, when he addressed the committee and spoke of the danger of bringing discord into households by the adoption of such a provision in the Constitution there are other reasons why I shall vote against the pending proposition. I consider that very many intelligent and high-toned women in the State claim the right and desire to exercise the right of suffrage. I fear that if the right of the elective franchise was conferred upon the women of the State that it would be exercised mainly by the degraded, the vicious and the corrupt. The women who cared nothing for their characters would be the ones to rush to the polls, while the refined women of households, the mothers of families, would remain at home and permit the election to go by default. One of the principle objectionable features that exists now in the

exercise of this right is the fact that very many of our best citizens, who have the right to vote, refrain from attending the elections, and bad men are constantly elected to office in consequence of their neglect in the performance of this duty. If the election returns of our Commonwealth, for a series of years, are examined, it will be found from the changes in the number of votes cast at various elections that in the very nature of things there must be a very large proportion of the citizens of the Commonwealth who scarcely ever attempt to vote. A very large percentage, I suppose I may say from twenty-five to thirty per cent., and yet these very citizens who fail to attend the elections are the first to complain of the nomination and election of bad men to office. If a bad man is nominated and elected *they* are the first to raise their voices in indignation, but yet they are the men who bring about this very result by failing to attend the primary elections in the first place, and the general elections when improper candidates are placed in office.

Is it to be presumed that if the right of suffrage was extended to entire families of our citizens it would have the effect of bringing any greater proportion of voters to the polls during times of election than is now the case? I think not, and I fear that instead of securing good results to the body politic, the extension of the right of suffrage would only add more corruption to that already in existence. It would only increase the number of those who do not exercise the right to vote intelligently. I feel convinced that every member upon this floor must admit that there is truth and some degree of force in these views. I am entirely willing, as I have said, to submit this distinct question to the people, but I shall vote against striking out the word "male" in the section reported by the committee. If the citizens of this State are in favor of woman suffrage they can so decide, by their votes, when this independent question is submitted to them; but if they are opposed to this extension of the right of the elective franchise, I submit that it ought not to be imposed upon them, and if submitted as a part of the Constitution, might result in the rejection of the entire instrument.

MR. HARRY WHITE. Mr. Chairman: I move to amend the first section, by striking out the word "male," in the first line, and inserting the word "freeman."

Mr. Chairman, I desire merely to call the attention of the committee to the fact that this amendment will relieve the Convention from the necessity of voting directly on the proposition to strike out the word "male," and supplants the expression used by the committee in their report by the exact word used by the framers of the Constitution of 1837. I prefer the expression in the old Constitution myself. I do not desire to enter into an argument upon this subject. I have no special argument to make. It seems to me quite proper to avoid, if possible, insulting unnecessarily the very large and respectable portion of the community who have addressed this Convention in behalf of female suffrage. I do not care to express my views upon this subject at this time, but it seems to me that the insertion of of the word "male" in the section at this time is a direct fling at this intelligent portion of our citizens. We can relieve ourselves, I think, from any charge of a want of respect in this connection by adopting, in lieu of that expression, the precise expression which was used in the old Constitution of 1837, and the Constitution of the United States. Therefore I am in favor of the word "freeman," instead of the word "male."

Mr. MANTOR. Mr. Chairman: I have listened, with much interest, to the remarks of the honorable chairman (Mr. M'Allister) of the Committee on Suffrage, Election and Representation; also to the remarks of the gentleman from Philadelphia (Mr. Simpson.) I must confess while I find many things to approve in this report, I feel it due to a certain class in this Commonwealth, that they shall have a fair hearing before this Convention, and before that tribunal which will sit in judgment on the work we are doing here. Difficulties formerly existed in framing or altering Constitutions with regard to the word "white." This is particularly true of almost all the northern and western States, but that difficulty was removed by a proclamation of the President of the United States, and the war power of the Government.

Now, Mr. Chairman, as the result of the war and the emancipation proclamation, every male citizen of this country has the right to vote, for in every State the word "white" has been stricken from the Constitution, and there remains now the other word "male" in this report, which has, to-day, for the first time, come before the Convention for discussion in this report.

I cannot believe that the granting of all the privileges of suffrage to the members of families, without respect to sex, in this broad land, will produce the result which has been predicted upon this floor.

I did not propose, in rising, to discuss this question. I am perfectly willing to vote upon the proposition as it has been presented by the committee; but when the time arrives I shall exercise my right to express my sentiments fearlessly in regard to this question. I intend at that time to advocate the submission of this question of female suffrage in a separate proposition to the people of this Commonwealth, in order that they may themselves determine to whom *this right* of the elective franchise shall be extended, for I believe in the people, and can trust in their intelligence to make all things right in the end.

Mr. MACCONNELL. Mr. Chairman: I was heartily in favor of this section of the article reported by the Committee on Suffrage, as it stood before the amendment was proposed by the gentleman from Indiana (Mr. Harry White.) I think his amendment is an excellent suggestion, and I shall vote for the section without any reference whatever to the question of female suffrage.

I shall vote for submitting the question of female suffrage as a separate proposition, if it is untrammelled with anything else, either to the voters who have the right to vote under our present Constitution, if it so pleases the Convention, or to them and the females who are over the age of twenty-one, and who are citizens of the United States, and have resided within this State the time required by the present Constitution. I would do that, if for nothing else, to quiet the agitation on the subject. It has been agitated for years, and it is being agitated more and more every year. It will have to be met some time. If we do not meet it, it will have to be met within a very few years by some other body. I would meet it in the way I have expressed. I would send it to the people, and if they want female suffrage I would allow them to say so. I would be satisfied with either. At the same time I am free to say that if it is submitted to us in Convention for a direct vote, I shall vote in favor of the females having the right of suffrage.

I would do so for a good many reasons that I could state, but which I will not recite now. I have never been able to see the consistency, Mr. Chairman, of al-

lowing an Irishman or an Englishman to come to this country, it may be out of the poor-house, the alms-house, the jail or the penitentiary, if they have penitentiaries over there, and when he has been here five years get naturalized, go to the polls and vote. But if Queen Victoria were to come here, get naturalized, and go to an election and offer to vote, she would be hurried away. This may be right, it may be consistent, it may be reasonable, but I confess I cannot see it. I would believe that if Queen Victoria has capacity enough to govern the British Empire, there would not be much danger in allowing her, if she would come to this country, renounce her allegiance to her own government and swear allegiance to this country, the same right of suffrage that we give to one of her male subjects. May be I am mistaken, but that is the way I look at it.

Some of the ablest monarchs that ever ruled in Europe have been women. Elizabeth, of England, Catharine, of Russia, and Maria Theresa were rulers of great ability and acknowledged power, whose countries prospered under their guidance. If women have capacity sufficient to govern huge empires, and to govern them well, I would say that they are fit to vote at a township election. That is the way it strikes me, and therefore I say if it is the will of this Convention to submit the question as to whether females shall vote at elections, I shall vote for it, because you know we are all sovereigns in this part of the world, and all stand on an equality with the monarchs of Europe, so that the females, as I take it, stand on a level with the female monarchs there. If you apply the same argument here that is applied to them there I think that we will run no risk about degrading the morals of the females who would like to vote at elections. There has been a great deal said on the subject of womanly degradation as the result of participation in elections, but I see no force in the suggestion. I have never seen anything about elections in our part of the State that would utterly corrupt or degrade females who would desire to participate in them. It may be that my observation has been narrow, that it has been one-sided, or that it has not been sufficient to enable me to form a correct judgment, but that is the way the proposition looks to me.

I could offer other reasons in support of female suffrage, and in fact could extend my remarks in regard to this matter al-

most indefinitely. But I shall not do it; I do not think it is necessary. I merely rose to explain the vote that I shall give, and to state some of the reasons that move me to give that vote.

MR. MANN. Mr. Chairman: I had not intended to take any part in this discussion, designing simply to vote without any comments whatever, trusting to my general course in this Convention to explain my vote upon this subject, but the debate has so shaped itself that I desire to make a few remarks at this juncture.

I propose to vote for this section as it stands, not because I approve of it entirely, but because it has received the consideration of an important committee of this body, a committee of various shades of opinion. They have agreed to it, and we shall have to agree to some section of this kind. I have no doubt that we are as well represented in that committee as we can be, and I am willing to accept their report; but I am not willing to take it for the reasons which the chairman of that committee, the gentleman from Centre, (Mr. M'Allister,) has this morning given in its favor. When I listened to him I thought of the advice given by an old counsellor at law to a young student in his office who was about to leave. Said the counsellor to him: "I want now to give you a little additional piece of advice that I have not given you in the course of your studies. Very likely you will be so fortunate as to be appointed to a position upon the bench before a great many years, and I want to urge upon you this point: Never give any reasons for your decisions, for while I think your decisions will be generally right, I am very much afraid that the reasons you would give for them would be very frequently wrong." [Laughter.] Now I accept the decision which the chairman of the Committee on Suffrage, Election and Representation has made in giving this section to us, but I dissent entirely from the reasons he has presented for so doing. His decision is right, but I think his reasons are decidedly wrong.

I shall vote against the amendment and against the amendment to the amendment, and to retain this word "male" as it stands. While I am myself in favor of extending to all persons in the Commonwealth, of equal character and conditions, the right of suffrage, and always have been, I understand that my duty here is not to vote my own personal convictions into the Constitution of Pennsylvania, but

to represent, so far as I can, what I believe to be the sentiments of the people. I have opposed some other provisions reported here by committees, because I believed they did not do that. They did not put into the sections which they reported the convictions of the people, but put in their own, and they asked us to vote upon our own personal convictions rather than to represent the people. Now I believe that the people of Pennsylvania have asked for no change in this respect, and that they do ask for the precise language of this part of the section under consideration. The committee have fairly and properly reflected the sentiment of the people of Pennsylvania in the opening words of this first section: "Every male citizen of the United States," &c., and because they have reflected the wish of the people, as I understand it, I will vote for the section, although my own personal convictions are that it is wrong, and that no man can give a good reason why he should have the right to vote and at the same time exclude his equal associate, who happens to be a woman, from the same right.

I have never heard a good reason given for this distinction, but I think, Mr. Chairman, that some of those given this morning are the poorest I ever listened to. One was because of the long trains to their dresses. Why, sir, we do not think that a trailing dress unfits woman for many other duties which, it seems to me, are quite as difficult to perform as the act of voting. It has been said that they will have to change their entire costume. If there is any force in that objection, if that statement has any weight in it whatever, I am unable to see it. Just as if trains qualified or disqualified anybody from discharging this duty! It is said that every male is to have the right to vote, and that it is a disgraceful condition to say that he shall be required to pay a tax to the Commonwealth. Yet a woman is to be excluded from voting simply because her dress does not happen to suit the taste of gentlemen. I saw, a few nights ago, in the Academy of Music, about eight hundred of these trains that the gentleman from Centre (Mr. McAllister) says could not get to an election window without fifteen men tramping on each one—I saw eight hundred of them on the floor at the same time, with eight hundred partners, going gracefully through the many changes of the witching dance. It seemed to me that they covered the

entire floor, but they somehow managed to keep step to the music, for two or three hours, with these trains, and I heard of no accident. [Laughter.] If they can go through such miracles as that seemed to me to be, with no accident occurring, surely they could go safely to the polls and vote. There is absolutely nothing in that reason. It is unworthy of being put forth as an argument.

It was simply because of the reasons given for excluding them from the exercise of the right of suffrage that I rose to make these remarks. Being upon the floor I have another word or two to say upon this subject. I shall vote for this provision, as it stands, for the same reason that I voted against other reports of committees that were made heretofore; for the same reason that I voted against fixing a uniform day for holding the spring elections. I confidently assert the people did not ask for any such change as that, and it ought not to have been put in the Constitution. So the people did not ask to have the right of suffrage extended to women, and therefore that should not go into the Constitution. The people did not ask for it, and it is our business to reform only such existing evils as the people have demanded, and to allow the present Constitution to remain as it is when there is no call for a change. In my opinion this Convention has committed a blunder in departing from that rule of action, and I was very glad, the other day, to see some disposition to return to it in the question in relation to the salaries of the members of the Legislature.

The delegates returned to common sense upon that question, and struck out the section as reported by the Committee on Legislature, because it was a departure from the rule that I have laid down that we ought to follow. The Committee on Suffrage, in the section now being discussed, have made a change in the present Constitution, in taking away the adjective "heretofore" preceding the word male, in compliance with the demand of public sentiment of the State. They have made another change in regard to the question of taxes. It is doubtful whether such change was called for or not, but it is not a matter of very great importance. Hence I will vote for the section. I am opposed to the suggestions made by the gentleman from Philadelphia, (Mr. Campbell,) in relation to the question of residence, and in favor of allowing this section to stand as it is, allowing a residence

of two months; for I assert that out of this question of residence, as it has stood in the Constitution heretofore, there has been great opportunity for fraud, and I believe great frauds have been perpetrated, simply because of laxity we have had in regard to residence. And the desire of the gentleman to strike out this provision, and make it one month instead of two, is going back to the old way; is, to that extent, preparing the way for frauds in the future as they have been in the past.

The section ought, undoubtedly, to be consistent. The proviso with regard to waiting a month after an individual has become naturalized, before he shall be permitted to vote, ought to be *two months*. The reason for *two months* in that case is just as strong as requiring two months' residence in the district from a native born citizen. I am astonished at the inconsistency of the section. The citizen native to the soil of Pennsylvania, and of America, if he changes his residence, must remain two months in the district before exercising the right to vote; but the man who comes here from a foreign country, and who becomes naturalized, may cast his vote in *one month* after getting his naturalization papers.

Mr. M'ALLISTER. Two months' residence is required.

Mr. MANN. Not after naturalization. It says: "No naturalized citizen shall have the right to vote until after one month," &c. I say it should be two months. And then again, as I believe is one of the most prolific sources of fraud. One month does not remove it sufficiently from the excitement of the election to guard against fraud or incentives to fraud, while two months do. It does seem to me that to be consistent and harmonious, this word in the last portion of the section ought to be changed to "two," so as to make it two months; but, as I said in the first place, notwithstanding that it does not represent my ideas, I will take the section as reported, and vote against all material changes, for the reason that it has received the endorsement of the Committee on Suffrage—a very able committee—and because, also, the changes I refer to are not very material, and because I believe the section fairly reflects the wishes of the people.

Mr. GOWEN. Mr Chairman: I had hardly thought the subject now before this Convention of sufficient dignity and importance as to warrant a long debate upon it. I am opposed to the amendment of

the gentleman from Indiana, (Mr. Harry White,) for the simple reason that it will leave us in a very embarrassing condition upon the question of whether a woman is a "freeman" or not. The only authority I know on that subject is that of the old nursery rhyme:

"Adam was the first man,
Eve was the other,
Cain was a wicked man
Because he killed his brother."

If that is any authority, and a woman should be considered a "freeman," it will therefore follow that the amendment to the amendment, suggested by the gentleman from Indiana, would admit the right of woman suffrage, to which I, for one, am very decidedly opposed, as indeed I am no less decidedly opposed to leaving the question in doubt. Therefore I shall oppose the amendment to the amendments and the amendment itself, and shall vote for retaining the word "male" in the section, as reported by the committee.

Mr. W. H. SMITH. Mr. Chairman: I shall vote for this section as it stands, and shall oppose the amendment and the amendment to the amendment. I am very glad to be able to do so. But I am absolutely pained, and as much astonished as pained, to find that this startling innovation, this pernicious heresy of woman suffrage, should find any one to propose it, even by an indirect method, in this Convention. It is to me, I repeat, a distressing fact that any one should be found in this Convention so insensible to what I consider its true dignity, as to advocate this proposition. I would sincerely, solemnly protest against it with all the force and earnestness that I can command, and would ask the aid of all thoughtful people in opposing it.

"Order is Heaven's first law, and this confessed,
Some are, and must be, greater than the rest."

But how can you maintain order if you have two heads in every family? Yet if you allow this wicked vagary of woman suffrage, the family, which has been the basis and the support of all government that the world has ever had, would be utterly destroyed. As it is, we all know that, in the name of Heaven, there are sufficient causes of disagreement in every family, and especially between the heads of it. Differences in religious views, differences in views of the management of children, differences about the uses of money, about the style of dress and the scale of expenses, differences about the

merits of the relatives of the respective parties—but there is no use to extend the list it is as long as the list of human calamities.

It is now proposed to supplement this list with the grandest scheme of dissension that ever entered into the reckless, wicked conceit of any man or any woman. If the right of suffrage be given to women then contention would no longer be confined to limited stages, but the whole country—every household—would or might be the scene of everlasting quarrels. Shall we, in this grave body, think of letting loose and entailing upon our Commonwealth such a calamity as this would be? It is not fair, perhaps, to infer the value of any cause from the conduct of any number less than a majority of those who may maintain it; but if it were allowable to say: "Show me the most prominent of those who support your cause and who are to reap all its benefits, and I will tell you what sort of a cause you have." If you look at the Woodhull and the Claflin women of New York, and think of their lives, conduct and conversation, and consider the crowning and atrocious scandal which marked their last public demonstration, and if you would reflect that these wretched women have been among the most, if not the most, active in this worse than idle business, you must conclude that a project which delights in such advocates cannot be good, but, on the contrary, must be as bad and as dangerous as any thing can possibly be. I trust that after the vote to-day we shall have no more of this project. I trust that this and kindred crotchets shall not hereafter take up the time of this Convention; and I trust that the great indulgence to this crotchet, of submitting this project to a vote of the people, will not be entertained for a moment.

Mr. M'MURRAY. Mr. Chairman: I desire to say just a few words on this subject of woman suffrage, and I will preface by stating that I shall vote for the section as reported by the committee. The gentleman from Delaware (Mr. Broomall) says he is in favor of female suffrage because his mother was a woman. I am opposed to it because my mother was a woman, and further, because my wife is a woman.

I think this question was settled a great while ago. When God made Adam and Eve he settled this question, because He created them male and female. I believe there is a fitness in things; and I believe

that fact finds its application here. That is probably all I need say on the subject.

I am in favor, as I have said, of the report of the committee just as it stands. I will say this, however, that I will vote to submit a separate proposition to the people on this question, as to whether females shall enjoy the right of suffrage or not, not because I am unprepared to meet that question now and here, but because there are a great many persons whose judgment and opinions I respect, who are earnestly asking that this privilege be accorded to females. For this reason I am willing to submit it to a vote of the people, trusting, and believing as I do, that the people will vote down any such proposition by an overwhelming majority. I believe it would be wrong, and produce discord, and heartburnings, and dissensions, and that a vast amount of trouble would follow any such change as that in our organic law. Yet I want to deal fairly with all classes of persons, and give the people an opportunity of expressing their views on this subject. But, Mr. Chairman, did I believe that the people would, by any means, ratify such a proposition as this, I say here, frankly, that I would vote against submitting it to them, not because I am opposed to the majority ruling, but because I would then take the responsibility upon myself of settling this question.

Mr. GIBSON. Mr. Chairman: I rise to say a few words on this topic—merely that I will support the amendment of the gentleman from Indiana, (Mr. Harry White,) and I trust this Convention will do so, because it relieves the Convention of a very embarrassing question, and prevents them from being called on to perform the discourteous act of inserting the word "male" in the Constitution. It seems to be understood by some gentlemen whom I have heard speak around me, that this word *male* had been in the old Constitution. By reference to the old Constitution this will be found to be an error, for the words used there are "every white freeman." The word "white" has been stricken out, but the word "freeman" is now asked by the gentleman from Indiana (Mr. Harry White) to be left as it was in the old Constitution. There can be no question in regard to its meaning. It has been in the old Constitution, and nobody ever raised the question of females voting under it. And, if I am not mistaken, it has received judicial interpretation and decision. It means

the word "male." Why, then, put the word "male" in the Constitution, when the word "freeman" is just as expressive, and has always been there. The word "freeman" has, indeed, some advantages that the word "male" has not. A man in prison, for instance, is not a freeman; a minor is not a freeman. I think this whole question will be relieved of embarrassment, by the insertion of the word "freeman," and if any question arises upon it afterwards, let that be decided by the people themselves. I am in favor of the resolution of the gentleman from Indiana, (Mr. Harry White,) leaving the Constitution as it always has been.

Mr. DALLAS. Mr. Chairman: I understand this is a subject that has been duly canvassed in the county of Montgomery, and the Convention would therefore be glad to hear from the distinguished delegate from that county, (Mr. Boyd,) who, like "little Jack Horner," sits in the corner.

Mr. BOYD. Mr. Chairman: This is evidently a very grave and momentous question, and as it is probable that there are eight or ten gentlemen in this Convention that are in favor of female suffrage, and in order to make an interesting debate and keep the thing going, I had about made up my mind to make some remarks upon it, and then vote against it. But at this time I cannot do the subject justice for lack of inspiration. There is not nearly enough of the gentle sex in the gallery to inspire me. [Laughter.] I would, therefore, like to have the matter postponed—say until we have good weather; and I would make the further recommendation that we set apart our evenings for the purposes of this special discussion, for then, I do not doubt, we would have a much better audience of the character I desire when I speak on it. When the audience and the inspiration do come, we can all speak feelingly on the subject.

Mr. BROOMALL. I appreciate the argument of the gentleman from Montgomery, but I do not propose to postpone this subject, either on account of the audience or the weather.

I had two reasons for not desiring to be heard on this question to-day. One was that I am not in good health to-day; another is that I look upon it that the gentleman who addressed the Convention on the other side of the house, (Mr. Mann,) in answer to the chairman of the commit-

tee, put the matter right, when he said there is no reason that can be alleged why *he* should vote and his sister, mother or wife should not. Conceding that point, I desire to hear some reason—to hear the *affirmative*, because it is for those who set out, by reason, against natural right, to take the affirmative of the question; and when my right to self-government is denied, I take it that I have nothing to say until somebody has shown good reason why it should be denied to me. I contend that every human being in the community has a right to put his and herself upon exactly that ground, and to ask by what right or reason he or she should not have an equal voice in the making of the laws. That is why I prefer to hear some argument from the other side; and when the gentleman, whom I have before referred to, (Mr. Mann,) confessed that there is none; when the arguments of the chairman of the committee are confessed, by his friends, to be, what they are, utterly groundless; when the gentleman to my right (Mr. M'Murray) puts his reason for not desiring woman suffrage, upon the ground that his wife is a woman, and might vote against his will, thereby, probably, exercising better judgment than he does upon a question; when arguments like these, and only these, are brought forward in opposition to an undeniable natural right, I have reason to conclude that these are all that can be urged against it.

But, Mr. Chairman, I observe the gentleman from Erie (Mr. Walker) rising. If he desires to move that the committee now rise, I will give way to him for that purpose.

Mr. WALKER. I move that the committee do now rise, report progress, and ask leave to sit again, which was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed me to report progress and ask leave to sit again. Leave was granted.

COPIES OF PROPOSED AMENDMENTS.

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

Resolved, That three hundred copies of the proposed text of the Constitution, as reported by any of the standing committees, shall be printed in the form of legislative bills, for the use of the Convention,

for the purpose of consideration and amendment; and that the resolution adopted by the Convention on the fifteenth of January, relative to the number of said texts to be printed, is hereby rescinded.

Mr. KAINE. The number of copies of texts now printed is not more than one

hundred and fifty, and it is not more than half enough.

Mr. STANTON moved that the Convention do now adjourn, which was agreed to.

So at one o'clock and fifty-two minutes the Convention adjourned to to-morrow morning at eleven o'clock.

THIRTY-FOURTH DAY

TUESDAY, February 4, 1873.

The Convention met at eleven o'clock A. M., Mr. Walker presiding.

USE OF THE HALL.

The PRESIDENT laid before the Convention the following communication:

HON. WM. M. MEREDITH :

President Constitutional Convention :

DEAR SIR :—At the earnest solicitation of the officers of the Pittsburg woman suffrage association, Bishop Simpson of the Methodist Episcopal church has consented to deliver an address to such members of the Convention as may attend, on the subject of granting to woman the elective franchise. We therefore ask your honorable body the use of the Convention hall, on next Friday evening, for the purpose of giving him a hearing.

MATILDA HINDMAN,
President.

Mrs. J. HERON FOSTER,
Vice President.

Mr. J. W. F. WHITE. Mr. President: I move that the use of the hall be granted on next Friday evening for the purpose desired.

On agreeing to this motion, a division was called, resulting fifty-five in the affirmative, seventeen in the negative. So the motion was agreed to.

WOMAN SUFFRAGE.

Mr. M'CONNELL presented a petition from Citizens of Allegheny county in favor of female suffrage, which was referred to the Committee on Suffrage, Election and Representation.

ELECTION FRAUDS.

Mr. J. PRICE WETHERILL presented a memorial of the citizens' reform association of Philadelphia, presenting suggestions in reference to the guarding against election frauds, which was referred to the Committee on Suffrage, Election and Representation.

WOMAN SUFFRAGE.

Mr. BROOMALL presented the petition from over five hundred men and women of Delaware county, asking universal

suffrage, which was referred to the Committee on Suffrage, Election and Representation.

INTOXICATING LIQUORS.

Mr. DARLINGTON presented the petition of one hundred and sixty-nine citizens of Chester county, against the manufacture and sale of intoxicating liquors as a beverage and in favor of sobriety, which was referred to the Committee on Legislation.

COMMITTEE ON SALARIES.

Mr. HEMPHILL offered the following resolution which was laid on the table under the rules:

Resolved, That the rules of this Convention be amended, by adding an additional committee, as follows, viz:

"No. 28. A Committee of seven, on Salaries, Fees and Compensation of Officers, City and County."

EQUITABLE ASSESSMENTS.

Mr. BRODHEAD offered the following resolution, which was referred to the Committee on Agriculture, Mining, Manufactures and Commerce:

Resolved, That the Committee on Agriculture, Mining, Manufactures and Commerce be requested to report the following article:

ARTICLE —. The Legislature shall provide by law for an equitable assessment of benefits, in favor of mine owners and operators, whenever by works and expenditures in mines, by pumping, draining or tunneling they produce results which injure, directly or indirectly, to the benefit and advantage of any contiguous or adjoining mines.

STATE SOVEREIGNTY.

Mr. ALRICKS offered the following resolution, which was referred to the Committee on Declaration of Rights:

Resolved, That the Committee on Bill of Rights inquire into the expediency of so amending the same that it shall contain the following proviso:

"That the people of this State have the sole and exclusive right of governing and and regulating the internal policy of the same."

COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, to further consider the report of the Committee on Suffrage, Election and Representation, Mr. Lawrence in the chair.

THE SUFFRAGE ARTICLE.—WOMAN SUFFRAGE.

So the Convention as in committee of the whole, Mr. Lawrence in the chair, proceeded to the consideration of the article submitted by the Committee on Suffrage:

MR. BROOMALL. I owe many thanks to the gentleman from Potter (Mr. Mann) for his concession to our side of the question in his remarks yesterday. He, being an avowed opponent, speaking for the opponents of the provision, and for a constituency who are opponents to it, confesses that all the arguments are upon our side; that nothing can be said—and I want to impress that fact upon gentlemen's minds—that nothing can be said in favor of the right of a man to exercise the power of suffrage that does not equally apply to the right of every woman in the Commonwealth, and that if the thing turned upon the arguments *pro* and *con*, the case is ours, that, throwing aside the prejudice that binds us to the past—that anchors us back like so many moored vessels—that makes conservatives of us—those fossils of humanity, only dragged forward by the progress of the age, as a vessel is dragged forward against the will of its anchor—that only prejudice, and what little aid prejudice can get from ridicule can be alleged against the amendment which I propose. But, while I thank him for his admission, and while I think his position here does great credit to his judgment, I cannot agree with him in his conclusion. How he, admitting as he does, that we are right—admitting as he does, that, in his conscience, he believes our side of the cause to be the true one—can, nevertheless, resolve to vote the other way, because, as he says, his constituents are the other way, I cannot understand. Why, sir, I represent a constituency with as decided opinions upon this question as his; and I tell him here that I represent the humblest washer-woman in my district as fully as I represent the proudest politician; and if there is one woman that asks the right of suffrage for the protection of herself and her children—that asks an equal voice with me in making the laws that must judge her as well as me—if there is one such

woman in my district, as far as I can give it to her she shall have it, though all the men in my district say nay.

Upon this question I may as well say here that I am opposed to the proposition of the gentleman from Jefferson (Mr. M'Murray) and to that of the minority of the committee; that this question should be referred to the votes of the people, to the men, as a separate proposition. What! Submit to one class of citizens what shall be the political rights of another class. Submit to the men the question, whether or not equal rights shall be allowed the women! The thing is preposterous. It would be as much as I would do to submit to a vote of the women the proposition, whether they should have the right of suffrage. That a man, that I, with the right of suffrage, should go to the polls and say that my wife should not exercise the same right, is simply monstrosity. Why, sir, suppose the proposition had been made at the time of the Declaration of Independence to submit to the vote of the citizens of the United Kingdom of Great Britain and Ireland whether or not the Americans should have equal rights with the home subjects. What would have been thought of it? What would Franklin, what would Jefferson have thought of it? They would have said, "No, those who have these rights have no business to vote upon the question whether others shall have equal rights." They would have said: "This question is not for the people at home, but for those who were deprived of rights that the people at home enjoy." And therefore it is that I say I might consent that the women of the State should settle the question by a majority of their votes. I might consent to that and yet I would fall back to the true ground, that if there is one woman in the State who demands an equal voice with any other person in the making of the laws to which she is subject, that woman ought to have it, and the united voice of all the other people in the State ought not to be allowed to exclude her.

I repeat, the gentleman from Potter (Mr. Mann) concedes that the arguments are all upon our side of the question, and they may be presented in a very few words, for this question is not, as stated by the gentleman from Philadelphia (Mr. Gowen) one of those beneath the dignity of this body. It is a great question; it is the great question of the age; but the whole argument is in a very small compass, and consists simply and singly in

this : All just governments derive their powers from the consent of the governed, or as in our present Constitution, all power is inherent in the people, and all free government is founded upon their authority. Now are these propositions true? Is anybody prepared here to say they are not? I know that Rufus Choate, upon a certain occasion, some years ago, pronounced these simple truths "glittering generalities." I know that John Randolph, of Roanoke, some years before, finding the Declaration of Independence in his way, pronounced it a fan-faronade of nonsense. Ah! There are certain great truths that were stamped upon the universe by the hand of Him who made it, that are too often only seen and acknowledged and appealed to by men in times of great trouble. In the day of our struggle for existence, during the American revolution, we could see that governments should be founded upon the consent of the governed, and that the authority of the people was necessary to true and free government, but in the times of our prosperity we fail to look at these truths—we forget them.

Such is man everywhere. In adversity he recognizes great truths, in prosperity he does not need them, and he forgets that there may be people under him who do need them, and are looking to him for their recognition. I know that arguments have been made by ingenious men to explain away these great truths. I know that we listened to the eloquent New England man, and to the venomous southerner, first with surprise, that anything so sacred as these truths should be attacked; then with pleasure, and then we swallowed the heresies, and all society was poisoned to the centre with them.

And what was the result? Why thirty years ago we had reached such a point of absolute atheism in these great truths that nothing but the hand of the Almighty could save self-government to men. And the hand came—it came in 1860, to raise the lowly, and to point out these great truths to them. It came, too, to crush the proud. The result is that to-day we see these truths. We have come to that point through the path of great suffering, national and individual. Sir, the heresies of Choate and Randolph, and of men like them, tainting the whole frame-work of society, had to be erased from the history of the world by the sword, dipped in blood, and it was done.

But are these propositions true? I ask again who will deny them? Is it true that all just government is founded upon the consent of the governed, and that all power is inherent in the people? Are these things true? They are not pretended to be denied, even by the ingenious gentleman from Centre (Mr. M'Allister.)

Then, what follows? The only question open, after the admission of these, is the question: Are women among the "governed?" Are they among the "people?" Will this be disputed? If there is anybody ready to say, as was held five or six hundred years ago, that women are not human beings, and have no souls, he would, probably, answer "no" to this question. Sir, the women of the country are of the governed; they belong to the people. That, then, is the whole question. Being of the governed—being part of the people—their consent must be had to the laws; their authority must be given for the upholding and carrying on of the government. This is all there is of it. I repeat, that I may not be misunderstood. Once concede that all just government derives its power and authority from the consent of the governed, and that the women of the country are among the governed, and you are forced to concede that you must have woman's consent for her government.

Now how is consent to be given? In this country there is but one way of doing it. It is folly to say that men must consent through the ballot-box, but women in some other way, as by submitting, by not objecting. It will not do to lay down one mode of consent for one class and another for another. There is no mode of consent known to the laws of our country except through the ballot-box; and when you have admitted my premises they will force you to the conclusion that the gentleman from Potter (Mr. Mann) is right. That the argument is upon our side of the question, and that it is unanswerable. The man who undertakes to refute it will be bold enough to attempt to refute the demonstration of the forty-seventh proposition of the first book of Euclid, and when he succeeds in the one he will succeed in the other.

The gentleman from Centre, (Mr. M'Allister,) like Choate and like Randolph, has his mode of explaining away these grand truths, which he finds in his way. He has discovered a new arithmetic, forsooth, an arithmetic in which the unit is not the individual but a group. The unit

of population is the family, according to him, and that family, he ought to have said, is the husband. In all the rest of the world, from the smallest particle of dust that floats in the air to Sirius, the unit is the individual; but in this case, and for the purpose of the majority report of the committee upon this question, the unit must be a group. The unit of humanity must be the family.

Now let us see how this is borne out. If true, I do not know why the Declaration of Independence was not made to read "All families are born free and equal, and are endowed with certain inalienable rights." I do not know why our present Constitution does not say that all families should have the right to vote, and that the husband shall cast that vote. I do not conceive why we do not see the new arithmetic of the gentleman from Centre somewhere in the Constitution or in laws of our State. It existed first yesterday in the gentleman's brain, and afterwards in the report of his speech to the Convention. I trust he will have it copyrighted. I would be very sorry for him to lose it. I would be very sorry for it to get into other hands.

If there is a murder committed in the family, do you hang the husband? You ought to do that if the government knows only families. If the family is the unit, if you go no further down than that group, and hold the head of the group as the representative of the family, you should hold him responsible when a crime is committed in the family. And what would you do when a murder is committed upon him? Whom would you hang then? Nobody, unless, probably, all the rest of the family, or unless the family should elect a head to be hung. The idea is preposterous. It is found nowhere in the world that the unit is a group, and not the individual. But it is said that the husband is to represent the family. Who is to represent this political unit when the husband dies? Who is to represent the unit when the head of the family is a woman? Who represents the women that have no husbands? Now I can very well understand that the wife of the gentleman from Centre, if he has one, and I hope he has, I can well admit that she is well represented by being represented by her husband; but does he know of no woman in his neighborhood who is not thus represented? More than that. Does he know of no woman who is misrepresented by her husband?

Does no case present itself to him in his district in which a woman has begged upon her knees that some man, exercising a license from hell to deal poison to her husband, should withhold his hand, and had her prayer denied? I ask him again whether he does not know many a case in which the wife is misrepresented, and the family misrepresented by the vote of the husband? Does he not know of cases where the wife ought to have a voice in preventing mischief to her family, and where she is sneered at and reminded that she has no political rights by the very persons who are poisoning her home by licences from a government that she never made and never consented to? Can he imagine no such case as that? More than that. Does he not know women who have no family but themselves? Are there none in his district who do not belong to families? Are there not cases where humanity is not grouped in the way in which he says the Almighty intended them to be, and where the individual has nobody to represent her? Are there no servant girls in his neighborhood who have in this State, or in this country, neither father, nor brother, nor son? And who represents them?

But if these people were all represented I deny the power of the man to represent the family in the government. I deny not only the power but the propriety of it. Who commissioned the man to cast the vote of the family? Who gave that power to him? The Constitution says nothing about it. The law says nothing about it. He votes for himself. He does not consult anybody else. He does not pretend to vote in a representative capacity. He does not cast the vote of his family but his own.

The gentleman wants the ballots to have the name of the voter written upon the back, so that we should see where the votes come from in case of a contested election. I would advise him to go one step further and note on the back the family. He may note them by a number or thus: "Family living at such a street, so many doors from the corner, votes this vote by John Smith, the legally constituted representative of of that family," in order to show that the family had a voice in the affairs of the country.

Let me tell you what a better, brighter man than either the gentleman from Centre or I can profess to be, says about this vote by the husband representing the wife and the family.

I read from a speech by Geo. W. Curtis, before the committee of the New York Convention, upon the subject of universal suffrage :

"It is alleged that women are represented by men. Where are they so represented, and when was the choice made? If I am told that they are virtually represented I reply, with James Otis, that 'no such phrase as virtual representation is known to the law or Constitution. It is altogether a subtlety and an illusion, wholly unfounded and absurd.'"

He was of the same opinion with the gentleman from Potter (Mr. Mann.)

"I repeat, if they are represented, when was the choice made? Nobody pretends that they have ever been consulted. It is a mere assumption, to the effect that the interest and affection of men will lead them to just and wise legislation for women as well as for themselves. But this is merely the old appeal for the political power of a class. It is just what the British Parliament said to the colonies a hundred years ago. 'We are all under the same government,' they said, 'our interests are identical; we are all Britons. Britannia rules the wave! God save the king! and down with sedition and the sons of liberty!' The colonies chafed and indignantly protested, because the assumption that therefore fair laws were made, was not true; because they were discovering for themselves, what every nation had discovered—the truth that shakes England to-day, and brings Disraeli and the tory party to their knees, and has already brought this country to blood—that there is no class of citizens, and no single citizen, who can safely be entrusted with the permanent and exclusive possession of political power. 'There is no instance on record,' says Buckle, in his history of civilization in England, 'of any class possessing power without abusing it.'"

Sir, that passage should be inscribed upon every legislative hall in this country; and I read it again: "There is no class of citizens, and no single citizen, who can safely be entrusted with the permanent and exclusive possession of political power."

So much for the question of representation by the husband of the family. But the gentleman says that the women have not the physical power to get to the polls. The answer to that is, first, it is not true; and, second, if true, it is not relevant. In this very same article he proposes that no

election district shall poll more than two hundred votes. If the number is greater than that the district shall be divided. Election districts, therefore, will contain from one to two hundred voters, according to the proposition of the Committee on Suffrage, which I hope will be adopted.

Now has the gentleman never seen a woman, in a crowd of from one to two hundred people, able to take perfectly good care of herself? If he has not, he has not observed women as much as some of us younger men have. Has he never seen a woman, in market, surrounded by men and women on all sides, probably hundreds of them, and finding no difficulty in making her way? Has he never seen that? In going to the Academy of Music, to hear a prominent lecturer, I have been carried, for fifteen or twenty feet, by a crowd, with my feet entirely off the ground, and yet, when, with great difficulty, I got inside, I found as many women there as men. They had gotten there in some way. Want of physical power! Ah! I am afraid the gentleman thinks they have too much mental power to make it safe for some people to trust them with equal rights. But he says they could not go to the polls with a train long enough for fifteen men to stand upon. Again I say, with my stupidity, I have failed to see that the gentleman probably intended this for wit. He may have intended it for ridicule. If he did, my answer is that ridicule is not argument. If it had been, christianity would not have survived the third century.

She cannot go to the polls with a trail long enough for fifteen men to stand upon, and therefore a woman should not vote! Could he go to the polls in a trail of that length? Let him try it, and when he has tried it and succeeded it will be quite time enough for him to say that a woman could not do it as well. Is a woman bound to wear a trail to the polls any more than he is? Has not woman an equal right to select her dress for the occasion, with the gentleman from Centre? He sits here without his overcoat, without his overshoes and without his hat. He has the right to change his dress to suit the circumstances, and still he tells the Convention, by inference, that a woman must not be allowed to change hers. Probably, Mr. Chairman, I have been dwelling upon this subject too long, and, after all, it may be that the gentleman from

Centre only intended his remarks to be witty.

But he says that suffrage will degrade a woman. Is government then degrading? If it is, it is quite time we had abolished our institutions and remitted ourselves back to our old owner, the government of England, in order that this degradation might be wiped out. I would like to inquire if the exercise of self-government has proved degrading to the gentleman from Centre. Respectable as he is now it would be curious to know to what position he would have arisen if he had not been subjected to this degradation. If we are degraded by self-government what would we be if we had not been so degraded? I suppose we would have been what some of us call women—angels. But it is not true that government degrades those who participate in it. I grant that politics are the meanest business any man can follow, but I maintain that self-government is the noblest employment in the world, and that it never has degraded, and never will degrade, any human being. Degrade women! Why, sir, it is within the observation of every man who has attained your age or mine, that wherever mixed assemblies are allowed to conduct any business, it is always conducted more conscientiously and in a more orderly manner than where either of the sexes alone are concerned in it, and infinitely better than where men alone are allowed to conduct it. I firmly believe that where a business is conducted by woman alone, it is conducted in a more orderly manner than when by men, but where the sexes are mixed in any undertaking it is always conducted the best. This has been the observation of every person who has looked into these matters.

The experiment, if it may be so called, of woman suffrage has been tried, and the result of that experiment can be found in a letter from Judge Kingman, of Laramie City, Wyoming Territory, to the Pennsylvania woman suffrage association, dated December 26, 1872. Judge Kingman says, in one part of this letter:

"It is now three years since the act was passed giving women the right of suffrage, and the right to hold office in this Territory, in all respects the same as other electors. Under this law they have been elected, and appointed to various offices, and have acted as jurors and justices of the peace. They have very generally voted at all our elections, and have taken some part in making the nominations;

and although there are some among us who do not approve of it as a principle, I think there is no one who will deny that it has had a marked influence in elevating our elections, and making them quiet and orderly; and in enabling the courts to punish classes of crime, where convictions could not be obtained without their aid."

In another part of the letter he says:

"There is another matter in which we have been greatly benefited by this law, and that is the change it has wrought on election days, and its influence at the polls. Formerly our elections were scenes of drunken revel and noise, of fighting and riot. But when the women came to vote they were always treated with the attention and respect everywhere shown to women in the United States. If there was a crowd around the polls they always gave way when a woman approached, and were silent and orderly while she deposited her vote and went away. If men became intoxicated they did not remain there, where the women would see them. No noisy discussions would arise around the polls, because invariably when a woman came up all such conversation would cease. The fact has been that very few people gathered at the polls, and noise and fighting, riot and drunkenness have been entirely unknown there. If men drank too much, as they sometimes did, they remained at the drinking shops, each political party by itself, and consequently avoided the quarrels and collisions that so often occur, while the people went to the polls and voted as quietly as they go to church. This of itself has been a gain in our community of no small moment."

If this has been the experience in a new territory where almost all the wickedness of older States is apt to concentrate, how much more beneficial would the result be in the State of Pennsylvania. Why every man can see for himself the result of this experiment by attending the markets in the city of Philadelphia on any general market day. Are the ladies of the city found there in any less number than there would be at the election polls? You will find in the markets of the city, not servant girls alone, but mistresses of families making their purchases quietly, without interference or disturbance, and ye! at a gathering of men, when women do not appear, you will find riot, noise, disorder and probably bloodshed, especially when there is an opportunity to obtain anything intoxicating. The Almighty in-

tended the sexes to be together. He intended that they should participate in all the employments He has devolved on the world, and that they should equally exercise the means he has given them for obtaining a living. If this had not been his intention he would have placed one sex in one part of the world and the other in another, and wherever contrivances or fashions separate the sexes there mischief is always done. Look at the schools that have been established for boys alone. Every father who has gone through college knows how he hesitates when he proposes to send his son there, and yet schools intended for the instruction of both sexes together are always orderly and more productive of advancement and improvement. Parents never hesitate to send their children to them—neither the father the son, or the mother the daughter—because the influence of one sex acts upon the other for its improvement. Yet gentlemen upon this floor have said that a mob at the polls would prevent a respectable lady who behaved herself from going there to vote. This assertion I am convinced they do not believe themselves, for there is no country in the world where woman is treated with more respect than in the United States, and all that is needed to make our elections as respectable as our markets, if not as respectable as our churches, is to allow both sexes to participate in voting.

It has also been said by some of the opponents of this measure, although I do not think the gentleman from Centre made the argument that woman is mentally incapable of governing—that she is inferior to man, and not fit for self-government. This is not true, and if it were, it is not relevant. I know that in France women were pronounced incompetent to govern, and hence their salic laws excluded females from the throne. And what has been the result? England, for ages has permitted woman to govern just as men when they were reached in the order of kingly succession. Now trace the history of these two countries. Can it be said that France has been a success as a government, or at all comparable with England? Why for more than a hundred years France has oscillated between despotism and anarchy, and it looks now, from the present condition of affairs, as if this oscillation would continue for ages to come. The least that can be said is that the exclusion of women from the

throne of France has not the appearance of being a success.

Can any one familiar with the histories of European countries assert that women are incapable of governing? Do we forget Catharine of Russia, Elizabeth of England, or our contemporary, Queen Victoria? Why, sir, England has been governed by four queens, who reigned in their own right—Mary, Elizabeth, Anne, and Victoria. The worst of these queens was as good as the average of the kings, and the best of them, Victoria and Elizabeth, were better and wiser in the affairs of government than any king that ever sat upon the throne of England.

Compare the histories of the reigns of Napoleon the III and Victoria. Will the cases admit of a parallel even in the minds of those who deny the right or the power of woman to govern? And yet, Queen Victoria, who has governed her realm for so many years, and that, too, as well as any king or queen who ever sat on a throne in Europe, should come to this country and be naturalized she would not be allowed a voice in the selection of even the directors of the schools to which we propose the law should compel her to send her children.

I will not argue the question whether women or men are mentally superior. It is wholly irrelevant. Governments are founded for the protection of the weak rather than the strong. In a state of nature the strong can protect themselves, while the weak are crushed, and therefore it was that governments were devised, not for the benefit of the strong, but of the weak. If it can be demonstrated to my satisfaction that woman is weaker, mentally or physically, than man, I will answer: There is then the greater reason why woman should receive equal political power with man. Will it be said, in one breath, that in the race for advantage and improvement, which is open to us all, a woman is the weaker competitor, and in another that she must carry all the disabilities? Even handed justice demands that if there is to be any difference between them, the advantage should be given to the weaker.

But, again, they say—and this is a position that has taken some hold among careless thinkers in modern times—that governments are only to be had and exercised by those who can fight for them; that only those who fight should rule, and as a woman cannot fight she ought not to

vote. But cannot women fight? They forget Semiramis; they forget Joan of Arc, who, in a single day, turned the tide of conquest between England and France. They forget the maid of Saragossa, who seized the torch from the hand of her fallen chieftain and continued at the guns, cheering those around her until she could point to "the flying gaul foiled by a woman's hand beneath the battered wall." They forget the women in our recent civil war. More than one woman served in the ranks, in disguise. Aye, more than one fell in the charge, "with her back to the ground and her feet to the foe." I knew one, as delicate as any lady in this hall, when I saw her some time after the war, who served as a common soldier for a long time before her sex was discovered, and she was so valuable that for a considerable time afterward she was employed as a spy, the most perilous employment in the entire war, and she was selected for that purpose because at the time, out of some two or three hundred from whom the selection could be made, she was the only person *who would volunteer to do it*, and she performed the duty successfully and safely.

But is fighting the whole business of war? What do you say of clergymen who, though they do not fight, aid the cause greatly in consoling the dying and in stimulating the living? They do not fight; ought they to vote? What do you say of surgeons? There are non-combatants in every army, and they are of as much importance to the army as any combatants in it. What was Florence Nightingale? Who, in those two whole armies of England and France, could compare with her in actual material usefulness? Why there was no other single person, from the highest general down to the humblest soldier who did as much for the cause as Florence Nightingale. Not one! History says not one! Yet she was a woman. And there were Florence Nightingales in our army. Upon every field of battle, before the smoke had subsided, they were seen, these angels of mercy, fearing not death, only intent on succoring the wounded and consoling the dying. Are these people not important in war? Before we conclude that women are of no use in war, let us read the history of the terrible four years of the late rebellion, and then say, if women did not fight, whether they did not do more for the cause of the country by not fighting,

and much more for the cause of humanity than those who actually fought.

Hence the statement that women do not fight is not true, and if it were true, it is not relevant. Fighting is the means of self-protection, peculiar to the savage state, and war among civilized people, is but the return, for the time, to barbarism. It is because this process crushes the weak that we have, as much as possible, substituted voting for fighting, government for anarchy.

To say that a person shall not vote because he cannot fight is to talk nonsense, when voting is an invention to take the place of fighting, for the pure protection of those who cannot fight. If you only let the strong vote government is a mockery. They can protect themselves without it.

But it is said that women do not ask the right of suffrage. This, again, is not true, and if it were it is not relevant. Do men ask the right of suffrage? We propose to give them the right of suffrage in this Convention, and yet not a single petition from any part of the Commonwealth has come in asking the right of suffrage for men. Not one. Why do you give it to them? Because they are a part of the people, and must be consulted in making laws. And are not women a part of the people also? Is not the argument just as strong for them? The gentleman from Allegheny (Mr. W. H. Smith) says that nobody is asking for this right of suffrage for women but the Woodhulls and Claflins of New York. Why, sir, he has not read the history of the times. Is it fair toward any cause to select those as its representatives who are the least worthy amongst all its advocates? Is it fair toward the twelve apostles to select Judas as the representative of christianity? The Woodhulls and Claflins of New York are no more in this cause than are the Tweeds and other similar men in the male politics of that city. As well might the gentleman say that self-government ought to be put down, because Tweed is prominent in his city, as to say that women should be denied the right of suffrage, because these women do not grace their position. Does the gentleman forget that these are not leaders in this movement any more than Tweed is the leader in the government of the United States? They are not the leaders, but it would be a strange movement if some people, who are not as good as they

ought to be, could not be selected from among its advocates. I am sure the gentleman has seen sometimes, in church, people, who, for the good of the church, had better never been there; and when he refers to this class of women I will refer him to another. In this town is to be found one of the leaders of the movement, a true representative of the class who are asking for female suffrage—a woman who is as pure and as noble as any daughter of Eve that ever trod upon the face of the earth—and that woman is Lucretia Mott. There is our leader! If the gentleman is ashamed to follow a lead such as that, I tell him I am not.

But again, it is said if you give women the right to vote, they will not vote. Well, if they will not, what harm would be done by granting the right? In that case the gentleman from Jefferson (Mr. M'Murray) need not fear that his wife would vote wrong if she were allowed the right of suffrage. He says he is opposed to giving her the right because she is a woman, but if she would not exercise the right, why should he interfere? Mr. Chairman, I do not know the gentleman's wife, but I will venture to say she is better looking and better than he is, [laughter,] and I think I would be willing to risk something, if I were a betting man, upon the assumption that she differs from him in politics, and therefore he is afraid to trust her with power to balance his vote. Of course I cannot know anything about this; it is all conjecture. If women would not vote why put in an invidious clause to prevent them? If you know they will not vote, why insult them by putting over the polls: "No admission here for women?" But let us see, would they vote? We have some information on this point from Judge Kingman, and he tells us that in Wyoming "at first there was quite a number of women who refused to vote, but at every election that number has grown less, until now very few, if any, fail to exercise the privilege."

There is the experiment tried. Ah! Mr. Chairman, it is not because you think the women would not vote that you are not willing to allow them the privilege; it is because you know they will; that is it! There is where the trouble lies.

But again, it is said this proposition is new, and that it would not work well. Men pretend to prophesy that it would bring some kind of ruin on our country, demoralize society and all that sort of a thing. Well, on this point, too, the exper-

iment has been tried, and I read again from the same letter the result of the trial in Wyoming: "When the territory was first organized, almost every one carried a loaded revolver on his person." Why, they were worse than we are; they were worse than the members of the Pennsylvania Legislature. "And, as a matter of course, altercations generally resulted in using them. I do not remember a single instance where a jury of men has convicted either party for shooting at each other, even in a crowded room, if no one was killed; or for killing any one, if the victim had been armed. But with two or three women on the jury, they have never failed to follow the instructions of the court. Again, the courts have been nearly powerless with only men for jurors, in enforcing the laws against drunkenness, gambling, houses of ill-fame and debauchery in any of its forms." I want to call the attention of the gentleman from Centre (Mr. M'Allister) particularly to this, because I know he is open to impression upon that point. He is a lover of law, and order, and temperance.

"Neither grand nor petit juries could be relied on; but a few women on either panel changed the face of things at once; and from that day this kind of vice has trembled before the law and hidden itself from sight, where formerly it stalked abroad with shameless front and brazen confidence in protection from punishment.

"There are, comparatively, so few women here, and those are so generally kept at home by domestic duties, that the courts have been unable to obtain as many of them for jurors as was desirable; but those who have served have uniformly acquitted themselves with great credit. *Not a single verdict, civil or criminal, has been set aside where women have composed a part of the jury.* This has not been the case, by any means, when they have not been present. They have given better attention than the men have to the progress of the trials; have remembered the evidence better; have paid more heed to the charges of the court; have been less influenced by business relations and outside considerations; and have exhibited a keener conscientiousness in the honest discharge of responsibility. And I have heard of no instance where they have incurred any odium, or ill-will or want of respect from having served as jurors. On the contrary, I am quite sure that in every instance they have been more highly re-

spected and more generally appreciated in consequence of it."

And here again I desire to call the attention of the chairman of the Committee on Suffrage, (Mr. M'Allister,) who complains that the exercise of the right to vote would degrade woman, to the fact that where the experiment has been tried it has not degraded them, but has raised the men. I quote from Judge Kingman:

"There is one other influence that has grown out of the presence of women in the court room, both as jurors and as bailiffs, that has been most apparent and welcome; it is the quiet order and decorum, the decent and respectful behavior, the gentlemanly bearing that has always been observed in their presence. The spectators come there better dressed, chew less tobacco and spit less, sit more quietly in their seats, walk more carefully on the floor, talk and whisper less; and in all respects the court room assumes a more dignified and business-like air, and better progress is made in disposing of the matter in hand."

Is this not conclusive upon the question? Can any gentleman point out why this experiment, that has succeeded so well in Wyoming, where you might have almost promised its failure, should not succeed just as well here?

This thing is coming. It is only a question of time. The progress is onward. For thirty years I have been an advocate of universal self-government, and during that time I have marked the progress of it steadily onward. At first, nobody was a man, in the sense of the "governed," unless he was a white man; and indeed some white men were hardly counted. In the Constitution of 1838 the wise men of the time who framed that instrument thought it necessary to put in the word "white," in order to prevent what they saw was coming—the voting of the black man. That word "white," Mr. Chairman, was washed out with blood. Four hundred years ago women, according to the popular notion of that day, had no souls; they were owned by the men. Then the notion of the gentleman from Centre, of the family being the unit of population, had some force. The law knew nobody but the master, and he owned everybody else, women, children, servants and all. Still later than that, the women were beasts of burden and were harnessed to the plow beside the mule. After that they were graciously allowed to make one with the husband—here was

a step onward, you see—upon the condition, however, that the husband should be that one. Still the world moves, and in our time they have been granted equal civil rights with men. The next step is coming, and there are those living who will see it; and I trust the gentleman from Centre is among them. That step is equality of all human beings both before the law and in the making of the law.

Thus it is that the world moves, and the man who is not prepared to keep pace with its motion had better get out of the way.

Upon this question there are two combatants not very visible here, but they exist, nevertheless, and I will tell you who they are. On the one hand there are those who are demanding universal suffrage, universal and equal political rights. On the other hand there is the liquor leagues of the country fearing the votes of women. This league has given out its edict that if we dare to let women vote upon its nefarious business, it will move heaven and earth to crush our work. It has already published its threats, and it will do what it can; but, sir, there never was a conflict between right and wrong in which the right did not ultimately succeed, and it is easy to see on which side the victory will ultimately be. The combatants have entered the lists. They know that it is death to the wrong and the wrong is only asking to hold on to what it has wrongfully got, a little longer, while the right is exclaiming "how long? O! how long?" The wife, the mother, struggling under legal bonds, cry how long shall men, at the very door, in open day, feed poison to the husband, the son, and we, most vitally interested in the matter, be denied the right to say one word in the making of the laws by which, in cruel mockery, the business is said to be regulated.

These combatants know that the result will be death to the wrong, and that it is only a question of time, and I tell you that this very business that kills both body and soul, the men of our country will die fighting woman suffrage.

Mr. MANN. Mr. Chairman: I ask two minutes in which to set myself right on this question.

The gentleman from Delaware, who has just taken his seat, has shown himself so capable of presenting his cause by legitimate argument, that I confess myself somewhat astonished that the few remarks which I made yesterday on this subject of

woman suffrage, should have been used by him in the manner in which they have been used. I said, sir, that "I should vote for this section, and the following section, although my own personal convictions are that the principle is wrong, and that no man can give a good reason why he should have the right to vote, and at the same time exclude his equal and associate, who happens to be a woman, from the same right."

I submit that there was no gentleman on the floor who misunderstood my position when I made that statement. It does not put me in the position of an opponent, whose words would entitle the gentleman (Mr. Broomall) to quote me as making "concessions." On the contrary, I am today, and have always been, in favor of allowing women to vote. "I shall," as I said yesterday, "vote against the amendment, and against the pending amendment to the amendment, and to retain this word *male* as it stands, while I am myself in favor of extending to all persons in the Commonwealth, of equal character," without regard to sex, the right of suffrage. "I understand that my duty here is not to vote my own personal convictions into the Constitution of Pennsylvania, but to represent, so far as I can, what I believe to be the sentiment of the people."

That is my position. It may be wrong; but it does not so seem to me. I will not, however, permit any one to represent me here, or anywhere, as an opponent of woman suffrage. If I am an opponent of woman suffrage, then I want to face the man who is in favor of it. And I will not have myself quoted here or anywhere as making "concessions."

I have made these few remarks, Mr. Chairman, simply to place myself right on the record. I may be mistaken in my interpretation of my duty to those who sent me here. I am but human, and may make mistakes. In any event, that is how I understand my duty. If I am wrong I would like to be convinced of it.

I have a few words to say in regard to submitting this as a separate article. This Constitution that we are framing (whatever our personal desires may be) is to be submitted to the *qualified* electors of Pennsylvania, *as they are now constituted*; and to attempt to submit it to any others would be revolution. That is the declared law of the United States, and it is not in our power to submit the Constitution that we are framing to the men and

women of Pennsylvania, conjointly, or to the women separately; and if we did do so, and it should receive a majority of such votes, but only a minority of the qualified voters as they stand, and a Governor should be elected who should attempt to carry them out in practice, he would find himself very shortly in the penitentiary.

I propose, simply, to look at facts as they are. We are to submit our work for ratification to the qualified voters of the State, *according to the recognized and established law* of the State. Upon this subject, therefore, our hands are tied. We have no power to depart from that plain duty. However forcible the argument may be on the other side, we cannot pursue any course but this. It would be sheer nonsense to think of submitting with this Constitution, to the people, a proposition that is certain to be rejected. Therefore, common sense should teach us that we should conform to the inflexible requirements of our position. Let us endeavor, to the best of our ability, to purify and elevate the Legislature of our Commonwealth, so far as our labors will be likely to receive the approbation of the people, and trust to the result of that purification to accomplish any additional reform that may be required by the people of the State.

Mr. WALKER. Mr. Chairman: I have listened with much interest to the honest and earnest argument of the gentleman from Delaware (Mr. Broomall.) I fear much that I shall fail in answering it as it should be answered; but in entertaining an opinion contrary to that reached by that gentleman I ask, through you, the ear of this committee whilst I submit to it my views.

In my judgment, the gentleman (Mr. Broomall) has started wrong. He assumes what he has no right to assume in this argument. When, on yesterday, it was said by the gentleman from Centre, (Mr. M'Allister,) who has reported this section before us, that when you look at man and woman in a state of nature he could see no reason why, if you granted to man the right to vote, you could withhold it from woman. I endorsed that sentiment, but in endorsing it I do anything, in my judgment, than follow in the footsteps of the gentleman from Delaware (Mr. Broomall.) He said yesterday, and he says to-day, that the member from Centre, conceding what he did concede, yielded the entire ground—was driven from the field—that

there was nothing to combat, and that the victory was his (Mr. Broomall's) until something on the other side was deduced worthy of being answered.

Mr. Chairman, if this is to be treated as a natural right, then I say a woman has the same right to vote that I have or that you have, but I hold it is not a natural right. It is conventional. You and I have a natural right to worship Almighty God according to the dictates of our consciences. That is between the individual me and my Maker. It does not concern me as a member of society, but you and I, and each and every man in the state of nature, God has made us so, and given to us that natural right. We have a right, it is said, to life and liberty and the pursuit of happiness. These are individual rights. These belong to man and woman as man and woman, separately and collectively, but they do not carry with them or control in any way in my judgment, the question that is presented here.

Mr. Chairman, let us meet this question fairly and squarely. We are here to represent the people of this State, to form an organic law, and the question is, what shall be our organic law? It is reduced in my view of the case, to a question of expediency, of propriety, of what is right and what is wrong.

Is it for the best interest of this State that we shall allow or that we shall refuse to the sex the right to vote? The gentleman from Delaware (Mr. Broomall) takes one side, I take the other; and in taking it, Mr. Chairman, do not let it be said that I undervalue the sex. God knows I do not. Too long has one of them been a companion of mine. Too tenderly did we live and enjoy that society for me ever to hiss a word or entertain a sentiment hostile to the sex. Do not let it be said that I believe that they have not intelligence enough to vote. I know they have. Do not let it be said that I for one am opposing this suffrage, because I think they have not virtue enough, integrity enough, morality enough, intelligence enough, love of country enough. No, Mr. Chairman, these things influence me not at all. It is because I believe that, in the position in which they now are, their integrity, their morality, their virtue, their influence upon society is better, and will tell better than by giving to them the right to vote that I oppose it.

We are, let me repeat, forming an organic law, and it is for you and me here as members of this body, to inquire and

determine what that organic law shall be. Shall we incorporate in it the right of the female to vote, or shall we leave that out? Do not let the gentleman from Delaware (Mr. Broomall) say that in coming to a conclusion adverse to that which the gentleman has arrived at, that we are denying to the female any right that she has by nature, or that she has by education, or that she has by position in society. We are inquiring what is the best for me, what is the best for the family circle, what is the best for society and government on this question. That is the subject that is before us.

Now when the argument is brought forward here that was brought forward by the gentleman from Allegheny, (Mr. MacConnell,) and again to-day by the gentleman from Delaware, (Mr. Broomall,) that we have found, in England, queens who ruled the country, and we have found in Russia, and in Austria, and in that fabled land, if anybody can tell where it was, that Queen Sheba came from—queens who administered the government as well as it was ever administered by men in the same countries—when that argument is urged upon us, it falls dead, in the judgment of thinking men, in my opinion—with all respect to the aged gentleman from Allegheny (Mr. MacConnell.) That is the organic law of England, of Russia, of Austria, of wherever that rule prevails; that is their government. In others, as in France, they have a different organic law—a law that the female shall not reign over the people. What does that demonstrate? Nothing in the world. The question that is presented to us to-day is a question of organic law—of what is right to be done in forming that law, or that rule, or that principle. I know that England was ruled well in the time of Queen Bess. I know that it is being ruled well to-day, in the days of Queen Victoria. I know that Russia was ruled well by the harsh Catharine. I know that the intellectual and strong Maria Theresa ruled Austria as well as it has ever been ruled since. But does it follow from that, we, to-day, are to incorporate the principle in our Constitution, giving to females the right to vote? Did Queen Elizabeth go for that? Does Queen Victoria go for that? Did Catharine of Russia go for the measure, or did Maria Theresa, or Sheba? Were any of them in favor of women voting? No; they advocated their despotic rule. In the days of most of these,

they denied the right of the people to vote at all. Gradually the principles grew.

I say then, when this is brought forward here, as an argument in favor of allowing the females to vote, it falls, without weight, in the judgment of those who think properly upon the subject.

Mr. Chairman, I have said that no man shall rise upon this floor and place a higher estimate upon the female than I do. They may say it better and stronger than I can say it; but they cannot say it stronger or more positively than I think it. But when I concede that, I am far from conceding that the other side has the strength of the argument upon the question that is presented for our consideration in forming this Constitution.

Allusion was made by the gentleman from Delaware (Mr. Broomall) to-day, in his argument, that a long time ago the ladies were treated as beasts of burden; a long time ago, four or five hundred years, as he said, they were the servants of their husbands or their fathers. Those days are past, never to return, in my judgment, in this land of ours, and it is to ward it off, to keep it in the far distance that I, for one, rise in my place here and put in my protest by my voice and my vote against giving to ladies the right to vote. I love them, if one of my age may use that expression. I venerate their character, at all events, it may say that. I look up with adoration to the position that they now occupy, and I desire that they shall continue to occupy it. Not long ago, and even to-day, if you look over the prairies of the west, you will see the squaw of the Indian chief his servant, his drayman, his tool in every respect, degraded, debased, without a right that, without a christian elevation; without the sympathies that our females have, and without their cultivation. Go again into the common field of Germany, or in our own country, and look at the position females occupy there, and tell me, has it held down man or helped to elevate man—the aid that woman bestows in that condition? In my opinion it has, instead of an elevating, a pulling-down influence upon the character of the man and the character of the woman.

I am unwilling, then, that the female of this day, chaste, educated and pious, with all the fine sensibilities of her nature, shall be placed in a position where, as a natural consequence, there may result degradation to her, and if degradation to her,

much more so to you, to me and to our sex in general.

It is by keeping them where they are, worshipping them as we do, and holding them in veneration, as we are compelled to do, that we are elevated and are being elevated more and more, from year to year. I am unwilling, Mr. Chairman, that your wife or mine, if she were living, should be brought into contact with that element on the way to the polls, or at the polls. I know it is no argument, and I felt its want of weight when the gentleman from Centre (Mr. M'Allister) made use of it yesterday, when he said that there may be inconveniences in women going to and returning from the polls. I know that is not a strong or a forcible argument, and yet there is more in it than we are apt at first to believe. It has a tendency to lower female esteem in the judgment of men, and to lower us in the same way. It has been said by the gentleman from Delaware (Mr. Broomall) that all governments are based upon the consent of the governed, and that there is no consent given by the families of our citizens to our government, and that, therefore, the government is established upon a false and incorrect basis. I must confess that I do not feel the force of this argument; I do not think that the gentleman can demonstrate to this Convention that there is any strength or force in it. I know that all government is based upon the consent of the governed, but, I ask, who are the governed in this government of ours? Do the females in this State constitute the governed? I admit that they certainly form part and parcel of our government. Heretofore they have consented, and now they consent to the position they occupy, but I have yet to learn when and where there has been a disposition shown on the part of the great body of them to have extended to them the boon advocated so strongly and so earnestly by the gentleman from Delaware (Mr. Broomall.) The strong objection I entertain to the extension of this right to vote to females, although it may not be a strong one in the estimation of others, is that it lessens our respect and our veneration for the female character. It is true that we have had addresses delivered to us in this hall by intelligent, virtuous and educated ladies, but I would ask what we have learned from them. We heard one of them boast that she had the right to vote because she was the mother of nine children. This I deem

to be a species of degradation, and a source of corruption that, I think, ought to be feared if such addresses as these delivered to old seniors like us can come from the lips of refined and educated females. If such is the case now, what may we look for when they are addressing the hustings, and engaged in active political warfare?

It is to avoid all this evil, Mr. Chairman, and to keep the female in the position she ought to occupy, that I am opposed to this boon which has been so strongly advocated. Looking at this matter in the narrow point of view that I have I do not know that anything more can be said. When gentlemen on this floor boast that the victory in this question is with them, because we assent that if woman suffrage is to be granted it is a question of natural right, I reply at the outset that if this is a natural right, it is a right belonging to the one sex as well as to the other, but I, for one, deny that proposition. It is not a natural right. It is a conventional right, and the only question presented to us, and the question we will manfully meet is this: Is it a matter of policy, of discretion, and of correct judgment to incorporate that provision in our Constitution? That is the only question, but if it is one of nature's rights then I yield the question, but I deny that proposition, and say, as I have before, that it is only a question of expediency and sound judgment, a question of what we believe would be for the best interests of both male and female for the happiness of the social circle and the permanent advancement of the interests of society.

MR. CAMPBELL. Mr. Chairman: Having had the honor, for I esteem it an honor, to present the minority report of the Committee on Suffrage and Elections upon this subject, which report dissented from the majority report upon the question of restricting to male electors the right to vote, I deem it proper to state, as far as possible, the reasons which actuated us, and myself in particular, in presenting that report. I am glad that to-day there is a disposition upon the part of the committee of the whole to look upon this subject, and to consider it in a serious aspect; and I have been very much pleased, indeed, with the manner in which the gentleman from Erie (Mr. Walker) has set forth his views upon it. They were in marked contrast with the flippant and puerile remarks made yesterday by a number of gentlemen on this floor.

Those remarks I would hardly consider it worth while to notice, were it not for the character and intelligence of the gentleman who uttered them. I was astonished as well as grieved to hear gentlemen of such intelligence debate this question in such a manner. We heard the honorable delegate at large from Centre county, (Mr. M'Allister,) the chairman of the Committee on Suffrage, telling the members of this Convention that if women were allowed to vote they would have to go to the polls in bloomer costume. He gravely presented that as an argument to this body why they should not vote. I would like to know from the gentleman, who thinks this costume is so ridiculous, if men at times have not worn costumes equally as ridiculous, and if a woman desires to wear the bloomer costume has she not a right to do so?

Does the mere matter of costume affect her right to vote? If by the mere whim of fashion, bloomer costume should become the style of garments for men, I venture to say that all the members of this Convention would, in the course of time, wear this costume. Conventions might assemble and we might have the pleasure of beholding the delegate from Centre (Mr. M'Allister) clad in the very costume he has denounced on this floor. If dress is then a mere question of fashion, it cannot affect the right of women to vote any more than it can affect the rights of a male elector in this respect.

I was also astonished to hear the delegate at large from Allegheny (Mr. W. H. Smith) insinuate that all the advocates of this movement were either heretics or bad persons. He said that the Woodhulls and the Claflins, of New York, were a fitting type of the persons who were advocating this movement. It is, perhaps, unnecessary for me to say that the gentleman has forgotten a great truth, and that is, in all great agitations the scum always rises to the surface. The existence of that scum shows that there is a power being exerted beneath the surface, as the gentleman from Delaware (Mr. Broomall) remarked so well this morning.

Because Tweed and his associates in New York are corrupt scoundrels, and, I may add, because we have in Philadelphia certain notorious and corrupt scoundrels and politicians, that is no reason why the mass of the men who vote are like them. So it is with these Woodhulls and Claflins. You cannot compare these people to the body of

the people interested in this movement of woman suffrage any more than you can compare the wretches who, at the beginning of the French revolution, committed the terrible outrages upon the name of civilization, with the masses of the people of France who rose, almost as a unit, following these wretches to sweep out of existence the corrupt frame of society existing at the time. I think such an argument as that is so weak as hardly to command notice.

So it is with the gentleman, the delegate at large from Philadelphia, (Mr. Gowen,) who undertook to get up before this body and say that a mere little nursery rhyme which said:

"Adam was the first man,
Eve was the other,"

was the only authority for considering a woman a freeman. It was an attempt by means of reciting that little nursery rhyme to bring this matter into ridicule. I think that is beneath the dignity of this House. You cannot ridicule a great movement. The gentleman from Delaware (Mr. Broomall) well remarked, this morning, that if christianity had depended upon the ridicule that it underwent there would be no christianity at the present time. Now, as I said at first, I am pleased with the general tone of the remarks of the gentleman from Erie (Mr. Walker) this morning. He has treated this question in a serious, sober light, and has advanced certain arguments which I am pleased to have the occasion to answer.

Coming now to the real point of this matter, we find that all the objections to female suffrage range themselves under two head-.

The first is, women have no *right* to vote. The second is, it is not *expedient* to grant to women the ballot.

A few words as regards the *right* of women to vote. The chairman of the Committee on Suffrage, Election and Representation (Mr. M'Allister) stated that he did not consider that this right was a natural right, and the gentleman from Erie (Mr. Walker) this morning concurred with him in that view. I, myself, Mr. Chairman, considering the words "natural right" in their ordinary signification, and going back before the formation of political society, will also join with these gentlemen and say that this is not a natural right; but if it is not a natural right is it not a political or a social right? So I hold it to be, and I wish, in a few words as

possible, to prove that it is a social or a political right under our present political system.

Now the Declaration of Independence has been often quoted here, and I do not think it has been too often quoted, because it is one of the greatest instruments that was ever written, and it gives us one great truth: That all just powers are derived from the consent of the governed. It also gives in that instrument, as one of the reasons why the colonies declared themselves free and independent, because the king had imposed taxes upon them without their consent. Now whenever you find a large body of the community taxed without their consent, whenever you find the powers of government exercised without the consent of a large number of the governed, then I say that those powers are unjust; that there should exist, on behalf of that large class unrepresented, though taxed, the right and means of giving them what they are entitled to—the equal protection of the laws with all their fellow-citizens. Whenever it becomes necessary to protect the rights of a large number of people, and whenever the ballot is the means—the sole means—of protecting those rights, and of protecting that large number from encroachments upon their interests, whenever the ballot becomes necessary for the accomplishment of these ends, then I say it is a right, it is a political, a social right, which you cannot, in justice, deny to that large number, who *should* be represented and *should* have their interests protected.

Is the ballot necessary for the protection of the interests of woman? That is the question now. If we take a look at the wretched condition in which women have been hitherto held, and which now, though a little better, is still far from perfect; if we look at the laws which have been passed regulating their marital rights, their rights over their children, their rights over their property, both before and after their death, we will find that condition so burdensome, those laws so unjust, so unequal, so unfair, that, I say, it is a necessity for women to have the ballot, in order to bring about the lightening of her burdens, and the passage of just laws in her behalf.

The gentleman from Erie, (Mr. Walker,) this morning, made some remarks in reference to the degradation of women in some of the countries of Europe, and he pointed also to the degradation of the women among the Indians. If he compared the condition of women in this

country now with what it was twenty, thirty, or fifty years ago, when it was something similar to the present condition of women among the Indians, or in Europe, he will find that the advance that the woman question has made in this country, during the last twenty or thirty years, has been due to the agitation upon this very subject of woman suffrage, that the laws in reference to women's rights, which are being passed, session after session, are being extorted from the male legislators, because those legislators are forced into the opinion that women have rights that should be recognized. But the laws at the present day still deprive large numbers of the women of a great many of their rights. In the matter of their property, we all know the unjust, the unfair laws—relics of the barbarous notions sometimes found in the old English common law. We all know the unjust laws that give control of the wife's property, practically, to the husband. We all know that, when a woman dies, her husband holds a life interest in her real estate; but, when a husband dies, the wife has no life interest in his real estate. We all know that a woman cannot appoint, in her will, a guardian for her children, to watch over them after her death; and we all know that a man can do so, by will, for these very same children. I ask you, Mr. Chairman, is a man's love for his children half as great as a woman's? We all know that the wages that are paid to women, in the same employments with men, are entirely inadequate, entirely unequal, entirely unjust. We find, that where women are employed as teachers in our public schools, performing the same amount of work as men do in similar positions, that where a woman will get, say \$400 00, a man will get \$800 00 or \$1,000 00. We find, that where a woman is paid so little, that she can hardly support herself, and subsist upon the small salary she receives, that a man, doing the same work and no more will get sometimes twice as much salary. I say all these unjust and unfair laws, now existing, in reference to women, are upon the statute book, at this day, because there has been no representation of women in our assemblies, in our Congress, in our Legislatures. In our representative bodies, of any kind, there has been no representation of women, in order that their rights should be respected, and just laws should be passed concerning them.

Then, I say, taking the fact into consideration, that there are, clearly and beyond doubt, most unjust and most iniquitous laws in reference to women and their property, their rights over their children, their rights in respect to their husband's control over their property, I say, taking all this into consideration, then the ballot is a necessity, in order that women shall be protected in her rights; and the *right* to the ballot, then, is clear and beyond doubt. It is then a political and a social right; for, when you consider the fact that there are unjust laws in reference to women, then it becomes a necessity that woman should be represented in a better way than she is now, in order to remove that unfairness. Now the only way to represent her, in our country, or in any other country where the right of suffrage or the right of the ballot is exercised, is to give her the ballot; and I say, there being a necessity for the ballot to protect her, she has a right to it. Whether you consider it a natural right or not it is, in the condition of society at the present day, a political right that you should not deny to the large number of women in this Commonwealth.

Now the other objections that are made against giving woman the right of suffrage range themselves under the head of the one general objection—that it is not expedient to grant suffrage to woman. A great many persons, who have thought over the matter, are willing to accede that there is no justice in denying the right to vote to women, but at the same time they say it is not expedient for women to exercise the right of suffrage. The principal arguments, or, as Jno. Stuart Mill calls them, aphorisms, that are so ranged under this head, are those that I shall now proceed to enumerate.

The first objection is, "politics is not a woman's business, and she would neglect her home duties if she were obliged to mix in politics." Now we all know that where women have been called upon to exercise their judgment or their powers in reference to politics, or to the administration of government, or to the duties of municipal or general government, they have always shown themselves perfectly competent to undertake the management of any affairs of the kind.

Instances have been cited of numerous exhibitions, well known to all those familiar with history, of women who have ruled large realms, and have ruled them

well, and others who have manifested usefulness in more restricted spheres. I will not now detain the committee by going over the names.

We all know, however, that in the light of experience, where women are called upon to mix in politics, where they are called upon to undertake any of the duties of government, or of the administration of public affairs, they are not only perfectly competent, but that it does not interfere with their social duties; that they are not degraded by such mixing in politics; and the letter that the gentleman from Delaware (Mr. Broomall) read this morning from a judge in the Territory of Wyoming, in which Territory they have tried the first practical experiment of woman suffrage, shows that on the contrary the mixing by women in politics and public affairs has had a very important and beneficial effect upon the men in that Territory. I assert that women can mix in politics without disturbing the sanctity of the home. The case of Wyoming is a practical illustration of it. Out there women take part in primary and other elections, and sit on juries, and the evidence is that such a state of affairs has increased the general standard of intelligence and virtue and moral worth in the whole community.

The second objection under this head is that "women do not desire suffrage and would rather not have it." I put it to those gentlemen who represent the dominant party in this country to-day, whether, when they were met with that argument at the time they wished to force negro suffrage upon the south, they did not reply that the negroes had been kept in such a servile condition, so remote from all opportunities of ascertaining what they really wanted that they were not capable, in the then existing condition of things, to say whether they wanted suffrage or not, and whether they did not further say to them: "If it is a right, as we hold it to be, if it is expedient that you should give suffrage to these people, then if not more than one single black man ask for it you *shall* give it. Is it consistent for these gentlemen, after using these arguments, after saying that those negroes were so uneducated—so devoid of intelligence that they could not tell whether they wanted suffrage or not, and therefore would not ask for it—is it consistent of those gentlemen now to deny to women the right of suffrage upon the ground that she does not ask for it, that she would

rather not have it? I do not wish to be understood here as opposing the exercise of the right of suffrage by negroes. Fortunately that question is removed from this Convention, or I presume it is, as the committee has reported a section with the word "white" stricken out, and I hope it will not come before this body; but, using it as an argument, I ask is it consistent for these gentlemen who advocated the right of the negro to vote, to use now as against woman suffrage the arguments which their opponents used then against negro suffrage?

The third objection is: "Women have power enough already, and therefore they should have no more." To me this seems a very cowardly objection. Do men fear that when women come to vote they shall be deprived of the right to hold office? Do men fear that they will be removed from the active sphere of politics, and their places be usurped, as they might call it, by women?

Do men fear that they will not have their full share of public offices? I say that is a very cowardly argument, and hardly worth noticing. In the addresses that we heard in this Hall before the Committee on Suffrage, a few evenings since, there was a very amusing incident told that just suits this sort of argument. The French school teachers in a certain city petitioned the proper authorities for an increase of salaries, asking probably what was not nearly the salary that men got. The gentlemen in authority said: "Well we have no doubt you ought to have it, but you have not any votes, and we cannot give you the increase." At the same time they said to a deputation who had the right to vote: "Oh, yes, we'll grant you whatever you want." Now do gentlemen fear the time when women will, by means of proper representation in the government, be entitled to the same consideration by the laws, will have the same laws passed for them that are passed for men, and will have the same wages for the same work that men get? Will women legislate men out of power? Do men fear that? I think they do not need to fear it. It will be found that when the women get the right of suffrage and vote, they will pass just laws, placing them more on an equality with men, and giving them that due consideration, which heretofore they have not had in the distribution of power in the government.

The fourth objection under this head is: "If you give the right to vote to women

it necessarily carries with it the right to bear arms."

This, to my mind, is a very weak and fallacious argument, because where have we, in any period of history, either in our own country or in any other, where do we find in any Constitution, in any code of laws, or any municipal regulations, that the right of suffrage carries with it the right to bear arms. Almost every day we have petitions presented in this body from members of the society of Friends, asking that they should be exempt from the performance of military duty, and that they should not even pay a tax in lieu thereof. I know that there are a large number of gentlemen on this floor who believe that those persons, having conscientious scruples against bearing arms, should be exempt from military duty. I ask any of those gentlemen so believing, would they for one moment entertain a proposition to deny these members of the society of Friends the right of suffrage? But some gentlemen will tell us that because a woman cannot bear arms, or does not want to, she should not have the right to vote. It is the very height of inconsistency. The right to vote does not carry with it the right to bear arms. How many members of this body are there who are physically incapable of bearing arms by reason of being beyond middle age? How would they like to hear some one say to them, "You cannot bear arms, and therefore you cannot vote." Would they say that was justice? No; they would say it was rank injustice. So it is with women. There are other departments in connection with the army wherein women may serve their country efficiently without bearing arms. They can nurse the sick and wounded. They can become clerks in government offices, and attend to a great many details of government business as well as any man, and all this without bearing arms.

For myself, unlike my friend from Delaware, (Mr. Broomall,) who cited historical incidents of women who fought in order to prove that they can fight, I never want to see the day when women will fight, nor is it at all necessary that they should. Their right to vote does not depend upon the right to bear arms, nor upon their fighting or not fighting.

The fifth objection is that "women could not hold office; it would not be proper."

I would, in this connection, call the attention of members of this committee to

the fact that women do hold office and hold it well. In a number of the school boards of this country and of other countries women do exercise these powers; hold positions as minor officers under government.

And we know that in Wyoming Territory women have held offices, women have sat upon juries, and the testimony has been: That where they have held offices, where they have sat upon juries, the business of their offices and the administration of the law have been infinitely superior to what it was before they held them. I do not mean to be understood as saying that women can do everything better than men, because I do not believe in such a doctrine, nor do the women themselves; but I say where you have a proper mixture of men and women in your public offices, and upon your juries, and as representatives of the people, you will have a higher tone in the administration of the laws and of justice.

The sixth objection, which is similar to the first one, that it is not women's business to mix in politics, and which seems to be the greatest bugbear to most of the gentlemen who have not seriously considered the subject is: "That it would degrade woman to give her the right of suffrage;" that she would be compelled to go to the polls, and we would witness, not only the scenes that we witness at present, but we would witness scenes far worse; that it would be a crying disgrace to our civilization; that the character of women and men would be lowered by woman going to the polls and degrading herself as they say. I hold just the reverse. I hold that in the place where we have seen the matter practically applied, where we have seen women exercising the right to vote, in the Territory of Wyoming, the contrary has been proved. You have seen the testimony of the Governor of the Territory, you have seen the testimony of the judge of the United States Court in that Territory, and their testimony is: That not only does it not degrade woman, but, on the contrary, it gives a higher tone not only to women but to men.

I ask the gentlemen here, all of whom are no doubt familiar with the ordinary scenes at our elections, what can be worse than the sight of miserable, drunken good for nothing wretches, that we see ordinarily lounging around the polls? What can surpass the disturbance, the disgraces to the peace of the community that take place at those elections? What

can be worse than the character of the election officers, in many instances, who are placed there to take charge of the elections? I ask gentlemen here, is it possible for such scenes to be made worse? If you give the right to women to vote, and let them go to the polls, you will find the same thing in Pennsylvania that you find in Wyoming. You will find that when women go to the polls they will be treated with respect. You will find that the disorder, and the confusion, and outrages which are constantly in attendance upon the elections at the present day will cease, and that men will become better citizens.

These are the principal objections as I said that are made to the exercise of the right of suffrage by woman. Looking at it as a political right, necessary for the well being of half of the community, I might say more than half the community, necessary for the protection of that half in their rights of person and of property, necessary for the political existence of that class, I say that this right should be granted by the people of this Commonwealth.

I wish, before closing my remarks, to refer to the argument that was used by the gentleman from Potter (Mr. Mann) yesterday. He says the people have not asked for this right. He shall vote against it because the people have not asked for it. I would ask the gentleman what the people have asked for? How have they expressed to us their wishes? Have they not told us, in electing us: "You are to meet together, as our representatives; you are to frame such amendments to the Constitution as you, in your own wisdom, shall deem fit, and the understanding between you and us is that all those amendments that you propose and consider, and finally pass upon, shall be submitted to us at the polls." Have they not told that to us? Then are we not conscientiously performing our duty, if in our belief a certain thing is right, we ask this Convention to submit that question to the people?

We, the minority of the committee, wish now to strike out the word "male," because we believe that there is no justice in denying to women the exercise of the elective franchise. We wish to place ourselves right on the record, in striking that word out. We desire that our names shall be upon the records favoring such a proposition, but in order to allow women to obtain the right to vote in a practical

manner, or rather in order to submit to the people, to whom we should submit everything that we do, in an intelligent manner, the matter of female suffrage, we propose to ask the Convention to agree to the submission to the people of a separate amendment, without the word "male" being included in it, and we would ask these gentlemen who do not believe in the right of females to vote, to give us, out of fairness, out of justice, the opportunity to test the question before the people.

The gentleman from Potter (Mr. Mann) says the people have not asked us for it. The way to find out and determine whether the people do or will ask us for it or not is to get an expression from them at the polls. Therefore we propose, at the proper time, to ask the committee, and finally the Convention, to give their consent to the submission to a separate vote of the section giving females the right of suffrage, and we ask in common justice, in common fairness, in common deference to the views of a large number of members on this floor who desire to see women vote, and in common justice to the numbers of women themselves, that the Convention shall give to them also an opportunity to be heard upon the question as to whether they want to vote or not. While in favor of doing this, I wish to be distinctly understood that in submitting this section in the manner proposed, we think that it is the best way. I think the people should rise to the emergency, and should pronounce absolutely in favor of giving to the women the right to vote. I shall vote willingly, and with the greatest pleasure, to strike this word "male" out of the section, because I do not think it is in there justly, and I therefore wish to see it got rid of.

It will not do to treat this movement with ridicule and with contempt. In the Convention of 1837-38 the proposition to strike the word "white" out was treated with ridicule and contempt, just as this question is being treated now; and what do we find? Thirty-four years have elapsed, and you find that the word "white" in the Constitution of this State is to-day useless. So it will be with this movement. Even if it fails here, even if it fails temporarily before the people, the time will come, and, aye, soon, when the right of women to vote will be no longer denied; when justice will be accorded to her; when she will take her proper part in the administration of the laws and of government,

and when occupying the positions as equals, in certain political rights, with men, as the Almighty intended she should, we shall have a better state of society, a purer and higher devotion to our country and our God. The sooner the members of this Convention will recognize that fact, and help, by their votes, to bring this state of society about, the better it will be for the masses of the people of the Commonwealth, as well as for the gentlemen themselves.

MR. GOWEN. Mr. Chairman: I rise with a feeling of very great reluctance. I am almost overpowered to think that so many members of this Convention who adhere to old-fashioned ideas and old-fashioned usages; are charged by my friend from Philadelphia (Mr. Campbell) with being puerile and flippant. I regret it exceedingly. There is no member in this Convention in whose opinion we should all stand better than in that of my friend from Philadelphia, but I must assure him, unless he can bring better arguments to support the position he takes, or suggest reforms that will commend themselves to the good sense of the Convention, he is to be blamed if those who differ with him speak flippantly upon the subject. I believe, Mr. Chairman, that there is no Commonwealth in this country where the people are more conservative than they are in the Commonwealth of Pennsylvania. I believe there is a great deal of the old German and Quaker leaven throughout the good people of this State, that revolts with indignation at the ideas of some of the would-be reformers that are presented to this Convention. I know that it is with great difficulty that some people can resist the temptation of taking other people's property to pay their own debts, and it always will be a favorite scheme with modern reformers to introduce communistic ideas into our social life.

I am willing to admit, however, that there are a great many well-meaning men who think that our social life would be improved by giving to women the right of suffrage. I think the people of this Commonwealth sent us here for a better purpose than to divide the property among all the persons of the State, irrespective of the will of the one whose muscle or whose talent acquired it; and I believe the people of this Commonwealth are ten to one against any proposition that shall destroy the sanctity and the security of their homes by holding up woman

as the fellow of man in his struggle for political advancement. I am willing to admit everything that has been urged by the gentleman from Delaware (Mr. Broomall) complimentary to the female sex. Nay, more; I am willing to admit that men, in their relations with each other, would be improved if woman exercised the right of suffrage. I believe that, no matter what the reasoning powers of woman may be, and I am not one of those who would deny her the equal attributes of reasoning faculties with man, but no matter what these reasoning faculties may be, her instincts are always right. I believe if the women in this State had the right to vote, such disgraces as we have lived under in our political elections would cease forever. I believe this to be a fact; but, Mr. Chairman, at what sacrifice could it be secured? What price would we have to pay for the accomplishment of this good? Why, sir, at the sacrifice of all the most beautiful, the most delightful, and the most holy associations that cluster around our homes. It has been charged, and well charged, against the American people, that the life of an American citizen is devoted to the accumulation of wealth, or the gratification of political or other ambition. True it is, and it cannot be denied, that, especially in the crowded marts of commerce, the sacred relations of home do not influence our lives as they do in some of the older countries of Europe. I speak now more particularly with reference to our cities.

Let me illustrate the argument I have to make by referring to another subject. It is well known and admitted that our social or political fabric, in this city particularly, had become so corrupt that the legislative power in this Commonwealth, in order to rescue us from the evils that environed us, have been, for the last five or six years, gradually vesting in the judiciary the power of appointment to office instead of vesting it in the people. And why? Simply because, to our credit be it spoken, the judiciary of the Commonwealth of Pennsylvania was pure and recognized as pure; and it was believed that by taking away from the people the right of election to certain offices which control the distribution of money and patronage, we would secure a better administration of public affairs. The result has proved this to be the case; but what, Mr. Chairman, has been the effect upon the judiciary? Already we see it. Already we are besieged in our offices

and in our houses by applications, drawn up by politicians, requesting our names to be attached to them for the appointment by the judiciary of certain persons to office, and the result of this system will be such that hereafter the office of a judge will be sought after by the mere politician, for the purpose of dispensing patronage, to the degradation of the judiciary of the Commonwealth of Pennsylvania. So will it be with the right of suffrage by woman. True, it may elevate the man. True, it may remove the asperities of public and political life. True, it may purify many of the noisome sinks of corruption that infest this city; but these results can only be accomplished by the creation of an evil which is ten times greater, and that is the destruction of the sacred relations of our homes.

*"There woman reigns—the mother, daughter, wife
Strews with fresh flowers the narrow way of life:
In the clear heaven of her delighted eye,
An angel guard of loves and graces lie:
Around her knees domestic duties meet,
And fireside pleasures gambol at her feet."*

It is such a woman as this who should be held up as the character of the Pennsylvania woman, and not Catharine of Russia or Elizabeth of England. God forbid that the character of Catharine of Russia, or even of Elizabeth of England, should ever be held up as a pattern for the young women of this Commonwealth to follow. It is such a relation as the poet describes that I propose to protect and to defend, by placing a barrier between the woman and the man that shall prevent her taking part in this wild and fantastical struggle for government. The home influence that woman exercises, not only upon the child, but upon the young man and the old man, is the only influence that we can rely upon, with an unflinching confidence, to bring up the young people of this Commonwealth so that they will revere the sanctity of their homes, and, whatever may be their future life, look back, with a fond and sacred reverence, to the stainless purity of their early lives. I admit that woman enjoys all the mental faculties requisite to a proper exercise of this right of suffrage. But the very fact that she has these faculties, as she is always more conscientious than man, will make her ambitious to understand and appreciate the duty that she is called upon to perform, and that never can be done, except by the neglect of other duties which it is

more important for us and the Commonwealth that she should exercise and perform. Therefore, Mr. Chairman, I have taken the floor as the champion of woman. I admit all that has been said complimentary to her. I grant to her every attribute which her most ardent admirer has invoked for her. I stand here for the protection of those women—the pure, the noble and the high-minded—who would no more enter into this hall to ask the right of suffrage from this Convention than they would degrade themselves by the exercise of it if it was granted. I ask for them that we shall erect this barrier between ourselves and them, that they may be regarded in the future as they have been in the past, and that we will not have presented to us, in this city and in this Commonwealth, the abject spectacle of a woman at the hustings, striving to deposit her vote, to the neglect of her family duties, and to the destruction of those social relations which it is so important for all of us to maintain inviolate.

It seems to me, Mr. Chairman, that the wild reformers of this age have overlooked the distinction that was made by the Almighty, and that they forget that the relative position of the two sexes was not intended to be the same. I know that there are men and women living in this modern age who count themselves as reformers, agrarians and communists, who believe in overturning all the settled traditions of our ancestry—men and women both, who with an assurance which must to some extent command our admiration for its effrontery, would intrude itself into the company of angels and among the councils of heaven, and dictate to the Almighty what should be the policy of omnipotence, but I believe that the relations between the sexes, as they were established by the Almighty in the garden of Eden, are the relations which should continue through all coming time.

I believe that there is no nation or community that can rudely lay its hand upon these relations and prosper. I am aware that this has been done in some countries. I know that in some parts of the continent of Europe you can see a man driving a plough, drawn by a woman yoked to a cow. I must say that I think it is as degrading to a woman to enter the political arena, and cast her ballot with men and take her part in public life, as it is to be hitched with a cow to pull a plough driven by a man. If the right of suffrage is ex-

tended to women, where shall we stop in the progress of events? Are they to be jurywomen? Are you to send a woman out with a crowd of men into a jury room to spend three or four days or nights, until the verdict be rendered? Mr. Chairman, I want this sacred relation, which is the purest and best of our free institutions, to remain forever the same as it now is. The woman for whom I plead is not she who comes into this hall, and struggles before a crowd of men to be heard upon the question of female suffrage. Not Elizabeth of England, nor Catharine of Russia, nor Boadacia, not the modern amazonian reformer, but woman—the mother, the wife and the daughter—the pure, the gentle and the good, who meets us at the cradle, who accompanies us in our pathway through life, and who, at the end of this long pilgrimage, is the last mournful attendant who parts from us as we

stand trembling at the opening portals of the tomb.

Mr. DE FRANCE. Mr. Chairman: I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

The committee then rose, and the President *pro tem.*, Mr. Walker, resumed the chair.

Mr. LAWRENCE. Mr. President: The committee of the whole, having had under consideration the article reported by the Committee on Suffrage and Election, have instructed me to report progress and ask leave to sit again.

Permission was given to sit to-morrow.

Mr. ANDREW REED moved to adjourn, which was agreed to.

And thereupon, at two o'clock P. M., the Convention adjourned.

THIRTY-FIFTH DAY.

WEDNESDAY, *February 5, 1873.*

The Convention met at eleven o'clock, Mr. Walker in the chair.

Prayer was offered by the Rev. James W. Curry.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

POLL TAX.

Mr. TEMPLE presented a memorial from certain citizens of Philadelphia, asking for the enactment of a law compelling the payment of the poll tax, which was read and referred to the Committee on Revenue and Taxation.

PROHIBITION.

Mr. TURRELL presented a petition from certain citizens of Susquehanna county, relative to the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

LEAVE OF ABSENCE.

Mr. CHAS. A. BLACK asked and obtained leave of absence for Mr. Purman for a few days.

PROHIBITION.

Mr. ARMSTRONG presented three several petitions from certain citizens of Lycoming county, praying for an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which were referred to the Committee on Legislation.

LIMITATION OF DEBATE.

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

Resolved, That upon the subject of woman suffrage no member shall speak twice until all have spoken who wish to speak, and none shall speak more than ten minutes at one time.

Mr. KAINE. I rise to a question of order. The standing rules of this body provide that no limitation shall be applied to discussions in committee of the whole.

That rule cannot be changed except as provided by the rules.

The PRESIDENT, *pro tem.* I decide the question of order is well taken.

LIMITATION OF PROSECUTION.

Mr. STEWART offered the following resolution, which was read and referred to the Committee on the Bill of Rights :

Resolved, That the second paragraph of section ten, article nine, in the Constitution be so amended as to read :

"In all cases where there has been a final verdict of acquittal or conviction, after an adequate indictment, the defendant shall not again be proceeded against, criminally, for the same offence."

Mr. FINNEY offered the following resolution, which was read and referred to the Committee on Suffrage :

Resolved, That at every general or municipal election held in and after 1885, every elector who shall not theretofore have voted within this State, shall be able to read the Constitution of the United States and of this State, and to write his name.

SUFFRAGE.

The PRESIDENT, *pro tem.* The question before the Convention is the further consideration in committee of the whole of the article offered by the Committee on Suffrage, Election and Representation.

The Convention then, as in committee of the whole, Mr. Lawrence in the chair, proceeded to the consideration of the article reported by the Committee on Suffrage, Election and Representation.

Mr. WRIGHT. Mr. Chairman: I feel justified in claiming the attention of this body, as I have not troubled them but once in the last five weeks, and I consequently claim the right now for a short time of their attention.

I had not designed to raise my voice upon this vexed question. It had been floating through my mind for years, and I had not been able to arrive at anything

like a satisfactory conclusion upon the subject. The discussion of yesterday and the day before, however, brought me to something like a conclusion; and as I stand here to-day, in association with my colleagues, the representative of ninety-eight thousand female constituents, I think they have a right to look to us that their rights shall be represented upon this floor. The conclusion we may come to upon this subject is one of vast importance; and how does it stand before us now? There are three propositions before this committee—the first reported by the committee who had the subject in charge, with the words “male citizen;” the next, the amendment of the gentleman from Delaware, (Mr. Broomall,) to strike out the word “male,” and to leave the word “citizen” stand by itself; then the motion of the member from Indiana, (Mr. Harry White,) to strike out both these words and insert the word “freeman.” It has been thought that perhaps these ladies will be left down a little more gently by the adoption of the latter clause; be decapitated and not know what hurt them—a sort of rhetorical dodge it is, in my estimation; and yet when I listened to the argument of my friend upon the other side of the hall, (Mr. Gibson,) I was brought to the conclusion that the word “freeman” was, after all, a better term than “male citizen,” because many men might vote as male citizens that the word freeman would entirely exclude, and I consequently prefer the latter.

The member from Delaware, (Mr. Broomall,) in the conclusion of his remarks, as I understand it, places this question upon its true ground, not as a matter of expediency, but as a matter of reform; as a matter of advancement in civilization, and upon that point of view it is that I propose to consider it. Reform has been opposed in all ages of the world; advancement has been assailed from the time that Fulton invented his steamboat, and what an array of opposition there was to that! Yes, sir; we read in history that the landed proprietors of Great Britain bitterly opposed the progress of Stephenson's railroad scheme, because it would destroy their fox-hunting granges and scare away their grouse. But the progress of the railroad went on. If there ever was a man that stood upon the

borders of starvation, it was that man Elias Howe; standing out with his sewing machine, perfected, in his hands that was to ameliorate the condition of the laboring poor, and yet a determined opposition opposed it for years. Reform has ever been opposed through ignorance and prejudice. I remember the day when in the county of Luzerne of and all her population but one solitary man dared to stand forth and raise his voice against the blight of American slavery. He was ridden upon a rail; and the pavement was lined with thousands to witness the disgraceful spectacle, but fearing to put forth a hand to rescue the victim from the degrading position into which they had placed him. I lived still further to see a day when that same principle not only through my own county and State, but throughout the entire Union, swept like a storm. Nor, sir, were its waves confined to the narrow limits of this State, or even the Union itself. The wave rolled upon the ice-bound shores of the empire of the Czar, and the first fruits of the grand principle was to shatter the shackles of thirty millions of Russian serfs. It was a strange thing to comprehend that these men who were holding secret meetings under garrison, and others in the eastern and western States, should see the acorn that they thus planted rise in thirty years to an oak that should extend its branches over the entire land! That, sir, was a matter of progress and reform. How does it differ from the matter under consideration to-day? Why, sir, let me say that the old revolutionary war was but a step in reform, not merely a step but a great stride. What was it, I ask, that inspired that noted man from Virginia to open his voice in Carpenter's hall—only a few furlongs from this place—and to send from there a note of warning that aroused a continent to arms. It was the principle that the inhabitants of the colonies were bound by laws in the enactment of which they had no voice, the same principle that prevails to-day in regard to women. But how did our ancestors receive that note that was issued to them? They threw down the implements of husbandry and trade and rushed to the fields of Princeton and of Monmouth—yes, to our own fields of Germantown and Brandywine, and God—ever with the

right—gave victory to their cause and to their arms. It was a question of reform; it was a change from oppression. It was rising for their rights when these rights were denied to them. Now, sir, that is what our ancestors did on a like occasion to this. And shall we, their sons, be recreant when the same principle comes up for consideration, and shall we refuse to do what they did with such alacrity?

What is the condition of woman in Pennsylvania? She has come to be, to a certain extent, a *femme sole*. She inherits estate; she acquires property; it is hers, and no act of her husband can, in any way whatsoever, interfere with it. On the other hand, though she owns the estate, there is no privilege given to her, by voice or by vote, to do one thing, or to take one step upon the subject of the legislative enactments that are to control that property. The question before us now is whether she shall be allowed to assume that prerogative. I, for the life of me, cannot understand why the woman—the landholder—the possessor of an estate, is not justly entitled to exercise the right of suffrage, or act as a legislator on that subject, as well as the pardoned miscreant from the penitentiary's walls; and I might go on to mention, for comparison, other characters and other persons that do exercise this right when virtuous and intelligent women are excluded from it. I have listened for some sort of reason or pretext against this proposed amendment. What has been said—what can be said against the granting of this right that is respectfully asked for by her? I have heard none. I have not conversed with a member who admits that he has heard a solitary argument that should defeat woman in this claim. *Expediency!* It is not a question of expediency. Those that come after us will meet the question of expediency. The questions here are, is it *right*? Is it *just*? We do not come here to act for ourselves. We are, it is true, the representatives of the living, but we are making provisions for those that are to come after us. We are establishing a system that, perchance, for a hundred years shall have the sway of the interests of this Commonwealth. What has been urged against this proposition of female suffrage? Family dissension!—that it will create division and

dissension in the household. Why, Mr. Chairman, what family on earth is there in which there is not difference of opinion and dissension? Are there not different views with regard to every question of policy that rises betwixt the husband and wife, and the children that surround their board? Some go to one church and some to another. Some take one view of politics and some another. Why dissension is the natural inheritance of the family relation. But it need not disturb the quiet and harmony of that relation at all. I can refer you to an instance where the Methodist husband and the Quaker wife, for more than thirty years, have lived upon terms of unquestioned and unqualified happiness.

I can refer you to another instance where a Republican husband and a staunch, unswerving and unyielding democratic wife have nestled in domestic harmony for more than a quarter of a century. I am thankful that I need not go outside of my own family relations for an illustration to the point. Dissension in the family! Is such a humbug as that to stand as a stumbling block against the progress of the question of reform, which demands, at every man's heart, an independent exercise of his voice and of his vote. The fallacious proposition has been urged here, that a woman cannot work her way to the polls. How are we to know that a woman cannot work her way up to the polls? I have just as good a right to say that she can as any other man to say she cannot. We might establish, for her special use, a separate voting place. Perhaps this would probably be the proper policy under this constitutional provision, but I say this, that she *can* work her way to the polls. I say that a mighty change has come over the moral aspect of our land. If you desire to send your wife from Philadelphia to Pittsburg, to Harrisburg, to Lancaster or Wilkesbarre, do you now send an attendant with her? No, sir; she takes her place in the railway car and she is protected just as much as though she had a special guardian with her. Nay, more than that, from Philadelphia to the further shores of the continent she can now be protected in her travels. I say she *can* work her way to the polls. Rum was lately slaughtered, thank God, by an act of Assembly. I

went to the polls on the election of last fall to deposit my vote, and it was as quiet and still there as at the portals of the house of God, and but for the fact that a few men sat within the window I should not have known that an election was being held; and it was simply because intoxicating drinks are now withdrawn from the precincts on election day. Who shall interfere with a woman in going to her separate polling office, or even going by her husband's side, when the moral sense of the community stands forth to protect her? In the hotel where I am lodging, in one corner of the room is a little box some eight feet square, within that space sits a female telegraph operator. Never one word of obscenity or profanity is heard in that room; and the cause is that the presence of woman is known and felt by all those who are in the habit of congregating there. I claim that she has always been protected from the rudest and roughest man. I remember an instance mentioned by Bret Harte when in that solitary place he describes in a western State, where a woman had not been seen for some months, and one was brought there in a wagon; the men came in a crowd and demanded to look upon the image of a mother, sister or a wife in the representative then before them. I was delighted at the reading of that letter, produced in this Convention, from a judge in a western Territory, for it narrated the State of affairs I have long expected and predicted. We learned from this letter that in the courts in that Territory, where justice is administered when woman is present, a far different scene is disclosed from that upon which our eyes are accustomed to dwell. It, however, has been argued here as one of the objections to woman suffrage that she may cause herself to be elected to office. Well, I hope she will; and I will say this, that if she does not make a better legislator than a number of those now in power, the Lord have mercy upon her! I will trust her anywhere. To whom do men, even when their hairs are white, go sooner for counsel than to the mother that has borne them? The remarks of the gentleman from Philadelphia (Mr. Gowen) yesterday, who so eloquently referred to his mother, impressed me deeply. They are the counsellors upon whose discretion,

virtue and esteem we rely for guidance in all times of emergency. This whole subject comes down now to this solitary question: Is it woman's right to ask for suffrage? If it is, let it be conferred upon her. If she has no right to ask for it then it is our duty to decide against her. But, I ask, where are the petitions in favor of granting her this right? Where are the remonstrances which have come against denying her any longer this right? Hundreds of them have reached this Convention from all parts of the State, and have been laid upon the table; and not one lies there which repels this application for the privilege. Mr. Chairman, in the conclusion of these few remarks let me call your attention and that of the committee to the individuals whose names are upon these petitions. Who are they? They are not the Woodhulls and the Claflins; they are the teachers of peace, morality and the christian religion. They are the residents of Delaware and Chester counties, and the city of Philadelphia. They are the descendants of that man whose likeness adorns this hall—the great founder of the Commonwealth of Pennsylvania. They are none of your Woodhulls and Claflins. They are the teachers of everything that is virtuous and wise and proper. Part of the blood that flows in my veins traces its origin to the people of that great man, and I should consider myself recreant to the behests I owe to them if I was here to say that the Quaker women of the State of Pennsylvania, renowned above all others for domestic quiet, virtue and for religious counsels, should be denied the right they have respectfully asked, when none of her sex are here to oppose it by a single remonstrance. I only desire to place myself in the right position in regard to this question. I want my vote to be recorded—not to be judged of here, but to be judged of by coming generations, who at least, (for it is only a matter of time,) will give to woman the right that God intended she should have.

Mr. STEWART. Mr. Chairman: I have no desire to discuss this question further than briefly to state the views I entertain and the reasons which induce the vote I shall cast. Upon the question now under consideration, I have very decided convictions—the result, I trust, not of feeling or prejudice, but of careful

thought and examination. I might be content to give expression to these convictions by a negative vote upon this amendment, were it not that that vote might be construed to mean what I did not intend and what I do not believe. Very much has been said during this discussion by gentlemen who oppose this amendment, in which I cannot concur.

I am unwilling to base my opposition to this measure upon any other grounds than those which I shall myself assign. And here let me say that I fully concur with the distinguished gentleman from Erie, (Mr. Walker,) in regarding this matter of suffrage, not as a natural, but as a conventional right; but there stands related to that very principle another principle, which is not only fundamental, but which, in my own judgment, governs this case and affords us the necessary light by which we may reach the proper conclusion. That principle, briefly stated, is this: That no government can justly withhold from any individual or class the right of suffrage, except upon grounds of personal unfitness or public danger.

I am ready to concede that unless there can be found some disqualification in woman, which either unfits her for the exercise of this right or the discharge of its relative duties, or makes it dangerous to society and to the State to allow her to exercise it, it is not only illogical and absurd in us to withhold it from her, but the exercise of an arbitrary power which is most inconsistent with our pretensions as a republican State. In opposing this measure I do not look for this disqualification where others have sought for it. I concede that woman possesses the two essentials for citizenship in a free government. She has virtue and she has intelligence. This we must all concede. In point of intelligence she is at least our equal, while in point of virtue she attracts us by her greater purity. But granting all this, there are other considerations which are, in my judgment, controlling and conclusive. For I assert that notwithstanding she be possessed of these two essentials, she is by nature unfitted for the exercise of the right of suffrage; and not only so, but that evils of so great magnitude and proportion might reasonably be apprehended as likely to result

from the exercise of this right by her, that we are not only justified in withholding it from her, but are required to do so by the highest considerations of public welfare.

Sir, we are governed by laws ordained by higher than human authority, and to these laws we must conform, not only in our individual lives, but in society and in the State. There is a system and a harmony in nature which we cannot destroy, and which we can disturb only at our peril.

In the wise economy of nature, I believe that the political disqualification of woman is as certainly ordained and as clearly manifest to him who will observe it, as the distinction of sex itself. In the very constitution and character of woman, nature has implanted certain peculiarities. These, while they fit her for the family and for society, as clearly unfit her for the active duties of a wider citizenship. I believe that the position woman now occupies is the one to which nature has assigned her. I do not believe that it is either artificial or conventional. I am not unmindful of the fact that woman in the ages past has made great progress. I know that under the benign influences of our christian civilization her condition has been ameliorated and improved. But, sir, these influences worked in harmony with the laws of nature and not against them, and they have accomplished no more than to make the world concede to her the rights with which nature had before endowed her. I must not be understood as intimating that there is nothing beyond the present position of woman to which she may attain; nor yet, that her present position is all that it might, or should be. She might and I think should have ampler protection and security. She might, and I think should, have a wider freedom; she might, and I am certain she should, have a fairer field for competition. All these are consistent with the present relations and duties of woman. These, I would cheerfully concede her. But here I would stop. If I am right, sir, in saying that the position woman occupies today is not artificial or conventional, but the position to which nature has assigned her, then it follows, I think, that to do away that would disturb or interfere

with the relations she sustains in and by virtue of that position would be most unwise and hazardous. These relations, as we were told, yesterday, by the distinguished gentleman from Philadelphia, (Mr. Gowen,) are of the closest endearment and highest sanctity. They form the foundation of all civilized society and government. Society results from the family and government from society. You cannot weaken the foundation without endangering the whole edifice. And I know, sir, of no surer way of weakening that foundation than by conferring upon woman the right of suffrage. If we are to preserve the family as it is, we must preserve woman as she is. To introduce her into the world of politics is to expose her to influences which must transform her from the being she is into one more like ourselves. Politics may not be essentially base and debasing. I do not say that it is. But this I do say, that the passions it engenders, the aspirations it begets, the conflicts it occasions, must in the very nature of things weaken and in the end dissolve the family relation, if she, upon whom that relation chiefly depends, is made subject to them. So long, sir, as we maintain and cherish the family relation in its simplicity and purity, so long is society secure and government safe. But once weaken its supporting strength and the whole superstructure, I care not how well joined together, must tumble in ruins about us.

For these reasons briefly stated, and for no other, I shall oppose the amendment of the honorable gentleman from Delaware (Mr. Broomall.)

Mr. HORTON. Mr. Chairman: If I shall do nothing else, I shall try to be brief. I am no speech-maker. Other business than speech-making have I followed all my life, and yet I do not feel as though it was my place to sit still and let this whole thing pass without, as we used to often hear it said in Congress, many years ago, "rising to define my position." I know that with my feeble voice I cannot be heard over this hall, but if I had the voice of a Stentor, and could reach over and through this sea of mind and of intellect, here gathered together among us and all around us, I am sure I would let that voice go out in support of the faith that is within me.

There are two or three things that I want to know. I have for a great many years favored female suffrage, but let me say, before I go any further, that I oppose the amendment to the amendment of the gentleman from Indiana (Mr. Harry White.) I am in favor of the amendment of the gentleman from Delaware (Mr. Broomall.) I say this lest in my remarks I might not be understood as to the position I occupied, or which side I was speaking for; for during the sittings of this Convention and of the committee of the whole, I have heard quite long speeches, when, for the life of me, I could not tell which side the gentleman was speaking on. [Laughter.] Therefore I said that there were two or three things I wanted to know, and if the cause I plead for cannot be maintained, I, for one, reluctantly as it might be, will give it up, and go home and tell my female friends, "You are sold, your cause is lost."

Now, what I want to know is precisely this: Where do we get the right to the ballot and where do we get the right to exercise civil authority at all? Then, after knowing these two things, I want to know where you get the dividing line in regard to who shall vote and who shall not vote?

I am happy to be speaking here. I feel the responsibility of it. I know and you know that I felt embarrassed when I rose, and I do yet; but I say I am happy to be speaking here in the presence of distinguished gentlemen, learned in the law, of great experience, and to whose opinions and judgments I would bow with the utmost deference. I am glad to speak in such a presence, and to hold up before you an old law-book, historical and legal, one that I was taught from my infancy to regard as the most precious treasure that was ever given to the human family. I was brought up and educated in the democratic faith, and I was taught that the democratic faith was contained in this old law-book. And how does this old law-book open up? Legal gentlemen will no doubt excuse me for pausing a moment to read from this precious book. I only desire to read the opening up, just the beginning, and of all the law-books that ever I saw or

ever I read, I have never found one that opens like this, viz :

"In the beginning God created the heavens and the earth ;

'And the earth was without form and void ; and darkness was upon the face of the deep ; and the spirit of God moved upon the face of the waters.

"And God said, let there be light, and light was."

Now light is what I want ; that is just what we all want here. It gives me pain to differ from gentlemen intelligent and learned in the law, of more experience than myself and superior to me. It gives me pain to differ from them, but then we all want light. I take it that that old law-book contains the foundation of all rightful civil authority. I ask that question, does it or does it not ? If it does not, where else do you get it ; where else does it come from ? I learn from that book that God has given us the right of civil authority, and he has given it to the whole family of man without any regard to sex whatever. "Judges and officers shalt thou make then in all thy gates in the land which the Lord thy God giveth thee, and they shall rule"—not by bribery and corruption—"they shall rule the people with just judgment."

Mr. Chairman, if there were not so many gentlemen abler than myself who are anxious to speak upon this question, I would refer to and read authorities, which I have here before me, democratic authorities, such as were taught me in my political childhood ; but I am fearful if I should undertake to do so, it would be tedious, and you would not have patience to hear me. I need not refer to any other foundation than the one to which I have already alluded, and I take it that that is the authority of righteous civil government among mankind.

I was pleased yesterday to hear the gentleman from Philadelphia (Mr. Gowen.) Let me say to the members of the committee that I admired his ornate, his lucid, his compact speech. I looked upon it as a model, as all that I have ever heard from him are ; and I would delight if I could copy after him, and I would recommend to those who are, like myself, not accomplished speakers, to follow his pat-

tern. I was delighted to hear him say that he wanted to go back just where I have been going by the aid of this old book, to the garden of Eden. He wanted the male and the female to be precisely as they were there, and so do I. I cannot enter into elaborate argument, but I do say that there the first pair, the father and the mother of us all, had the right of suffrage, and they did vote—whether they voted wisely or unwisely you may determine—but they voted ; the female first, under a delusion of the evil one, the male next, under the influence of the most beautiful of all God's earthly created beings—the fair, the pure, the accomplished Eve, the mother of us all—and the consequence of that voting was their expulsion from the garden of Eden ; but did that crime and expulsion take the right of suffrage from one and not from the other ? I hold that it did not, and I demand the proof that it did.

The gentleman from Centre, (Mr. McAllister,) who reported this article, well said, that it involves the discussion of the foundation principle of civil government. It does ; the ballot always does, in the hands of the people, the citizen rulers of our land ; it goes back to the very foundation principles of our government.

Now, Mr. Chairman and gentlemen of the committee, I am happy that we are here in this great city, where that sublime enunciation, the Declaration of Independence was made, and that we are almost within a stone's throw of that immortal hall, Independence Hall, where that old bell chimed out, "Proclaim liberty throughout all the land and to all the inhabitants thereof," and do you suppose in those chimes that the gentlemen or the ladies of those days thought anything about restricting rights, about striking down natural rights ? If I have listened aright, the chairman of the committee said that suffrage was both a natural and a conventional right. I do not know that I care to take any exceptions to that. Call it one or both, or either, and it amounts to the same thing. The one important thing I want to know is, where the Convention which established this discriminating rule, held its sessions, and by what authority it said that a natural, a God given right of one half

of the human family should be taken away and when they point me to that Convention, with the day and date, and its authority, if it be good authority, I will say no more in favor of the ballot for females. But until that is produced, I must hold to the democratic faith—THE BALLOT FOR ALL.

I have taken almost as much time as I intended to when I took the floor, and I wish just now to give a very short part of my creed upon this subject, and then I will give way to others who will interest you more than I can.

In the first place, I will state what I do not believe, and what I do not believe because I have never seen any proof of the truth of such statements. I do not believe that it is unholy and unwomanly for women to vote.

I do not believe, as it has been said, that it would unsex her. I do not believe that by Divine arrangement she is constituted for home duties and for no other duties. I do not believe that to attempt to elevate or to protect her by putting the ballot in her hands would only tend to her degradation and to confusion and family disorder. Many of our fellow-men believe it, but I do not.

She is so frivolous and flippant, it is said, that she would disgrace the ballot. Her going to the hustings would outrage gentlemen's enlightened estimate of what woman should be. (Nature has so ordained woman that at certain periods she is absolutely unfit to do anything.)

It is contrary to the laws of nature for women to vote.

It would interfere with her duty as wife and mother.

To let women vote would be to introduce an infirm element into political affairs.

If liberty were given to females to vote the impure and the profligate would be the first to vote; the decent, the refined, the virtuous would not use (degrade themselves by using) the ballot, for it would degrade them.

Now, of all that I do not believe one word; and until facts can be produced substantiating those assumptions I must continue to disbelieve them.

Now, Mr. Chairman, upon the other side I believe with a distinguished modern writer, that in "whole-souledness and

genuine heroism woman has never been excelled by man, and in quickness of perception, power of endurance, firmness of affection, kindness of heart, she is his superior;" and the assumption that for her to use the ballot would jeopardize her sacred office of wife and mother is wholly unsupported in nature and in fact. It is UNJUST and FALSE, and should be abandoned at once and forever.

Mr. Chairman, one word more and I will yield to other gentlemen, and that is in relation to natural right. One other idea was brought forward yesterday, viz: That though the ballot was not a natural right yet it was a social right, and upon that ground the female had a right to it. I think here, just as in the other case (that of natural and conventional rights) that there is a distinction without a difference, because where do you get the authority for your social rights? Precisely where you get your authority for civil government—from the Most High; and if you have social rights they are based upon natural rights, and nothing else, or they will go to the ground.

Being in ill health I am warned that I must stop, with only having said the hundredth part of what I would like to say. Thanking you, Mr. Chairman, and all this committee, for the kind attention you have given me, I resume my seat.

Mr. HENRY W. PALMER. Mr. Chairman: I claim the right to say a word or two upon this question, because I am an original woman suffrage man. It was neither the eloquent argument of the gentleman from Delaware (Mr. Broomall) nor the remarks of my distinguished colleague (Mr. Wright) that converted me. I was a convert long before I came here; and therefore think it proper to say a few words upon this subject.

It seems to me that the opponents of this measure, represented, as they have been, by some of the most eloquent and able gentlemen upon this floor, have yielded the whole argument, and conceded the weakness of their case. The gentleman from Erie, (Mr. Walker,) to whom we listened with great pleasure and attention, admitted that women are possessed of sufficient intelligence, virtue, morality and love of country to entitle them to the ballot; and the gentleman from Philadelphia (Mr. Gowen) admitted that the re-

sult would be to elevate men and purify politics. It was claimed, by both, that the question was one of expediency alone; and therefore the matter resolves itself into this: Is it expedient to do good? Is it wise to purify corruption? "No!" say the gentlemen both. Why? In their own language, because they fear "the result will be to degrade woman, and to lessen our respect and veneration for the female character." We shall not purify corruption! We shall not do good that evil may cease to exist, "for fear," say the gentlemen from Erie (Mr. Walker) and Philadelphia, (Mr. Gowen,) "that we should cease to regard and venerate the female character," and for fear woman may be degraded by this added privilege. Will she be degraded? Neither they nor any other speaker who has had the floor on this subject has pointed out the method of this dreaded degradation. The gentleman from Franklin (Mr. Stewart) insists that some mysterious difference exists between man and woman, and that, by some unaccountable transmogrification, this degradation is to be wrought, but no gentleman has pointed out the means whereby it is to be effected. Of that we are left in entire darkness.

Now, Mr. Chairman, what is it to vote? What is it to cast a ballot, except to express an opinion? May not the most refined lady in the land say, in her own parlor, that she prefers Mr. A. to Mr. B. for Governor of the Commonwealth? May she not set up a poll in that parlor and ask the ladies of her acquaintance or of her neighborhood or street to come in and cast a ballot expressive of their choice in that regard? Is there anything in the act of voting itself that can degrade a woman? The alleged necessity of her being obliged to press to the polls for an opportunity to vote is of no weight. Give to woman the right, and the details can be regulated so that she may exercise it in a manner entirely agreeable to herself. I believe then that in the simple expression of an opinion, which is all that it is to cast a ballot, there can be nothing to degrade. If there is no degradation in the expression, can there be in the forming of an opinion that she may be able to express it? Certainly not. I believe our women form their own opinions now. They read the newspapers and attend po-

litical meetings, and make up their minds upon most subjects, and express them with vigor and clearness. It is new doctrine, at this day and age of the world, that the formation and expression of opinions can degrade. But it is said "that what follows!" the results attendant upon the concession of this right will lead to the dreaded degradation. How? In conferring upon woman the right to hold office? Why, sir, these latter days have taught us to admire many things that were repugnant to our prejudices in days gone by; and there are many offices in the gift of the people or the government that can be and are filled as well by women as by men. We have all become familiar with postmistresses, with female telegraph operators, with female clerks and accountants. We know there are many places that women fill more honestly and more efficiently than men; and the experience of past years has taught us that they may fill them with credit and honor to themselves, and with profit to the people. Well, may they sit on juries? The obligation to perform this duty is another of the supposed evils attendant upon the concession of suffrage. It has been asked: "Would you send your wife out into a jury room and have her locked up all night with eleven men?" I should not be afraid. I think the women are amply able to take care of themselves. For my part I have no confidence in the virtue that needs the protection of a bowie knife and revolver; the day for that kind has gone by. I see in the base suspicions that lurk around the objections of the gentleman very much more to degrade woman than the conferring upon her of the right of suffrage.

I say these objections are not in accordance with the spirit of the times. They are not in accordance with the intelligence and the civilization of the age. The Turk shuts his woman up and secludes her from the public gaze for fear that she may be contaminated thereby. The savage lays upon her a heavy burden, and makes her his menial slave. Christian civilization emancipates her from the degrading suspicion and takes from her the burden of menial servitude; and there is no better index of our superiority and advancement than can be found in the ameliorated condition of our women.

Compare our country to-day, where the freedom of the women excite the surprise and comment of foreigners, with any other land in christendom, and the result need not be feared. Neither France, nor Italy, nor Spain, nor even England herself, can boast a higher purity, or a more exalted and ennobling modesty. The idea that the conferring of this right will degrade woman, cannot, in my judgment, be more properly and truly characterized than by saying that it is only a sickly sentimentality. It is not the strewing of flowers or the recitation of touching lines that will ever write a wrong or root out an evil. The poetic imagination of the one gentleman and the old-time courtesy of the other are alike honorable, but neither will ever raise the compensation of a half-paid domestic, nor help to save from the grasp of a drunken husband the scanty earnings of a wretched wife, nor close one of those breathing holes of hell that flaunt their infamous traffic on every thoroughfare.

No man can deny that in the purity of the ballot rests the perpetuity of our freedom. The question of the permanency and the success of free institutions is still a matter of doubt, and able men in this and other countries are looking with intense anxiety to the result of this experiment. And well they may doubt. In these latter years of awful infamies, when the blasted reputations of the nation's leaders are falling "thick as autumnal leaves that strow the brooks in Vallambrosa"; when men look for each day's revelations with fear and trembling, and inquire of each other whose turn will it next be to fall; when the pulpit, and the press, and the public speakers, without regard to party or politics, portray a state of corruption such as finds no parallel in recorded history—I say it is time, high time, for us to pause and to doubt. And, because gentlemen admit that the inevitable result of giving the ballot to woman will be to purify and elevate our politics; because I believe that where corruption and fraud now run riot in the street, honesty and justice will succeed; because the gambler, and the pimp, and the rogue, shall no more sit at the receipt of customs, nor, clothed in purple and fine linen, fill the civil offices of the State; because in

this reform I see the glimmer of the dawning of a brighter day, when worth and not wealth—when ability and not influence—shall secure the primary nominations and fill the places in the public gift, I hope this cause will succeed. The delicate sensibility and imaginative fancy of the gentleman from Philadelphia (Mr. Gowen) does him infinite credit; but at the risk of shocking the one and disturbing the pleasing wanderings of the other, I would save the imperilled ship of State, freighted as she is with the hopes, the fears and the aspirations of every bondman longing to be free.

Briefly stated, then, the proposition is this: The women of the land have half the intelligence and more than half the virtue of the people; and as honesty and virtue are the corner stones upon which the people's freedom rests, woman's vote a d woman's influence *cannot be spared* from the government of the country. I know that the female conscience has not been aroused upon this subject. I know that it is the fashion, in polite circles, to manifest a well simulated horror at even the mention of female suffrage. I know that the great middle class of women—the mother's of the men of the community—women who have some other purpose in life than to dress, and some other ambition than to seek admiration—are not prepared to accept this great privilege, and their very hesitation, and the arguments that I find in their mouths, are to me confirmation of the wisdom of this measure. They say: "We have burdens enough. Why put more on us." They say, we do not understand these things; and, besides, politics are infinitely disgusting to us. Well, but have they burdens enough? For man's helpmeet woman was given—not to bear the half or to share the half, but to share the whole of his burdens. Do they not understand these things? Should not the women—the mothers of the sons and daughters of the country—understand them? At the mother's knee man's character is formed, and where can the principles of pure and honest government be so successfully instilled as there? Are politics disgusting and infamous? Let her shed upon them the glory of her presence, and give to them the cleansing of her continual help, and the waste places shall blossom.

som as the rose. Bring home to her the knowledge that with the ballot in her hand she has the power to close every grog shop in the land, and drive away from her hearth-stone the brooding horror of a drunken son or besotted husband—a horror that broods in palace and hovel alike—and her voice will not cease to cry aloud until the ballot is there. Let her know that the right to vote will secure to her the guardianship of her own children, the disposition of her own property, the use of her own wages—her emancipation from a bondage handed down from a generation when woman was a plaything and a slave, and she who now holds her peace will clamor for the right. Inform her that a vote means equal wages for equal work; the opening up of new avenues of employment suitable for her sex; the securing of equal rights in the estate of a deceased husband; the privilege of living in her home after her husband's death beyond the pitiable quarantine now allowed by law; a lifting of the unequal burdens that man's laws and man's tyranny have, down through the centuries, heaped upon her, and her voice will not cease to call until the vote is hers.

But, says the honorable gentleman, the advocates of this measure are wild reformers, socialists, agrarians, communists, fanatics, seeking to pay their debts with other people's money.

The calling of hard names is not precisely argument, at least it is not very convincing argument, and when that gentleman, upon whose lips the honey of persuasion hangs, and at whose command is every weapon of forensic conflict—when he calls hard names it is because his cause is lost, and his arguments are spent. Radical reformers, fanatics! These be familiar words. We heard them in 1860, when the southern slave driver cracked his whip over the backs of northern dough-faces in the halls of our national Congress. We heard them in 1861, when war flung its red banner to the breeze. Cranmer, Latimer and Ridley heard them often. To Martin Luther they were familiar words. John Wesley, who, disgusted with the cold formalities of a heartless State religion, and, touched with pentecostal fire, broke away from dead forms to preach the living word and found a sect that has done more to edu-

cate, civilize and christianize America than all the rest put together, was in his day a radical, fanatic and reformer.

Morse, who chained the lightning and sent it up and down throughout the earth, bearing messages of business and love and pleasure, was a radical, a reformer and a fanatic.

Cyrus W. Field, who, in the face of the most gigantic obstacles and apparently insurmountable difficulties, spanned an ocean and linked two continents together by a bond, bringing concord and good will that time can never destroy, was denounced at home and abroad as a radical, world's reformer and fanatic.

Gallileo, Harvey, Newton, Fulton, Stephenson, and all the bright galaxy of the advance guard of genius, were in their day and generation denounced as radicals, reformers and fanatics. Welcome the name. The car of human progress was never advanced so much as one poor inch by any other than a radical, a reformer, a fanatic. As for me, I prefer to be an humble camp-follower in the great army of such men, than a chief captain among the high conservatives of this most conservative city, even at the risk of parting company with the distinguished gentleman who applies such epithets to us.

MR. BARTHOLOMEW. Mr Chairman: I am opposed to the amendment of the gentleman from Indiana (Mr. Harry White.) I do not like the term "freeman," and I would rather have the word used as is reported by the committee. This word "freeman" calls back to us memories that I would rather have buried. When the word was used it was for the purpose of designating a class who were free as against those who were held in servitude. The construction has been placed upon this section by force of arms, and I, for one, would rather let the past be buried and forgotten, and commence a new era with a new designation, and therefore I wish to stand upon this proposition on the side of the report of the committee as it has been made. The next amendment, offered by the gentleman from Delaware, (Mr. Broomall,) I feel constrained to oppose. I must confess, however, that until within a very few days, I was in much ignorance and considerable doubt and perhaps prejudice upon this subject. My mind has,

however, become enlightened. I thought that this question of woman's rights and woman suffrage was a question that was only agitated by women who should have been men and by men who should have been women. I have come to the conclusion that there is much in what has been said, and that this great agitation has not been produced by a mere nothing, but that underneath it there is at least something that commends itself to the reason of the wise and to the intelligence of both sexes. It is not my province to denounce those who have taken a position, either male or female, upon this question, because I concede to them an earnestness of purpose. I concede to them much that commends itself to my judgment, but yet withal, I adhere, perhaps it may be to an old prejudice, to that which my reason dictates to me as the right, and therefore I shall say a few words upon this question. Now I oppose this amendment, first upon the ground that it is against the law of nature, and therefore it is against the law of God. I believe as the gentleman from Franklin (Mr. Stewart) so clearly stated the proposition, that the relation of the two sexes is as distinctly and clearly defined by the law of nature as any departure could possibly be made. I take it that by reason of the maternal duty imposed by the law of nature upon womankind, it is the highest and noblest assigned to a human being, and that by that duty God has placed an obstacle in the way of their becoming a part and parcel of a government, or an active principle therein. I believe also that a public duty which is imperative in its nature, and which requires a continued occupation and pursuit that prevents their participating in this great scheme of government. I take it that history has shown us that in all time, even in a state of nature, where men are as they were when God created them, that woman has occupied a position inferior to man. I do not say that this has been occasioned by reason of intellectual inferiority, but I do claim that by reason of might and of strength of man, woman has been placed in that position. When nature gives a free charter to physical forces, the strong must prevail and the weak succumb. This has ever been woman's position. It is true that we have our theory of govern-

ment, and it is that governments were organized for the protection of the weak, and that the wants and the fears of individuals aggregated men together. Now the reason for all this was an antagonism in the physical forces. It was this which drove men together to increase their power and their strength. Woman took no part in the formation of government by reason of her physical weakness. From the very beginning, and whilst I do not contend and would not contend that that which has never been is therefore never right nor never can be, I do assert that from the time that Adam first entered Paradise woman has never participated as an active principle in the government of the world. Individual exceptions we have had it is true. We have had that which was the result of organism or government, but that which conceded to woman a share in the government is yet a thing unknown. We have the theocracy of the Bible, and all the multiplied and multifarious forms of government that have existed, and yet they have shown no record to disprove this fact. I say decidedly and fairly, that there is no proof in this that it is not a right, but it does strike me that the principle which is contended for, if a natural right, must have struck the mind of man from the beginning, and so long a time would not have elapsed without an assertion of its existence. The next proposition I come to is this: That this natural right of suffrage is one that I cannot agree to admit. We all understand that when we leave the state of nature and become a part of government we give up our natural rights. We become artificial creatures, and we are bound by the conventionalities and by those human laws which the body, as a whole, shall make for us. Now, gentlemen of this Convention have been discussing the problem of universal suffrage. I can only say here that if they are in favor of universal suffrage that they have stultified themselves. They may be in favor of universal suffrage, so far as it is consistent with the safety of the State, but no farther. They have placed a restriction upon suffrage heretofore, and they will vote again in this body to restrict suffrage. They have gone so far, and properly, as to say that those who have been convicted of infamous crimes,

and those who have violated their position by reason of becoming part and parcel in a criminal attempt to carry the elections are unworthy of the right of franchise. They have also restricted the right of suffrage to those who are over twenty-one years of age, and for what reason? If it be a natural right, and one that is natural to all citizens, male and female, why make such a restriction? Why make a limitation? The limitation is a manifest one, and it is made because it is believed that universal suffrage is inconsistent with the safety and well-being of the State itself. We believe that those who are under the age of twenty-one years are incapable of exercising that judgment, that discretion and that reason, which should be within the province of every elector before he casts his ballot. Therefore the right of suffrage is restricted. Now the idea suggested by this very proposition, and it is one that has been alluded to by the chairman of the Committee on Suffrage, (Mr. M'Allister,) is: That the right of suffrage is not a general one to be exercised by both male and female, but solely by the head of the family. Now let us see whether you do not carry that principle out in this very report, and in your last Constitution, and in every Constitution. Why limit the time of voting to twenty-one years of age? What magic is there in that number? Simply because the law, and the custom which has made the law, gives to every male his majority at the time that he arrives at the age of twenty-one. Then he becomes a man. Then he is considered able to become the head of a family himself. That is the proposition. You control it and confine it to the head of the family until the son arrives at the age of twenty-one, and then you start a new branch of the old stock and give it to him. That very idea is carried out in that very restriction and limitation upon universal suffrage.

Let us come to this conventional condition. The State is not perfect; although its industries are perfect and prosperous, although its finances are prosperous and flourishing, although its manufactories, its agricultural interests, its mineral interests, are thriving, and all of its grand industries in a thriving condition, that is not an evidence that it is an advanced or

a happy State. If it were so, the ant-hill or the bee-hive would be the finest examples of good and happy governments; yet who will compare the condition of man to that of the animal? You want more than that. You want social happiness. You want that which is confined to the individual man and his inner or domestic life. That is the great proposition, because, by these two being joined together, you then make that complete which was before incomplete, and render that perfect which was before imperfect. You must have the individual one a perfect one. You must have the citizen and individual condition perfect. These, gentlemen, make up a complete perfection, and then you have a good and advanced government. Therefore, I take it that it is the duty of the State, it is the duty of the government, it is the duty of a body framing an organic law to look to that individual happiness. Then the question arises, is that individual happiness better obtained by dividing a house against itself, and thereby rendering its fall certain, or is it better kept by keeping the house under one head and under the exercise of one sovereignty? That is the proposition, because it is the happiness of the individual that contributes to the happiness of the Commonwealth.

Now upon this question we have had much discussion, as to whether the allowance of suffrage to women would increase the individual happiness of the citizen, and that, I take it, is the proposition, which is one for our consideration, and perhaps the only one for our consideration. I take it that this question of suffrage is something which must be consistent with the welfare and the well-being of the Commonwealth. Now we have it said, on the one hand, that it protects rights, and that woman would vote when under that protection against wrong that has been heaped upon her. It is true that "men were made to work and women to weep," but it is equally true that women were made to weep and to work also—perhaps too much of that, perhaps too much of that. I will say that they have suffered wrongs—great wrongs, and I also claim that they may have inflicted wrongs. I claim that in this world of ours we are not angels; we are not good, and wrong has been done upon the one hand and upon

the other. That women have suffered by reason of unwise and unjust discriminations against them I firmly believe. I believe that, so far as property is concerned, they should be protected to the largest and widest extent, and that their rights should be ascertained and fixed with an inflexibility which shall be as unswerving as the needle to the pole; but, whilst I believe in that protection, I do not believe that it becomes necessary that they shall have that in their possession which would work a destruction to the Commonwealth and precipitate their own ruin.

Look at it! Look at it! Which is the pleasantest picture? What is it that men desire? I care not how busy in this life a man may be, I care not how evil and wicked a man may be, there is that within him which at times turns him towards his home. It is his load-stone, and that, a good man desires to be as perfect, as pure and as free from that corruption which surrounds him on all sides and at all times as is possible to be. This is his heaven upon earth; nearer like that which we hope for hereafter than anything we can imagine. That is one view, and it is to me a picture of more delight, of much more pleasureable character, to think of a woman, pure and surrounded by the moral virtues, sitting there teaching her child the way to heaven, than to be at the head of a gang of ward politicians. Now these pictures present themselves to me in the strongest light.

"But," they say, "if we have woman suffrage we shall avoid all this." Avoid it! Yes, when the days of the Republic cease, and when politics shall be at an end. But so long as there is a motive, a human motive, to seek position and power and place, so long shall the means be adopted which shall ensure the end, and these means will be used, whether they operate on male or female. If it require the votes of females, female votes will be obtained by the same means and by the same measures that are now used to make that which is the corruptest thing in this country man touches, which makes a man of sensibility and of morals turn away sickened at the sight; and I say that, for one, so far as I am concerned, with my convictions of woman's purity, with the very difference, with the very contrast that makes her dearer to me, because she

is better than man, for that reason, and with the help of Heaven, I never shall drag her down to that from which every good man in the land turns with loathing. [Applause in the galleries.]

Mr. DARLINGTON. Mr. Chairman: I move that the committee rise, in order that the galleries be cleared.

The CHAIRMAN. Does the gentleman from Schuylkill yield the floor for that motion?

Mr. BARTHOLOMEW. Mr. Chairman: I yield the floor for that purpose.

The committee refused to agree to the motion.

Mr. BARTHOLOMEW. Mr. Chairman: I shall not detain the committee much longer. I have expressed my views as clearly as I was able under the circumstances. I concede a fairness of motive to those who differ with me that I ask for myself. My convictions may be imperfect ones. They may rest upon a foundation that is baseless and shattered, but they are convictions that I hold firmly, and they are convictions that I have arrived at after some thought. I do believe it is for the interests of the great Commonwealth whose interests we are bound to represent; but above that, above these interests of mere government—because an experiment of this kind, if it should fail, might be remedied, might be rectified—is the interest of humanity for which I speak. It is in the interest of those of the female sex whom I love and admire, and their virtues are to me a guide and a guiding star. I want them as pure and as spotless in the future as they have been to me in the past. I want at least one cloud to guide us through this sea of iniquity and sin and bring us to that bourne, "the bourne of that undiscovered country from whence no traveler returns."

Mr. DARLINGTON. Mr. Chairman: I do not propose to occupy the attention of the committee but for a few moments. I can scarcely flatter myself that anything that I can say will add to the arguments which have been already offered by the gentleman from Delaware, (Mr. Broomall,) the gentleman from Luzerne, (Mr. Wright,) and the other gentlemen who have preceded me, and it is rather for the purpose of being myself understood that I rise to call the attention of the committee, for a moment, to my position on this

question. I am in favor, decidedly in favor of allowing female suffrage. And allow me further to say, that I do not allow myself to inquire whether the constituency I represent are with me or against me upon this question. The one inquiry I have to make is, is it right? I agree with gentlemen who have already addressed this committee, that this is not a question as to whether women are by nature entitled, for I agree that there are no natural rights to any political consideration, but the question is rather whether it is expedient, proper and just, that they should share with us in the government of the country.

The effect of this measure upon us who have the governing power, is what more concerns me perhaps than anything else; and when we reflect that from early days, when woman was a drudge, not to say that she was a slave, in civilized society and in civilized communities, she has from time to time been elevated from the position in which she was; when her rights have been secured to her step by step; when we have brought her up from being a beast of burden to being our companion and our equal; are we to draw from this the conclusion that she is unfit to advance further, and that we endanger the eminence to which she has already arrived, by denying her other privileges to which we are entitled? On the contrary, Mr. Chairman, I look upon every step that has been so far gained in woman's advancement, as a step in the advancement of ourselves. No longer in civilized communities is woman to be considered as, in the language of Blackstone, having "her very being and existence merged into that of her husband." No longer do we recognize this common law doctrine. We have advanced beyond this, and we have secured to her the possession and the enjoyment of her own estate. Has that ceased to make us more respectable and respected? What has been the effect upon the woman, to secure to her her rights of property? It reflects and reacts upon ourselves and elevates us in the social scale, just as every good of the kind will elevate every nation of civilized people in the social scale of human existence.

We profess to be a little in advance of England, but we must recognize our

mother country as being possessed of one of the best governments upon the face of the earth, and we must recognize the people of that country as being among the most intelligent and enlightened and advanced in all the arts and in all the sciences. We must not forget that, within the past year, in that country, her Parliament, composed not of politicians, but statesmen, has had the subject of woman suffrage under consideration, and of that body, one hundred and fifty-one, by a solemn vote, declared that women were entitled to the right of suffrage. This was not a sufficient number to adopt the measure, but it should be encouraging to us, and in that country, where less advancement has been made than in our own, one hundred and fifty-one members of the British Parliament recognized the right of woman to equality before the law, and voted to grant them this privilege of the elective franchise. Shall we be less earnest than they? Shall what has been thought there to be a proper step to elevate, to encourage, to adorn and to enlighten mankind, not be considered a proper step to be taken in this country?

I want to know where is the evidence, which should appal us in taking this step? We know, full well, that women are, to a great extent, the teachers of our children. Does that degrade them, or does it elevate them? Who would not glory to find amongst the teachers of the land the woman of his heart and take her to his bosom? Would he feel that she has been degraded by her employment, or that he be degraded himself by selecting his companion from those in her station of life? Who ever heard, before, that the elevation of a woman, intellectually, was a degradation to her? You find women in the telegraph offices throughout all the land, north and south, east and west. What is the effect? Do we bring her in contact with men where she hears and is obliged to hear that which she should not? On the contrary, I had it from an experienced superintendent of telegraphy, that the very circumstance that a lady was in the office, and liable to hear everything that passed over the wires, had elevated and exalted, and made men behave themselves, as they should, everywhere. Such a thing as an indelicate expression over the wires

where females were within hearing, was impossible. This is said to their credit. This is the influence which they exert when thus employed. We find them in stores, in shops, in retail houses everywhere, in contact with men in the everyday business life. Who ever heard of this being degrading to the men or to the women? On the contrary, the intelligence, the business habits, the activity of our women in seeking employment and in obtaining it places them upon an equality with us, and shows their ability to do all that we claim for ourselves the right to do, and the privilege of doing.

Under what circumstances, and where has it ever occurred, in this country or in any country, that the advancement, the improvement, the education, the elevation of the female race ever did anything else than advance and improve and elevate the male at the same time? I do not agree, therefore, with those gentlemen of this Convention who fear that giving to women the ballot, will bring them in contact with those with whom they would not choose to associate. The fierce strife of a wild contest for supremacy at the polls, as my friend from Philadelphia (Mr. Gowen) so eloquently and politely described it, unfit for women! Why? Do not women go to your political meetings and listen to the speeches of the gentlemen, and ladies too, without being soiled? Who ever heard of any impropriety on such occasions? Who ever heard of a political speaker, making an address in a public meeting in favor of the principles he thought important to have prevail in the community, with a female audience about him as well as male—who ever heard of a gentleman so far forgetting himself as to allow even an indelicate expression to escape him? In this respect, how marked is their influence upon the men, when contrasted with some political meetings which are attended only by men, and in which gentlemen may indulge themselves in other kinds of remarks.

Now, sir, can you find me any case, under any state of circumstances in, which it has ever occurred that the improvement and elevation of women has had any such tendency as is feared by the gentlemen who are here advocating the opposite doctrine? If taking them

out of the fields where they rake, hoe and hold the plow, if taking them into our houses and making ladies of them and allowing them to attend to the ordinary duties of the household, if taking them into our schools to instruct our children, if placing them in our telegraph offices, and in our stores and places of business to earn their living; if all this has no degrading tendency, if, on the contrary, its tendency is to elevate and improve and give influence and remunerative employment to them—if all this is not to the advantage of man, I want to know why?

Mr. Chairman, I would go further than we have yet gone; I would place women in many places in which they are not, as yet, employed. I would allow them to be stenographers, and take the places of these excellent young men who sit so beautifully in a row in front of your chair. I would allow them to be reporters for the press, and take the place of these gentlemen who sit upon my left. I would be glad to see them following all such occupations, for which women are ready and quick and active. We have not yet gone half as far as we ought to go in giving them remunerative employment. In placing them in the public schools and at the heads of our educational institutions, I would pay them, for brain work and hand work as we pay men. Are they incompetent for those duties? I am proud to say, that in the town in which I live the whole of our public schools are under the general superintendence of a lady, at a salary equal to that of her predecessor, and she performs the work equally well. She is capable, she is honest, she is elevated by it, and the whole system of education in that community is improved under her guidance.

You may say woman's sphere is not at the bar—why not? I would gladly welcome her to the bar. I would gladly welcome her to the jury box. I would not be afraid, as was one of my excellent friends who sits near me, that if one lady were upon a jury with eleven men, and she were active and intelligent, and sprightly, she would carry them with her. I would have no fear of her carrying the whole eleven with her, unless it was right to do so. If there be eleven men in the jury

box against one lady; and she has the skill and the judgment, and the argument to convince the eleven that she is right, why should she not? Her verdict must be right, when she convinces all her associates.

As physicians, we know they are employed. There are many female physicians of high character and excellent attainments, earning their living, doing good to their fellow-citizens, relieving the suffering of others. Why are they not as well qualified as men? Certainly amongst their sex, none will deny the propriety of their performing that duty. Why should they not be lawyers? I have no objection whatever. I do not think my friend (Mr. Boyd) would have any objection to one of them getting up and making a speech against him; and if she was so convincing as to carry the jury with her, he would submit to it, just as I submit when his argument prevails over mine.

Then where is it that in the employments of life woman is not as well able to discharge the duties as man? If, therefore, in every step we have thus far taken, we have advanced her and improved her condition, and elevated her in the scale of social existence with ourselves, and according as we have raised ourselves, how are we, or how is she to be degraded by allowing her to take one other step, that of voting with us at elections? I infer that the very fact of our giving her the ballot places her upon a footing of equality with ourselves that she would not have without it. Who does not know that in the transition state, through which our nation has passed in the South, from slavery to freedom, that great act which gave the ballot to the black man, gave him also perfect equality with ourselves before the law, entitling him to be heard in self-defence and to sit in the jury box. Has that degraded the white man? My friend, Judge Black, here says "yes," but I do not think so. It never degraded him; it never degraded me, nor has it degraded any man in this Convention or in this State, that I know of, that his colored brother should come up and vote alongside of him. Besides, the colored brother generally votes right and generally will vote right; and when the ladies come to vote, they, too, will be found

voting right. I would give them the ballot because it would elevate them and ourselves, and I have no fears of its doing any mischief whatever. Who ever heard of the emancipation of man or woman being an injury to the party emancipated or the party emancipating? Then let us not withhold this boon any longer. Let us do what we ought to do, and do what is right, because it is both expedient and proper. It will mutually improve us. If they choose to go to the election let them go. If your wife, Mr. Chairman, and mine, choose to take our arms and go to the election and vote we will take care that they are not insulted by anybody, man or woman; and so, I do not doubt, it will be in the case of other ladies and other gentlemen. As to our election laws there will be no difficulty on that account. If they are not sufficient let us have others—better ones. When we look at the fact that women are, of all others, the most interested in the instruction of the young, when it falls to their lot to give that instruction to their children which the men cannot well do, absorbed as they are in those avocations that supply sustenance for the family, the women should have a voice in the government of the schools to which they commit their children. Why should they not be allowed to vote for school directors and for the officers who impose and disburse the people's taxes? Nay, more. Why are they not just as fit to act as controllers and directors of the public education as are men? When they hold stock in corporations, or any property of that kind, they are allowed to vote. Are they not capable of exercising *that* right of suffrage? Nobody pretends to say they are not. If they have an interest in a company to the proportionate extent of that interest, they vote for the men who manage its affairs. And if it comes to that point, why should they not vote for one of themselves as well as for anybody else?

In every aspect in which this question of woman suffrage can be looked at, I am at a loss to perceive any argument which ought to weigh against it. I do not say this because of any thing my constituents may or may not think. Likely they differ in opinion, as it is not unlikely I may differ from my colleagues upon this question. That is not the point. The thing

for statesmen to consider is what is right and what is best for the whole community. Looking at my duty in that light, and remembering the arguments that have been brought to bear upon it, I feel that it is my duty to favor the proposition to strike out the word "male," as moved by the gentleman from Delaware (Mr. Broomall.)

Before taking my seat, I desire to say that in my absence a few days ago, my eloquent friend, (Mr. Boyd,) who occupies the seat next me, when called upon did not feel quite at liberty because of temporary lack of inspiration owing to a deficiency in the number of the ladies in the gallery to present his views at that time. As there can be no such reason advanced to-day, I would like to hear from the eloquent gentleman in question (Mr. Boyd.)

Mr. CARTER. Mr. Chairman : I do not desire to occupy the attention of this committee more than a few minutes. I think the time has gone by for what might be termed lengthy and exhaustive speeches, or such, at least as commonly receive that appellation. I have not prepared a speech for the occasion, nor I shall make any attempt as eloquence. Indeed I should not rise now were it not for the reason that certain considerations which have not received much attention from this body, impel me to vote as I should vote, against the amendment offered by the gentleman from Delaware* (Mr. Broomall.) The argument that the long trains of ladies' dresses would prevent their getting to the polls has no weight with me. The argument of the gentleman from Centre, (Mr. M'Allister,) which was reiterated by the gentleman from Schuylkill, (Mr. Bartholomew,) in regard to the natural division of society in the family being, as it were, a unit, and that the head of the family should be the only one to vote, and that that head was the man, is not only no argument in my opinion, but it directly leads to a contrary opinion. It assumes, no doubt—but there it is much mistaken—as regards man is the head of the family. I think I know—and you, Mr. Chairman know, and every other gentlemen here all know—numberless cases where the man is *not* the head of the family, and where the woman is, emphatically, that head. We have all known of widows who have had ineffi-

cient husbands, leaving, perhaps, encumbered estates, and these widows have reared large families of sons and brought them up to eminent usefulness. I know of such cases. Is not that woman the head of the family? So that, according to the argument of my friend from Centre, (Mr. M'Allister,) she would have the right to vote as head of that family. All reasons applying to the right of the head of the family to vote will apply equally to women as to men where women are the heads of families. But the reasons which impel me to this course I shall now state as briefly as possible. These reasons are somewhat different from those which have hitherto had the attention of the committee.

I think that this is not a question of right. I do not think that the exercise of the suffrage can be so classed or designated. I think it is a question of time. I think it is a question of expediency. But here they say, "what! put principle against expediency!" No, sir, never; but it may so chance to be, and it is so in this case, that there is a principle involved in the very thing called "expediency." It is a question of time and of fitness. I go so far as to assert this, that there is nothing right in itself as a form of government. It may have been in the ages long past, when the theocracy of the Bible was the best form of government for the human family, or that the absolute and despotic was in its time the best form of government. These forms were doubtless fitted for man in a certain state of moral and intellectual development. Nay, we know that it has been so and that it has been so regarded by intelligent and thoughtful men. The gentleman from Chester (Mr. Darlington) asked whether rights like this were ever conceded too early. I think, sir, that the teachings of history are unmistakable and abundant, going to show that men have had self-government before they were fitted for it. When the South American republics—to cite a notorious instance—threw off the Spanish yoke, will any body say that they were fitted for self-government? They were not; and a consequence is that a constant state of anarchy prevails there to-day, as it has for a long time past there and in Mexico. A republican form of government has its time, its place and its condi-

tion of intellectual advancement. According to the harmonious merging of these characteristics it may become a mere delusion and a snare, or it may become a brilliant and living reality. The father of our country said that just so far as a republican form of government would be successful so far must it rest upon the virtue and intelligence of its people. If you take away the virtue and intelligence of the community there is not then the conditions for the exercise of a republican form of government. I believe that proposition is plain. Without being an advocate for what is called "*Carlyleism*" or "*Cesarism*," as some designate it, that is to say, the right of one man by the power of superior intellect and greater force of character to place himself above his fellow men, and by his will and energy causing obedience to his mandates, and guiding and ruling the destinies of his country, and while I say I am not an advocate of that principle, yet I confess that to my mind there is something in it. At any rate the men in history, who give us illustration of the operation of the principle, have been eminently useful to the world and have materially advanced their own nations. Take for example the great Peter, who was so much superior to all the Russians of his time that he stood, as one may say, head and shoulders above any man in his empire. He made a great nation of Russia by the simple power of knowledge and a determined will, trusting no power to the people, for the reason that they had not got to that time when they could use any governmental power judiciously. And the greatest curse that could be inflicted upon the people of Russia to-day would be relax this strong arm of absolute government that holds that empire in its place. It would be precipitating self-government upon a people unprepared and as yet ill-adapted for it. Now if this be true, and if that be the teaching of history in regard to one-half of creation, I bring in this application that it is equally true of the other half. It would be the introduction of an entirely new class of subjects into the thoughts and minds of one-half of our community, a half that has paid no attention to such matters at all.

It is idle for the gentleman from Chester (Mr. Darlington) to indicate that they

have, in his county, a teacher of public schools, who is exercising, with eminent success, the duties of her position.

In this discussion Anna Dickinson and Miss Hosmer, and other eminent women, have been referred to as being a worthy class of American women. I do not believe, however, that our people are yet any too far advanced to make the experiment of self-government a perfect success. There is another important reason which I hold why the right of suffrage should not be granted to woman, and that is, I believe there is too much ignorant voting now done in the State of Pennsylvania and in the whole land. There is another evil which would only be intensified, and that I wish to indicate as this. Our best citizens, men of refined and intellectual character, abstain from going to the polls at election times. They remove themselves, as far as possible, from politics, and as a consequence the primaries are left in the hands of men of much inferior intelligence and stability of character. What will be the result of this matter which it is now proposed if it is ever consummated? I ask if a larger number of the class of intellectual women will not remain away from the polls than men? I have no doubt of it. They will shrink from taking part in the elections and they will be attended only by that class who are debased and corrupt. I think, Mr. Chairman, that the allegation that this question is purely one of right is ridiculous. I believe it is a question of time. I know that my opinion will be unpalatable to a great many of my friends, and in fact it is one of my most painful duties to oppose so many who have expected me to aid them in this matter. It may be my misfortune, but I cannot help it, for in regard to this question, as to any other, I must act according to my best judgment and my conscientious convictions. I say then that there is no question of right involved in this matter. It is not a right. It is the duty of a State, or the ruling power, to confer the right of suffrage solely where it will be attended with the most advantage. I cannot think that we would gain anything by an affirmative response to the wishes of those who advocate woman suffrage, but I believe that we would act unwisely in so doing. If this right of suffrage was

extended to woman, the large mass of our intelligent and cultivated ladies, who would not attend the polls, would be supplanted by the less intelligent and debased who would be, in my opinion, sure to attend. These are the views I entertain in regard to this question; but I am free to confess and believe that it is one of the events which is to happen in the future. I cannot believe that I shall live to see it, but I believe it must come sooner or later. Woman is being elevated to a higher position in the world than she has heretofore occupied. She has been admitted to the bar; she has graduated at medical colleges, and she has been employed in banking houses, and in a great many other positions in life which require both intellect and culture. All these advances are but steps in the progress of a time which is gradually fitting woman as a class for the exercise of this great privilege. In my opinion, however, that time has not arrived, and I shall, therefore, feel myself constrained to vote against the amendment of the gentleman from Delaware (Mr. Broomall.)

Mr. ALRICKS. Mr. Chairman: I feel constrained to vote against the right of woman to go to the polls either in bloomer costume or trail, or in any other costume. There is an eternal fitness in things, and I apprehend that it would be interfering with the relations existing between the sexes if this right of suffrage is extended to woman. For centuries there has been a law which has appeared to have come down from the God of nature, that has cast upon man the duty of legislating, and of legislating both for himself and for woman. I deprecate exceedingly in our day that such a reform, as it is called, by which the right of suffrage is proposed to be extended to woman, has been raised as a question in this State. I do not want to treat its advocates disrespectfully, but I apprehend that there is every reason to fear that if we should adopt their views we should only disturb the peace of society. I was somewhat surprised at the argument presented by the gentleman from Delaware, (Mr. Broomall,) when he scouted the idea that a man is the head of the family and the family a unit. The gentleman has forgotten the criminal law in this State. He has doubtless but little practice in those courts, for, according to

the argument which he has advanced, we would have to believe if a woman committed murder, even in the very presence of her husband, she could be convicted; but in truth she is under coverture and would be acquitted; while the man, being the head of the family, would be convicted. He (Mr. Broomall) denies the doctrine that is administered in all our courts under our own eyes and which we all acknowledge. The argument has also been made in support of this question, that reformers in past ages have been scoffed and laughed at, and that there has never been a discovery in science or an improvement in art but that it always found obstacles and opposition in the way of its success. The dissensions in the church of England and the labors of John Wesley have also been eloquently referred to; but I would remind the gentleman that John Wesley died in the bosom of the church, and that every new discovery in art or science is hailed with joy by the citizens of every country. But the judge upon the bench who fill his charges and opinions with novelties endangers our system of government and disturbs the peace of society. In this Convention, when we are making laws, we must be sure to keep in the old and beaten track, for whenever we diverge from it it may be laid down as a certainty that we are endangering the peace of the country. The only safety for us is then to follow in the old beaten track. It is marvelous indeed that generation after generation has passed, and women, if they ought to have the right of suffrage, have never demanded it before. I cannot believe, even at this late day, that there is more than one out of a thousand who have ever asked for this right, and not one out of a thousand who wishes ever to exercise it. There is no class of men that doubts that we have an equal, mentally and intellectually, when we are in the presence of a refined and intelligent woman; but that is not the proposition. There is a fitness in everything and a place for everything, and it is necessary that whatever duty we, as members of this Convention, exercise, should be exercised in a manner that will contribute to safety and wisdom in the establishment of our organic laws. To those who clamor for the right of suffrage on the part of woman, and who would

show us that this right would be exercised in a manner faithful to the interests of the State, I reply—that in my humble opinion if this right was conferred upon the daughters of Pennsylvania, they would never visit the polls, and they would prefer to remain precisely where their Maker has placed them. They would remain in the sphere in which they are honored. There can be no doubt but that there has been great wrong done to females, but it is evident that whatever injustice has been done them that it could not possibly be avoided by adopting universal suffrage. It is a well recognized fact that every man who enters into society forms a part of the government, and thereby surrenders a portion of his natural rights. The right of suffrage is not esteemed as a natural right. It has never been so considered. It is nothing more than a conventional right, and the question presented here is whether it would be convenient and expedient to grant this right to the other sex. This is the only question which is presented to this Convention, and the only question that has been disturbing the minds of this Convention. It has been well said upon this floor that if the right of suffrage was given to women it would impose new duties upon them, and that it would be necessary for them to study the question of currency and the philosophy of government.

It was asked by one of old, "can a mother forget her child?" Is it possible that there are members of this Convention who believe that a mother could leave her infant in the cradle to attend to the more important public duties of a juror, and, along with eleven obstinate men, "fight it out on that line if it took all night?" While we pity a man who is effeminate, we instinctively shrink from the masculine woman. If this amendment is adopted it will revolutionize society, the law and the government, and will cast a fire brand into every household in this broad Commonwealth. Is a man to pass his time in the drawing room or the parlor, and a woman in the halls of the Legislature who would not be shocked at the very thought of it? I am of the opinion that instead of elevating man by conferring the right of suffrage on women, it would tend to degrade

both the man and the woman. It would place them in a position where they might have onerous and disagreeable duties to perform. They might be called to fill the offices of a constable or supervisor, and be obliged to weather the storm. It can be easily conceived that these new rights of theirs would bring them into new troubles and new difficulties. Instead of benefiting men, it would injure the women and do no good to society.

Mr. Chairman. The fire-side is the place where a woman is to exert her influence, and it is a mistake to suppose that she has not even from that fire-side a lever by which she can move the world. There is her place, and that woman who is lovely in her life and lovely in her manners, in her own home, is a queen though she may have no crown; a daughter is sweeter than the morning rose when the dew wets its leaves and unstained and pure as the mountain snow. We are disposed to go to our wives and our daughters for instruction in lessons in virtue, in lessons of propriety and of patriotism; and although they may not be found on the huskins, their voice will be heard on all proper occasions. I am, at this time, reminded of some very appropriate lines written by a gentleman in this city who has long since left us, the words of the late Dr. Ely. His language was this:

"Hundreds of mothers dressed at ease,
Contented might their daughters please,
And lovers face a wintry breeze,
To gain a healthful rudeness."

I want the gentleman whose head is blossoming for the grave (Mr. Broomall) to understand that he is not the only champion for the ladies. He cannot lay the flattering unction to his soul that he is the friend and the only friend of the fair sex, if he does say that he loves them, although the frosts above have not yet smothered the fires of his impulsive heart. But I will assure the gentleman that there is not a man in this assembly who will vote against this amendment who does not feel that if there is a man living who does not regard and revere the words and lessons of instructions of his sainted mother, he is a moral monster, and should go down to the grave unwept, unhonored and unsung.

Now, Mr. Chairman, as I have introduced a little poetry into this subject, I am reminded of another verse from the

"Pleasures of Hope," that is most appropriate and as beautiful as appropriate. It is this :

"The earth was sad, the garden was a wild,
And man, a hermit, sighed till woman smiled."

But we are to look to a higher law when we are disposing of this question. We are to look to that law in which it is said. I believe it is the words of inspiration, "woman shall not usurp authority." There you have it, and without being personal, [pointing to Mr. Mann,] I will say it is better to trust in the Lord than to put any confidence in man." So says the same Book.

I do not desire to take up the time of this House. It is about the time of adjournment. I really have convinced myself that the whole of this agitation is entirely unnecessary, that it is all uncalled for, that there is no class in the community who are in favor of it, and that the ladies themselves would feel very much grieved if it passed, and therefore I will leave the matter in the hands of other gentlemen in this Convention who are better able to dispose of it.

MR. TEMPLE. Mr. Chairman ; I move that the committee rise, report progress, and ask leave to sit again.

On agreeing to the motion, a division was called, which resulted sixty-five in the affirmative and thirty in the negative. So the motion was agreed to.

The committee rose and Mr. Walker resumed the Chair.

IN CONVENTION.

The chairman of the committee of the whole (Mr. Lawrence) reported that the committee had further considered the report of the Committee on Suffrage, Election and Representation, and desired to report progress, and ask leave to sit again.

Leave was given, and to-morrow named as the next day for sitting.

MR. LILLY. Mr. President: I move the Convention do now adjourn.

MR. DALLAS. Mr. President: I ask unanimous consent to offer a resolution.

Unanimous consent was given, and the resolution twice read :

DILATORY PRINTING.

Resolved, That the Committee on Printing be requested to report to the Convention whether any arrangement has been made to secure greater speed in the printing and delivering the Debates of the Convention.

MR. LILLY. Mr. President: I have only a few words to say in reference to this subject. I offered last Monday morning a resolution somewhat similar in effect to this, and I was very sorry afterward to learn that the printing office of the State Printer in Harrisburg had been on fire and very much damaged. The consequence is that his work was put back very much. Our bills, the delay in which called forth my resolution then, would have been on the files of the members at the time I offered my resolution, but for this accident. I presume the printer is doing the best he can to get his printing up. I do not wish to be understood as opposing this resolution. I only desire to say this much in relation to the resolution I offered on Monday morning last.

MR. DALLAS. Mr. President: I will say, in explanation of this resolution, that my purpose in offering it was simply, as every member of the Convention knows, that after we have been sitting in this city since early in January, we have just had laid on our tables the printed Debates informing us that we have arrived here, and telling us what was done on the first day of our meeting in Philadelphia. If the reason of that delay is, as the gentleman from Carbon (Mr. Lilly) says, that there has been a fire in the office of the State Printer, it is a reason which would excuse, of course, great delay ; but I would like to have a report from the Committee on Printing.

MR. DARLINGTON. Mr. President: I desire to ask the gentleman from Carbon (Mr. Lilly) when this fire occurred.

MR. LILLY. Mr. President: On Saturday night last.

MR. DARLINGTON. Mr. President: That is too late. It ought to have occurred long before to have been any excuse.

MR. LILLY. Mr. President: It must be remembered that it was sometime after we met in this city before the House would agree on the form in which these Debates were to be printed. It was the second week after we met here before it was settled as to the form in which these Debates should be printed, and that then all the proceedings in Harrisburg were to be printed before the Debates in this city could be reached. I have no doubt the printer has used all the expedition possi-

ble, but I do not object at all to the passage of the resolution.

Mr. DARLINGTON. Mr. President: I hope we will pass the resolution. Really we are too much behind with these Debates. Let the Committee on Printing inquire into it.

The resolution was agreed to.

Mr. LILLY. Mr. President: I renew my motion to adjourn.

This was agreed to, and the Convention at one fifty-five P. M. adjourned until eleven A. M. to-morrow.

THIRTY-SIXTH DAY.

MONDAY, February 6, 1873.

The Convention met at eleven o'clock A. M., Mr. Walker in the chair.

Prayer was offered by Rev. Mr. Curry.

PROTHONOTARY'S REPORT.

The PRESIDENT *pro tem* presented the report of the prothonotary of Dauphin county, which was referred to the Committee on Judiciary.

UNIVERSITY OF PENNSYLVANIA.

The PRESIDENT *pro tem* presented an invitation from the trustees of the University of Pennsylvania to the members of this Convention to visit the new University buildings on Saturday, February 8, at two o'clock P. M.

Mr. DALLAS. Mr. President: I wish to call, through you, the attention of the Convention to the invitation which has just been read, and to mention that I have been requested to say that it is not merely a formal invitation, but a cordial and earnest one, to attend the new buildings of the University of Pennsylvania, an institution of which not only the city of Philadelphia, but the whole State of Pennsylvania, may be proud. They have recently removed from their rooms, at Ninth and Chestnut streets, to a new and handsome edifice in West Philadelphia, and they are anxious that the members of this Convention should accept the invitation. I move therefore that the invitation be accepted, and that the thanks of the Convention be returned for the courtesy.

The motion was agreed to.

CONSTITUTIONAL COMMISSION.

The PRESIDENT *pro tem* presented a copy of the Journal of proceedings of the Constitutional Commission of the State of New York, which was laid on the table.

FEMALE SUFFRAGE.

Mr. CAMPBELL presented a memorial from the religious society of Progressive Friends of Longwood, Chester county, in this State, asking for an amendment to the Constitution granting female suffrage, which was referred to the Committee on Suffrage, Election and Representation.

Mr. CAMPBELL also presented a petition of citizens of Bradford county, asking for an amendment to the Constitution granting female suffrage, which was referred to the Committee on Suffrage, Election and Representation.

Mr. CAMPBELL also presented a similar petition from citizens of Pennsylvania, which was referred to the same committee.

MILITARY SERVICE AND FINES.

Mr. BROOMALL presented a memorial of a monthly meeting of Friends of Delaware county, asking a constitutional amendment giving them protection against compulsory military service, and against taxation in lieu thereof, which was referred to the Committee on Militia.

INTOXICATING LIQUORS.

Mr. BROOMALL also presented a memorial from the same body, asking a constitutional provision prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

CRUEL AND BARBAROUS LAWS.

Mr. BROOMALL also presented a petition from the same body, asking for a constitutional amendment to protect human life against cruel and barbarous laws, which was referred to the Committee on Judiciary.

INTOXICATING LIQUORS.

Mr. CARTER presented the petition of two hundred and forty citizens of Lancaster county, asking an amendment to the constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. MANN presented a petition from citizens of Lycoming county, asking for a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. PARSONS presented a petition of one hundred citizens of Williamsport, praying for an amendment to the Constitution prohibiting the manufacture and

sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. HORTON. Mr. Chairman: I had the honor, a few days ago, to present a petition from citizens of Wyoming county, asking a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors, and I now ask that it be referred to the Committee on Legislation.

The petition was so referred.

SEPARATE AMENDMENTS.

Mr. S. A. PURVIANCE offered the following resolution, which was twice read:

Resolved, That the Committee on Suffrage be instructed to report to the Convention, for its consideration, three separate propositions. One in favor of cumulative suffrage, one in favor of female suffrage, and the remaining one in favor of prohibiting the sale of intoxicating drinks as a beverage, and that said propositions be so framed, that if approved by the Convention, may be submitted to the people for their ratification or rejection as separate amendments to the Constitution.

Mr. BROOMALL. I call for a division of the question.

Mr. FUNCK. I move to postpone the further consideration of the question for the present.

Mr. BROOMALL. I withdraw the call for a division of the question.

Mr. KAINE. I move to amend the motion, by inserting the word "indefinitely."

Mr. FUNCK. I accept the amendment.

Mr. S. A. PURVIANCE. Mr. President: I have come to the conclusion, in introducing this resolution, that unless some action of this kind is taken by the Convention, our sessions will be prolonged until next fall. While I am not in favor of everything that is embraced in these propositions, I am satisfied there is a very large and respectable portion of the people of this State who favor each and every one of the propositions. If it is destined that the Convention is to enter into an elaborate and separate discussion upon each one of these propositions, our labors will be extended to a longer period than we contemplated. I had a very strong reason in offering this resolution, for if the Convention feels disposed to reject all of these propositions, I would ask what is to become of the Constitution when it is framed? What is to become of the important changes which the Convention proposes to make in the judiciary, in the right of suffrage and in other matters?

Why, sir, if we turn out of the Convention such important subjects as are embodied in this resolution, and give the cold shoulder to that large class of our citizens who are in favor of some action being taken in regard to them, I fear that at the polls they will deposit the evidence of their disapproval of the Constitution submitted to the people, and will seek redress in another Convention. It is with the view of shortening our labors, and cutting off as much debate upon these subjects as possible, that I have offered the resolution. I hope, therefore, that the resolution will be adopted, and that the Committee on Suffrage will report these three separate propositions as separate amendments to the Constitution.

Mr. TEMPLE. Mr. President: I desire to say only a few words upon this subject at this time. I presume, if this resolution is adopted, it will only be the means of getting rid of the proposition submitted by the Committee on Suffrage. I am advised that one of the gentlemen who signed the minority report is anxious to be heard upon this question. He is not now in the Hall, and it seems to me that it will be exceedingly unfair to dispose of the question before he has had an opportunity of being heard. If certain gentlemen desire to get rid of this question in such a summary manner, upon them alone the responsibility will have to rest. I know myself there are other gentlemen who desire to be heard upon this question, and I submit to the Convention it is unfair that some of our members, after having expressed their views upon the matter, should vote it out of the Convention, and that their ideas should be permitted to go to the people without other of our members having an opportunity to answer them. I hope, in view of these facts, and particularly in view of Mr. Cassidy, who signed this minority report, not being in the Convention this morning, that gentlemen will not take this hasty action, and vote this whole subject out of the Convention.

Mr. COCHRAN. Mr. President: I am not in favor of this resolution, for I do not think it is exactly important to pass a resolution of this kind which will give such instructions to the Committee on Suffrage. One of the rules of the Convention says: That all propositions of amendments to the Constitution upon any subject not then under consideration, unless otherwise directed, shall be referred by the President to the appropriate committee. The practice has been in all

cases, where propositions looking to amendments to the Constitution are presented, to refer the resolution itself to the appropriate committee, and I suppose, therefore, the objection to a direct action upon the resolution offered by the gentleman from Allegheny (Mr. S. A. Purviance) is, in fact, that it conflicts with the rule of order which we have adopted.

Mr. BUCKALEW. Mr. President: I think if resolutions of this kind are entertained by the Convention, it will delay our work to a considerable extent. If this resolution comes before the Convention for consideration, I will move to strike out the proposition relating to the subject of cumulative voting. I feel considerable interest in the subject, and I desire to debate it at the proper time. I hope the gentleman will not press this particular proposition upon the Convention. In regard to the two other propositions contained in the resolution, involving female suffrage and the subject of intemperance, I think that the Convention will greatly facilitate its progress by adopting that part of the resolution and permitting debate upon these subjects at some future time. If we do not adopt some such course as this, amendments will continue to be offered, one after another, until the action of the Convention will be greatly embarrassed and our progress continually delayed. I believe that the friends of these two propositions desire them to be referred to the appropriate committee, and I hope that the Convention will give its consent to accede to their wishes. The subject of female suffrage has been one of continued discussion in this Convention for the past three days, and we are now about resuming its consideration in committee of the whole upon the fourth day. This debate can be resumed again on the second and third reading of the article we have under consideration, and it may be wiser to allow the committee to report upon other articles which the Convention will consider hereafter. I am clearly of the opinion that the mover of the present resolution consults the convenience of the Convention in proposing it, and I hope, therefore, that it will not be indefinitely postponed, but, without prolonged debate, we will adopt it.

Mr. FUNCK. Mr. President: I withdraw the motion to postpone indefinitely, and move to refer the resolution to the Committee on Suffrage, Election and Representation.

Mr. BOWMAN. Mr. President: I think there is a mistake. The question, as I understand it, is upon the indefinite postponement of the resolution.

Mr. CAMPBELL. Mr. President: I ask what is the question before the Convention.

The PRESIDENT *pro tem.* The question is now upon the resolution offered by the gentleman from Allegheny (Mr. S. A. Purviance.)

Mr. COCHRAN. Mr. President: I wish to rise to a point of order, and it is this: That under the rules of this Convention this resolution must be referred to the Committee on Suffrage without further action.

Mr. BROOMALL. Mr. President: I also rise to a point of order, and submit that the point of order raised by the gentleman from York (Mr. Cochran) should have been made before the consideration of the resolution.

The PRESIDENT. The Chair decides against the point of order raised by the gentleman from York (Mr. Cochran.)

Mr. LAWRENCE. Mr. President: It occurs to me that we will be placed in a false position by voting on this proposition. There are some of us who are very anxious that some of these questions should be referred to the people. There are some anxious that the question of temperance, if you choose, or the sale of intoxicating drinks, should be referred to the people. Some are in favor of referring the other questions, and *vice versa*. Now if we vote no on this resolution we will be considered as against all these propositions. As I understand, the yeas and nays are called. I do not want to be put in that position for my own part. I want it to be distinctly understood, as far as I am concerned, I am in favor of a separate proposition on the subject of temperance, and may be against the proposition on either of the other subjects, and that, whether I vote for a postponement or against it, I shall not be committed by my action on this question in any vote that I may hereafter give. I merely desire to put myself right on the record, because this question will be regarded by some as a test vote.

Mr. KAINE. Mr. President: I call for a division of the question, so that the vote shall be taken on each proposition separately.

Mr. S. A. PURVIANCE. Mr. President: Before the yeas and nays are called I rise to modify the resolution.

The PRESIDENT. The question cannot now be discussed. With the unanimous consent of the House it may be modified. The question is, will unanimous consent be granted?

[Aye! No! Aye! No!]

Mr. BROOMALL. Mr. President: I withdraw the call for the yeas and nays, for the purpose of allowing the gentleman from Allegheny (Mr. S. A. Purviance) to make a modification.

The PRESIDENT. The call is withdrawn, and the gentleman from Allegheny will state his modification.

Mr. S. A. PURVIANCE. Mr. President: At the instance of the gentleman from Columbia (Mr. Buckalew) I will modify the resolution, so as to leave out "cumulative suffrage."

Mr. BROOMALL. Mr. President: I renew the call for the yeas and nays.

Mr. PARSONS. Mr. President: I call for the reading of the resolution as modified.

Mr. D. N. WHITE. Mr. President: I renew the motion to put in "cumulative voting." I want these things to stand together.

The PRESIDENT. The yeas and nays were called before the gentleman from Allegheny (Mr. D. N. White) moved to re-insert "cumulative suffrage," and therefore the motion cannot be read. The resolution, as modified, will be read.

Resolved, That the Committee on Suffrage, Election and Representation be instructed to report to the Convention, for its consideration, two separate propositions, one in favor of female suffrage and the remaining one in favor of prohibiting the sale of intoxicating drinks as a beverage, and that such propositions be so framed that, if approved by the Convention, they may be submitted to the people, for their rejection or ratification, as separate amendments to the Constitution.

The yeas and nays, required by Mr. Addicks and Mr. Broomall, were as follow, viz:

YEAS.

Messrs. Achenbach, Addicks, Ainey, Baker, Bannan, Beebe, Black, Charles A., Bowman, Broomall, Brown, Buckalew, Campbell, Carter, Cassidy, Cochran, Collins, Craig, Curry, De France, Dunning, Edwards, Finney, Funck, Hall, Howard, Knight, Lear, M'Allister, MacConnell, M'Murray, Mann, Mantor, Palmer, G. W., Palmer, H. W., Parsons, Patterson, T. H. B., Patton, Porter, Pughe, Purviance,

Samuel A., Rooke, Russell, Sharpe, Smith, H. G., Struthers, Turrell, Wetherill, J. M., Wherry, White, David N., White, J. W. F. and Wright—51.

NAYS.

Messrs. Alricks, Baer, Bailly, (Perry,) Bailey, (Huntingdon,) Barelay, Bardsley, Bartholomew, Boyd, Clark, Corbett, Corson, Cronmiller, Curtin, Dallas, Davis, Elliott, Ellis, Gibson, Gilpin, Gowen, Guthrie, Hanna, Harvey, Hay, Hazzard, Heverin, Hopkins, Horton, Hunsicker, Kaine, Lawrence, Lilly, Long, M'Clean, M'Culloch, Metzger, Minor, Mott, Niles, Patterson, D. W., Read, John R., Reed, Andrew, Reynolds, James L., Reynolds, S. H., Ross, Smith, Henry W., Smith, W. H., Stanton, Stewart, Temple, VanReed, Walker, Wetherill, John Price and Woodward—54.

So the resolution was not agreed to.

ABSENT OR NOT VOTING. — Messrs. Andrews, Armstrong, Biddle, Black, J. S., Brodhead, Carey, Church, Cuyler, Darlington, Dimmiok, Dodd, Ewing, Fell, Fulton, Hemphill, Lamberton, Landis, Littleton, M'Camant, MacVeagh, Newlin, Purman, Purviance, John N., Runk, Simpson, White, Harry, Worrell and Meredith, *President*—28.

On the call of the yeas and nays, Mr. Beebe gave the following reason for voting:

I vote no on the proposition of the gentleman from Washington, (Mr. Lawrence,) because I desire to get a direct vote upon the resolution as reported from the committee.

PROHIBITION.

Mr. D. N. WHITE offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the following proposed amendments be referred to the Committee on Legislation, to wit:

The manufacture and sale of alcoholic liquors, whether fermented, brewed or distilled, or any admixture, part of which is alcoholic and adapted to be used as a beverage, is prohibited.

The manufacture and sale of such liquors for exportation, for medicinal, sacramental, mechanical or artistic purposes, by agents specially provided by law, are excepted.

The General Assembly shall, within one year from the adoption of the Constitution, enact laws with adequate penalties for the enforcement of this provision.

BOARD OF EDUCATION.

Mr. STANTON offered the following resolution, which was twice read :

Resolved, That the use of the hall be granted to the board of public education for next Tuesday afternoon at three o'clock.

Mr. STANTON. I will only state that the hall of board of education is now very much crowded with the distribution of books. We cannot meet in the hall, and we would like the Convention to grant us the use of this hall for one afternoon, for our regular monthly meeting.

The resolution was agreed to.

LIMITATION OF DEBATE.

Mr. FUNCK offered the following resolution :

Resolved, That when this Convention goes into committee of the whole discussion shall terminate at twelve o'clock M. to-day, and that a vote shall be taken upon the pending proposition and all amendments offered, without further debate.

Mr. FUNCK. Mr. President: I move that we proceed to a second reading of the resolution.

Mr. LAWRENCE. I suggest a modification of the resolution, so as it shall read "one o'clock."

Mr. FUNCK. I accept the modification.

Mr. BUCKALEW. I am afraid that that resolution is so drawn that it will preclude debate on every article of the section.

Mr. RUSSELL. Mr. President: I move to amend.

The CLERK read the amendment, as follows :

"That all debate in committee of the whole upon that part of the section one, reported by the Committee on Suffrage, Election and Representation, which has been under discussion during the sessions of the last three days, shall cease at one o'clock P. M. this day, and the vote shall then be taken."

Mr. BANNAN. Mr. President: I call for the yeas and nays.

Mr. J. R. READ. I would like to know whether the resolution offered by the gentleman from Lebanon (Mr. Funck) was passed to a second reading.

The PRESIDENT *pro tem*. It had not.

Mr. J. R. READ. I rise to a point of order, that it is not proper to offer an amendment to a resolution until it has been passed to a second reading.

The PRESIDENT *pro tem*. The gentleman is correct. The yeas and nays are called to proceed to a second reading. The question before the Convention is, will the Convention proceed to a second reading.

Mr. FUNCK. I accept the amendment of the gentleman from Bedford (Mr. Russell.)

Mr. BANNAN. I withdraw the call for the yeas and nays on the question of proceeding to a second reading.

Mr. LILLY. I renew the call for the yeas and nays. I think we had better settle the question right away.

Mr. CAMPBELL. I rise to a question of order. Is debate in order?

The PRESIDENT *pro tem*. Is the call for the yeas and nays seconded?

Mr. CORBETT. I second the call.

Mr. LILLY. I rise to a point of order. Is this resolution acceptable of amendment before it is before the Convention on second reading?

The PRESIDENT *pro tem*. The chair rules that it is not. The question is upon the resolution of the resolution as modified, by striking out "twelve" and inserting "one."

The yeas and nays were required by Mr. Lilly and Mr. Corbett, and were as follow, viz :

Y E A S.

Messrs. Achenbach, Baily, (Perry,) Bailey, (Huntingdon,) Baker, Bannan, Barclay, Beebe, Black, Charles A., Bowman, Boyd, Brown, Campbell, Clark, Collins, Corbett, Cronmiller, Curry, Davis, DeFrance, Dunning, Edwards, Finney, Fulton, Funck, Guthrie, Hanna, Harvey, Hay, Hazzard, Hunsicker, Lear, Long, M'Culloch, M'Murray, Minor, Niles, Parsons, Patterson, T. H. B., Pughe, Reed, Andrew, Reynolds, James L., Reynolds, S. H., Rooke, Ross, Runk, Russell, Smith, Henry W., Smith, W. H., Struthers, VanReed, Wetherill, John Price and Woodward—52.

N A Y S.

Messrs. Addicks, Ainey, Alricks, Baer, Bardsley, Bartholomew, Biddle, Black, J. S., Broomall, Buckalew, Carter, Cassidy, Cochran, Corson, Craig, Curtin, Dallas, Elliott, Ellis, Gilpin, Gowen, Hall, Heverin, Hopkins, Horton, Howard, Kaine, Knight, Lawrence, Lilly, M'Allister, M'Clean, MacConnell, Mann, Mantor, Metzger, Mott, Palmer, G. W., Palmer, H. W., Patterson, D. W., Patton, Read,

John R., Sharpe, Smith, H. G., Stanton, Stewart, Temple, Turrell, Walker, Wetherill, J. M., Wherry, White, David N., White, J. W. F. and Wright—54.

So the motion to proceed to a second reading was rejected.

ABSENT OR NOT VOTING.—Messrs. Andrews, Armstrong, Brodhead, Carey, Church, Cuyler, Darlington, Dimmick, Dodd, Ewing, Fell, Gibson, Hemphill, Lamberton, Landis, Littleton, M'Camant, MacVeagh, Newlin, Porter, Purman, Purviance, John N., Purviance, Samuel A., Simpson, White, Harry, Worrell and Meredith, *President*—27.

HOURS OF SESSION.

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

Resolved, That from and after Monday next the Convention will meet at ten o'clock A. M. and adjourn at one o'clock P. M., and meet at three P. M. and adjourn at five P. M.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, a division was called for, and resulted: In the affirmative, fifty; in the negative, fifty-six.

So the resolution was rejected.

LIMITATION OF DEBATE.

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

Resolved, That all debate in committee of the whole upon the part of the section one of the report of the Committee on Suffrage, Election and Representation, which has been under discussion during the sessions of the last three days, shall cease at one o'clock P. M. of this day, and the vote shall then be taken.

The *PRESIDENT pro tem.* The Chair is compelled to state that that cannot be received, as the Convention has already had under consideration a resolution of the same import at this session and voted upon it.

DEBATES TO NEWSPAPERS.

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

Resolved, That the Committee on Printing be requested to inquire into and report whether the printer of this Convention is furnishing a copy of the proceedings of the Convention to the papers published in the State.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

Mr. D. N. WHITE. Mr. President: I wish to say to the Convention that the printer informs me that it is only a few days since he received the names of the papers of the State, and that he is now prepared to furnish the proceedings to these papers if he can find any way to pay the postage. The postage has to be paid in advance, and no provision has been made by the Convention to cover it.

Mr. PORTER. Mr. President: The reason I offer the resolution is because there is a great deal of complaint, especially among newspapers in the country districts, that the Debates or proceedings are not received. We have been in session over two months, and these documents are not issued. The newspapers are very anxious to receive them, as they are desirous of knowing what takes place here, and anxious to give to their readers all information necessary to give them a clear understanding of the things accomplished by this Convention. I think it is entirely proper that we should have this report asked for from the Printing Committee. They can investigate and see whether or not the printer has done his duty in regard to the matter, and what, if anything, is necessary to be done in order to secure the prompt issue of the documents referred to.

Mr. D. N. WHITE. Mr. Chairman: The chairman of our committee is now endeavoring to make arrangements with the Postoffice department, at Washington, to have these papers sent without postage. I do not know whether he will succeed or not, but the printer is ready to send them the moment we can have the arrangement made for postage.

LEAVE OF ABSENCE.

Mr. WRIGHT asked leave of absence for Mr. Craig for a few days from to-day, which was granted.

RAILROAD STOCKS.

Mr. COCHRAN presented a report from the Committee on Railroads and Canals, embodied in the following resolution, which was read:

Resolved, That it is contrary to the public policy, and against the public interests, that laws should be enacted conferring unlimited power upon railroads or other corporations to increase capital stock and bonds.

Mr. COCHRAN moved the second reading and immediate consideration of the resolution.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

So the resolution was again read.

Mr. HOWARD. Mr. President: I believe that the delegates to this Convention will endorse the principle contained in that resolution. It is a proper provision to be placed in the Constitution of this State. Unquestionably it will be conceded that corporations should not have the power conferred upon them to increase their capital stock, and issue their bonds in any amount that they shall please. If that is a correct principle it should be adopted forthwith by this Convention. For the information of the Convention I will read an article from the *Pittsburg Gazette*, of February 5, which I hold in my hand.

Mr. TEMPLE. Mr. President: I rise to a point of order. This is a resolution, and, under the rules, should be referred to the proper committee.

The PRESIDENT *pro tem*. It is the report of the Committee on Railroads and Canals.

Mr. TEMPLE. It is a resolution, as I understand it. The report of the committee has not yet reached the Convention.

The PRESIDENT *pro tem*. It is a report of a committee, and submitted as such to this Convention.

Mr. MANN. Mr. President: I raise the point of order that, being a report of a committee, it must first be printed and laid upon the desks of members before being considered by the Convention. This report has not been printed.

Mr. HOWARD. Well, it has passed second reading in regular form.

The PRESIDENT *pro tem*. The Chair will remark that it is rather an extraordinary report to come from a committee; but it comes in the shape of a report, and it is not in the power of the Chair, as he thinks, to rule it out from the consideration of the Convention.

Mr. MANN. But, sir, it is in the power of the Chair to enforce the rule of the Convention—that reports shall be printed before being considered.

The PRESIDENT *pro tem*. Will the gentleman from Potter (Mr. Mann) point out the rule to which he refers?

Mr. MANN. The thirty-first rule.

The PRESIDENT *pro tem*. The Chair is of opinion that it does not come under that rule. It is not an article such as is there contemplated; it is more in the

shape of a resolution, as the Chair thinks, than a report from a committee. But it is now before the Convention, by order of the body, on second reading, and must be considered.

Mr. BUCKALEW. Mr. President: I raise the point of order, that reports of committees must first be considered in committee of the whole.

The PRESIDENT *pro tem*. That point of order should have been raised at an earlier stage of the proceedings; and if it had, the Chair would have so decided. But having been submitted in the shape in which it is, and carried, by order of the Convention, to a second reading, the Chair is of opinion that we will have to proceed with it.

Mr. HOWARD. Mr. Chairman: I will now read the article to which I referred, from the *Pittsburg Gazette*, of the fifth instant:

HARRISBURG, February 4, 1873.

THE PENNSYLVANIA RAILROAD COMPANY'S LEGISLATIVE PROGRAMME.

The Pennsylvania railroad company developed its legislative programme for this year, by presenting to the House to-night the most extraordinary bill ever presented to the Legislature of this State. It is entitled "A bill authorizing an increase of the capital stock, the issue of bonds, and the securing of the same by mortgage." The first section authorizes the stockholders, by resolution, to increase the capital stock of the company to an unlimited amount, and to apportion and dispose of the shares in such manner and upon such terms as the board of directors deem proper. It also authorizes the company to issue bonds, in such amount and payable at such time as they may appoint; said bonds to be secured by one or more mortgages on the whole or any portion of the railroad estate, real and personal, and corporate rights and deeds, franchises acquired and to be acquired by said company. The only limitation is that the bonds shall not be issued in excess of the capital stock of the company at the time of such issue, upon which issue of the capital stock there is no limitation whatever. The second section provides that the mortgages authorized by the act shall be recorded in Philadelphia, and shall be a lien on all the property of the company without further record.

The rumor current here this evening is that the unlimited increase in the capital stock and issue of bonds is to cover con-

tendencies connected with the construction of the Southern Pacific railroad.

Now, Mr. President, I do not wish to make any long speech upon this subject. This matter has been published at length in the morning papers of Philadelphia, and if it is right, if it is proper, that the Legislature of the Commonwealth shall pass laws of this description, then this resolution should be defeated. If it is not right that these companies should have unlimited power to increase their capital stock, and issue bonds in an equal amount, I say that this resolution should not only be considered but adopted by the Convention, as a provision that should go into our Constitution. That railroad company has already under its control property amounting to one thousand million of dollars, and to give them this enormous power—a power that has never been conferred before upon any corporation in this world, *is, I think, going entirely too far.*

Mr. HANNA. Mr. President: I wish to say that I cannot possibly see the pertinency of this resolution. If I mistake not, this Convention has been called together for one purpose, and that is solely to revise and amend the Constitution of the State, and why we should be called upon to express our opinion in regard to legislation, I cannot understand. This proposition does not embrace any amendment or any reform that we are called upon to make in the interests of the people. It simply calls upon us, as a Convention, to express our individual and collective opinion relative to legislation, and I would ask if that comes within our province. With due deference to the gentleman from Allegheny, (Mr. Howard,) I would submit to him that this Convention has not been called for any such purpose. I understand that it is the duty of the various committees of this Convention to report amendments to the Constitution, and reforms for the people, but I submit that this resolution is not an amendment. It is not even a report from this committee. It is simply a resolution which originated in the committee, and no action of this Convention has been taken upon the subject. No resolution of this kind has been referred to the Committee on Railroads; and I do urge upon the Convention, that it is entirely extra-judicial, and that we have nothing at all to do with the subject. We can make a provision in the Constitution relative to railroads, if we so desire; but why we should at this time express our individual opinions, relative to the pro-

posed legislation, I cannot understand. I therefore move that the resolution be re-committed to the Committee on Railroads.

Mr. MANN. Mr. President: I hope that the gentleman will withdraw his motion, in order that I may be able to make a correction.

Mr. HANNA. Mr. President: I withdraw the motion for this purpose.

Mr. MANN. Mr. President: I desire to make a correction in regard to the statement that was made upon this floor a few days ago by the gentleman from Philadelphia, (Mr. J. Price Wetherill,) respecting certain expenses incurred in the legislation of this State. It certainly is as pertinent as the resolution which has just been discussed. The Convention, for a long time, in fact as long as we have been in session here, has been lecturing the Legislature upon all manner of subjects, and now we have undertaken to tell its members what they may do in relation to a certain bill which is now before them. It seems to me that this resolution is entirely impertinent, and that the figures of the gentleman from Philadelphia, (Mr. J. Price Wetherill,) in the statement he made concerning the legislative expenses, are entirely incorrect. It was stated the other day, as a reason for lecturing the Legislature, that the salaries of our Senators, last year, amounted to—

Mr. COCHRAN. Mr. President: I rise to a point of order, and it is that the matter referred to by the gentleman is not pertinent to the discussion of this resolution. The resolution which has been under discussion has nothing to do with the compensation of the members of the Legislature.

Mr. MANN. It has something to do with their action, and that is precisely what we are discussing.

Mr. COCHRAN. Mr. President: I insist upon my point of order.

The PRESIDENT *pro tem.* The Chair does not understand the gentleman from Potter (Mr. Mann) to be out of order, for the simple reason the Chair is unaware of the drift of the gentleman's remarks.

Mr. MANN. I was simply correcting a misrepresentation that was made the other day in the Convention, relative to the salary of members of the Legislature.

The PRESIDENT *pro tem.* The Chair is then compelled to rule the gentleman out of order. The correction of any remarks made upon the subject can certainly have no bearing upon the question now before the Convention.

Mr. MANN. I presume it will be in order some time.

Mr. HANNA. Mr. President: I now renew my motion to re-commit the resolution to the Committee on Railroads.

Mr. COCHRAN. Mr. President: If this question is debatable, as I understand it is, I hope this resolution will not be re-committed to the Committee on Railroads. The Committee on Railroads believed it to be their duty to introduce this resolution into the Convention this morning, and to ask an expression of opinion on the part of the members relative to the subject it contains. The action of that committee has been branded here as being impertinent, but there is a decided difference of opinion upon the subject, and the committee believed that, in the introduction of this resolution, they were doing what was entirely pertinent and proper. In introducing this resolution they have acted in the discharge of a duty confided to them by this Convention, and which it seemed to them was proper for the consideration of the Convention. If this resolution is re-committed to the committee, all that was expected to be accomplished by it is lost. If this resolution should fail to meet the concurrence of this Convention, then I cannot see why the Committee on Railroads should not be at once discharged, for I do not know what duties will remain for them to perform. If this Convention has no opinion, at least, to express with regard to the unlimited, unbounded and all-embracing action of the corporations of this State, which is pending and threatened at this time, then all the mischief which we propose to remedy, or expect to remedy, is accomplished, and the arm of this Convention and its power are paralyzed, and if it has nothing more to do upon that question, there is little use in considering the subject any further. Now, Mr. President, we found when we assembled this morning to discuss the business entrusted to us that there was a proposition pending, and likely to become a law, which would vest one of the corporations of this State with unlimited power to increase its capital stock and issue its bonds and securities. What could the committee do but consider that proposition in connection with the work which we had before us? What could we do but ask of the Convention an expression of its opinion with regard to a measure of that sort? Are we to be entirely forestalled in all the action we propose to

take upon this subject? Are we to have no opportunity at all of giving an expression of our opinion upon these subjects, and to remain content to be cut off by force of legislation which is to exclude us from all power and control over subjects of this kind? We hoped that the expression of the sentiment of this Convention would have the effect of protecting the community from the passage of such enactments, at least until the matter had received a more mature and complete consideration. We hoped that it would have the effect of withholding the hand of any other power of the Commonwealth until at least the Convention would have an opportunity to determine what was right and what was wrong upon this subject. Now, sir, we shall have no opportunity to determine any question of this character. We shall find ourselves entirely cut off from any control of this subject; and, if this be the case, then this Convention, on all questions of this kind, is well nigh helpless and can do nothing, even if we think anything is necessary to be done for the protection of the people and the public interests of the State in this particular.

Mr. ELLIS. Will the gentleman permit me to ask him a question?

Mr. COCHRAN. Certainly, but I do not know whether I shall be able to answer it.

Mr. ELLIS. I desire to ask the gentleman if the passage of this resolution will produce a good effect on the Legislature, and, in fact, whether it will determine anything at all?

Mr. COCHRAN. I have stated that we, of course, cannot control the action of any department of this State; but I think the passage of a resolution of this kind, by a Convention such as this, would have a moral influence, which might stop these proceedings until the matured and final action of this body could be obtained. This is the view with which the resolution has been offered. It is offered as an expression of the sentiment of this Convention, here assembled for the purpose of considering this, among other subjects, and with the view of bringing the moral force of an expression of the opinion of this Convention to bear upon the subject.

Now, sir, I hope that the resolution will not be re-committed, but that the Convention will express its opinion in the terms of this resolution, and in this way do all that lies in our power to protect the people from the effects of the legislation, which is now pending, and which may be,

and will probably be, consummated within a very brief time, unless we make the expression which is asked for in this resolution.

Mr. CAMPBELL. Mr. President: I merely wish to say a few words. I hope this resolution will not be re-committed to the Committee on Railroads, of which I am a member. That committee had a very full meeting this morning, and we instructed our chairman to report this to the Convention in the shape of a resolution, so that the Convention could express an opinion upon the subject, and, if possible, draw the attention of the people to the character of the bill that is now before the Legislature of Pennsylvania. If that bill is passed a great many of the reforms that the people of Pennsylvania expect from the action of this Convention cannot be accomplished, and I therefore hope that this action to re-commit the resolution to a committee that has already considered it fully and brought it in here, I may say almost unanimously, will not now be taken, and that the Convention will either vote the resolution down or vote for it.

Mr. HAY. Mr. President: I shall vote for the re-committal of this resolution for this reason, and for this reason only: That I believe it to be more pertinent for this body to express its opinions upon pending legislation, except in the shape of the adoption of constitutional amendments, than it would be for any court in the Commonwealth to express its opinion while in session.

Mr. M'ALLISTER. Mr. President: I should not have troubled the Convention at this time, if it had not been said by the gentleman from Philadelphia (Mr. Campbell) that the Committee on Railroads were unanimous—

Mr. CAMPBELL. Mr. President: I beg the gentleman's pardon; I said almost unanimously. I believe the gentleman was the only one present who did not agree with his colleagues as to this resolution.

Mr. M'ALLISTER. Mr. President: I desire only to say a word or two upon this subject. It seems to me that the Legislature, coming from the same source from which we come, each the representatives of the people, that it would not be pertinent for this Convention, called for a special purpose, to establish organic law, to interfere with the action of that body, which was called to make laws. I am opposed to, and if I were in the Legislature I would exert every power of my mind

and my body to prevent the passage of such a law as has been read here this morning. But although I would do that, I think it would be an act of impertinence in us, sitting as we do in this Convention, to interfere with their action, be it what it may. As individual citizens of this Commonwealth, we have a right to be heard by petition and remonstrance. Let us act in that way as a part and parcel of the sovereign people of Pennsylvania, but let us not attempt, as a Constitutional Convention, to interfere with the action of the Legislature. In the capacity in which we sit here, we have no right to attempt such interference. It is an act—I humbly conceive, with all due deference to the Committee on Railroads—it is an act of impertinence. We are growing out of our boots. It seems to me that we should not commit this interference in this way as a Convention, but should reserve our right to speak as a portion of the people, which is the better way for us to pursue.

Mr. MINOR. Mr. President: It seems to me that this motion to re-commit this resolution to the Committee on Railroads ought to prevail, for this reason if for no other: This resolution is the first of the kind that has been introduced, and it is for us now to establish a precedent for our future action, not only upon this, but all other topics. Are we willing to establish a precedent in this Convention, that any committee, instead of reporting anything officially for official action, to become a part of the Constitution itself, may report a resolution whereby they ask simply for the unofficial opinion of the members of the Convention? That is the point I would raise, no matter what the merits of this resolution are. It may be that we are all in favor of the sentiment expressed; it may be that we are not. But the question is, are we ready to place ourselves in a position whereby, hereafter, we shall be compelled to occupy our time in discussing matters which cannot possibly enter into the Constitution in the form in which they are thus expressed? I may agree—I do agree to considerable extent—in the sentiment of the resolution, but I am opposed to its coming out of the Convention in this form. It is extra-judicial. We are to be addressed as a court is to be addressed, and no judge, sitting upon the bench with his associates, comes into court with an opinion upon a case unless it is actually pending before them for decision. So it seems to me that we should send this

back to the committee where it belongs, to be incorporated by them, if they see fit to incorporate it, in official form, to be printed, discussed and acted upon as other regular reports in official form are treated.

Mr. GOWEN. Mr. President: I desire to say a few words upon this subject. I apprehend that this body is called into this hall for a certain purpose, namely: To amend the Constitution of the Commonwealth of Pennsylvania, and that until it has amended that Constitution and presented for the adoption of the people a new one, the present laws govern and are in force. It was well considered by those who drew up the rules governing this Convention that the deliberations of this body should partake somewhat of the solemn character of the duty that it was called upon to perform. It was provided that every resolution should be referred, without debate, to the proper committee having charge of the appropriate subject. It was then provided that every article suggested by any committee should receive three several readings before its adoption, and that the first of them should be in committee of the whole. The whole object and scope of these rules were, that the practice, the alarming practice, which prevails and has prevailed, to a great extent, among the Legislatures of American Commonwealths, that is the practice of snaking through a bill, should not be resorted to in this bill.

I desire to say, Mr. President, that while I should vote gladly and cheerfully for an amendment to the Constitution which covers the ground taken by this resolution, and believe that it should be adopted, I will vote at all times against doing anything in this Convention that assumes that we are the censors of the morals of the people. The Legislature of a free Commonwealth, necessarily, is the supreme power of the State and must be so, and I, for one, am not in favor of injuring the *crutum fulmen* that the resolution will be, and giving to the Legislature the opportunity to reply to us, "gentlemen, attend to your own business, we are amply capable of attending to ours." Let us suppose, for one moment, that upon mere newspaper report the members of this Convention were informed that a judge of one of the courts of this city proposed to deliver a decision upon a judicial question in a certain way. Would it be appropriate, would it be proper for this Convention to pass a resolution intended to

instruct that judge upon his duty? Suppose we were told that the Governor of this Commonwealth, in the performance of some of his Executive functions, proposed to make a certain appointment to office, would it be proper, would it be right for the members of this Convention, acting as a Convention, to pass a resolution intended to take the Executive functions out of the hands of the Governor? I care nothing whatever, sir; I care nothing whatever, for the fact that the secrets of the committee have been exposed, here, by one of its members. It is unheard of in parliamentary usages. I care nothing whatever for the fact that the Railroad Committee, through one of its members, who in the shakings and turmoils of this Convention comes very frequently to the surface, told us that they have acted upon this question. Having been very carefully excluded from any committee of any importance, I do not propose to relinquish my right to the one hundred and thirty-third part of the deliberations of this Convention. I shall vote for an amendment, such as this, if it is presented as an article to be part of the Constitution, but I shall vote for no hurried resolution which is intended to have the effect of an article without the moral courage of saying so, and which is attempted to be forced through the Convention.

Mr. CAMPBELL. Mr. President: I rise to a point of order. I believe it is contrary to the rules of this body that a member should make a personal reflection. The gentleman has just now announced to the House that he has been carefully excluded from any of the important committees. I deem that to be a reflection upon the President of this Convention.

The PRESIDENT. The Chair does not so understand it.

Mr. GOWEN. Mr. President: I have no doubt that the President of this Convention will be delighted at the care which the gentleman from Philadelphia has taken of him; but I can assure the gentleman that the President is able to take care of himself.

Whether my friend from Philadelphia (Mr. Campbell) will regard these remarks as he did those I made the other day, as puerile and flippant, I know not. But what I mean to say is this, that I have the right to the one hundred and thirty-third part of the power of this Convention, and I do not propose to surrender it because a gentleman connected with any of the committees rises in his place and tells us

that that committee has already acted on the subject.

Mr. HOPKINS. Mr. President: It occurs to me this morning that we occupy rather a novel position in this Convention. The resolution before the Convention comes, I believe, in the shape of a report from a standing committee of this House, and it proposes, according to the interpretation put upon it by a member or two, perhaps, of that committee, what the sense of this Convention shall be upon certain questions of legislation. Now, sir, as has been already observed, I think this a novel proceeding. If the Committee on Railroads will present to this body an amendment to the Constitution embodying the views indicated by the resolution now before us, I shall with great cheerfulness vote for it. But the mere expression of opinion on the part of members of this Convention certainly would have no legal force upon the action of the Legislature, and I am not prepared to say that it would have very much moral force. I have a suggestion to make to the gentlemen who offered and advocate this resolution, and that is this: When this Convention shall have adjourned to-day, if a public meeting of the citizens of Pennsylvania be called in a public square, or here, or elsewhere, to give an expression of their views upon the question suggested, I will, with great pleasure, attend that meeting, and give my humble vote in favor of such measures as I may deem proper. But, sir, so long as I occupy a seat upon this floor, as a member of this Convention, I shall never vote in favor of any such proposition as this, for these reasons: First, that it would have no binding force upon the Legislature; and, second, because I do not believe it would have much moral force upon the action of the Legislature.

I am opposed to the proposition immediately before the Convention, that this resolution shall be re-committed to the Committee on Railroads. I shall vote against that proposition. I do not like to use any unkind terms, but it strikes me as a cowardly proposition. The Committee on Railroads, as we have been told, has had this matter under consideration for days, and has arrived, with some equanimity, at the conclusion embodied in that resolution. Now, sir, what is to be gained by their further considering the resolution? Why not, like men, meet the question in the face fairly, and vote down the proposition to re-commit, and vote either for or against the resolution, as our judgment

may dictate, when the question comes before us.

These are my views, very briefly expressed, and I trust that the motion now before the Convention, to re-commit, will be voted down.

Mr. LAWRENCE. Mr. President: I offer an amendment.

The CLERK read the amendment, as follows:

"That the Committee on Railroads be instructed to report an article for adoption, which shall prevent the Legislature hereafter from authorizing any railroad company from increasing its stock, except under proper limitations, to be therein designated."

Mr. LAWRENCE. Mr. President: I offer that amendment, that we may not be placed in a false position here upon this great question; because I agree with my friend from York, (Mr. Cochran,) that it is of the utmost importance that the people at least shall be heard upon this question. I agree entirely with my colleague who has just taken his seat, that this is an interference, on the part of this Convention, with another body, coming from the people as directly as we have come, upon a question which they are now considering, and with which we ought not to interfere.

I say it is a great question, and it has engaged the minds of some of the ablest men in the State for the last two months, and, probably, for years. How shall we limit these great corporations? How shall we curtail the power with which they assume to control the people and to increase their stock as they please? At the proper time I shall be prepared, probably, to express some views upon that subject, but for the present I think it unwise—extremely unwise, extremely improper—for us to dictate to the Legislature in reference to a bill which they are probably this day considering. Hence I have offered this amendment to instruct the committee—which will be equivalent to what we might do if we instructed the Legislature—to report an article upon this subject. It will be an expression of our opinion, if we carry it here by a strong vote, just as fully to the Legislature as if we were expressing our opinion aside, for it will pass into the press and the members of the Legislature will see it. It will be legitimate for us to instruct this committee, and it will be an expression from this Convention. I have offered it, sir, for the

purpose of relieving us from this unpleasant position.

The PRESIDENT *pro tem.* The question is upon re-committing the resolution to the Committee on Suffrage, with instructions.

Mr. HANNA. I accept the amendment.

Mr. BIDDLE. I would suggest to the gentleman from Washington (Mr. Lawrence) that he insert the words "before adoption or consideration." While I feel the force of what he says, and will probably go in that direction, I do not wish in advance, in a debate like this, to pledge myself to do so. While favorably disposed toward it, I wish to reserve to myself the right of hearing all that can be properly said for or against it.

Mr. LAWRENCE. I accept the modification of the gentleman from Philadelphia (Mr. Biddle.)

Mr. HOPKINS. Mr. President: I desire simply to state that it is due to myself that I should modify somewhat the remarks I made when I was last upon the floor. I said I would not vote for the resolution to re-commit, nor would I have done so had the resolution remained in the shape in which it was; but with the modification of my colleague, (Mr. Lawrence,) I will now vote for it.

The PRESIDENT, *pro tem.* The resolution as modified will be read.

The CLERK read as follows:

To re-commit the original resolution, with instructions, as follows:

"And that the Committee on Railroads be instructed to report an article for our consideration or adoption, which shall prevent the Legislature hereafter from authorizing any railroad company from increasing its stock, except under proper limitations."

The yeas and nays were required by Mr. Howard and Mr. Corbett, and were as follow, viz:

Y E A S.

Messrs. Achenbach, Addicks, Ainey, Ariecks, Baer, Bailey, (Huntingdon,) Baker, Bannan, Barclay, Bardsley, Bartholomew, Biddle, Black, Charles A., Bowman, Boyd, Broomall, Brown, Buckalew, Campbell, Carey, Carter, Cassidy, Clark, Collins, Corbett, Craig, Cronmiller, Curry, Dallas, Davis, De France, Dunning, Edwards, Elliott, Ellis, Finney, Fulton, Funck, Gibson, Gilpin, Gowen, Guthrie, Hall, Hanna, Harvey, Hay, Hazard, Heverin, Hopkins, Horton, Howard, Hunsicker, Knight, Lawrence, Lear, Lil-

ly, Long, M'Allister, M'Clean, MacConnell, M'Murray, Mann, Mantor, Metzger, Minor, Mott, Niles, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Patton, Porter, Purviance, Samuel A., Reed, John R., Reed, Andrew, Reynolds, James L., Reynolds, S. H., Ross, Runk, Russell, Smith, H. G., Smith, Henry W., Smith, W. H., Stanton, Stewart, Temple, Turrell, Van Reed, Walker, Wetherill, J. M., Wetherill, Jno. Price, Wherry, White, David N., White, J. W. F., Woodward and Wright—98.

N A Y S.

Messrs. Baily, (Perry,) Beebe, Cochran, Curtin, M'Culloch, Patterson, T. H. B., Sharpe and Simpson—8.

So the motion was agreed to.

ABSENT OR NOT VOTING.—Messrs. Andrews, Armstrong, Black, J. S., Brodhead, Church, Corson, Cuyler, Darlington, Dimmick, Dodd, Ewing, Fell, Hemphill, Kaine, Lamberton, Landis, Littleton, M'Camant, MacVeagh, Newlin, Pughe, Purman, Purviance, John N., Rooke, Struthers, White, Harry, Worrell and Meredith, *President*—27.

Mr. DALLAS. Mr. Chairman: I desire to ask whether, in the absence of the chairman of the Printing Committee, any member of the committee now present is in a position to respond to the resolution offered by me yesterday, and adopted, on the subject of hastening the printing of the Debates? I would call upon the gentleman from York (Mr. Cochran) to say whether there has been any meeting, or other action, of the committee on the subject.

Mr. COCHRAN. Mr. Chairman: I would beg leave to say, in reply to the gentleman's (Mr. Dallas') inquiry, that I believe I am one of the last persons named on the committee's list, and have no more to do with its business than any other member of it. The committee has had no meeting, in consequence, I presume, of the absence of its chairman. All the information that I have on the subject, I would say (if it is in order to say anything) is that the printer is here himself to-day, and says he is printing the Debates as expeditiously as possible. The resolution as to the form of printing the Debates was not, he says, adopted until the fifteenth of January, and he has not been able to bring the Debates up to time yet. He has brought the Journal up to date, however.

SUFFRAGE.

The PRESIDENT *pro tem.* The next business in order is the consideration, in

committee of the whole, of the article reported by the Committee on Suffrage, Election and Representation.

The Convention then, as in committee of the whole, Mr. Lawrence in the chair, proceeded to the further consideration of the article reported by the Committee on Suffrage, Election and Representation.

Mr. D. N. WHITE. Mr. Chairman: Before this debate closes I have a very few words to say to give the reasons why I shall vote for the amendment of the gentleman from Delaware.

I think this is the wrong place for this debate. The striking out of the word "male" does not, of itself alone, give to woman the right to vote. If there had come before us, as I expected, a distinct proposition to be submitted to a separate vote of the people, expressing, in undoubted terms, the grant of the right of suffrage to woman, then this debate would have been proper, and I should have given such a proposition my cordial support.

But the amendment under consideration, and the amendment to the amendment, affect the question of woman suffrage only in a very indirect manner.

The reason why I shall support the amendment to strike out the word "male" is to make the Constitution of our State conform to that of the United States, which we took an oath to support, and which is the supreme law of the land.

The fourteenth amendment of the Constitution of the United States says:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

The fifteenth article of the Constitution of the United States reads as follows:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude."

By striking out the word "male" in the section before us, it will read: "Every citizen of the United States;" thus bringing it into conformity to the Constitution of the United States. The word "male" adds nothing to its force or meaning. If the phraseology used in the fourteenth and fifteenth amendments, "citizens of the United States," whose right to vote

shall not be denied or abridged, means women, then the word "male" will have no more effect than the word "white" does in the Constitution now, where it stands meaningless and dead. If women are not included in the word "citizens," as used in that Constitution, then the use of the same term will not include them in this section. I cannot therefore see any necessity in the use of the word "male," as it adds nothing to the force or meaning of the article, and is objectionable in other respects.

If the Constitution of the United States does not confer on women the right of suffrage, then there is no use in the term "male." If it does confer suffrage upon them, as the Supreme Court may decide upon the case lately referred to it, then the use of the word "male" in this section would make our Constitution ridiculous.

We are perfectly safe in following the phraseology of the Constitution of the United States, for we are compelled to abide by its meaning, as interpreted by the highest authority, whether we are in favor of women suffrage or not.

It is clearly in our power to give the right of suffrage to women, if we choose to do so, but we must do it by some phraseology more specific than that of this section, with the word "male" expunged.

I am therefore in favor of striking out the word "male"—not with any reference to the question of women suffrage, but to make the section harmonize with the Constitution of the United States; and for the same reasons I am opposed to the amendment to the amendment, offered by the gentleman from Indiana.

If the question of women suffrage shall come up as a distinct proposition, I may ask the Convention to indulge me in some remarks on that question, but it is clearly out of place here.

Mr. TEMPLE. Mr. Chairman: I have no apology to offer for occupying the attention of Convention in the discussion of this subject, for I shall not engage its time for more than twenty minutes.

I will state, in the first place, that I was somewhat surprised this morning when, upon the calling of the yeas and nays upon the question, whether or not further debate on this question should be dispensed with, certain gentlemen, who, in committee of the whole, consumed over an hour of our time in this discussion, should show them-

selves desirous of voting it out of the Convention altogether. But there seems to be that merit in the question that commends it, after all, to the consideration of this body; and I desire to state, most emphatically, that I am in favor of the amendment of the gentleman from Delaware (Mr. Broomall.) I am not in favor of the amendment of the gentleman from Indiana (Mr. White) for the reasons substantially as stated by the gentleman from Schuylkill (Mr. Bartholomew.) I consider that the question of female suffrage is one of great importance. I do not consider that this Convention should treat, as some persons would have it treated, without any consideration at all. Neither am I in favor of sandwiching it in between other propositions. If the question of cumulative voting has merit in it, it certainly should be allowed to stand upon its own bottom, and, like female suffrage, receive the separate consideration of the members of this committee.

The only reason that has been stated—and I believe I am correct in saying this—the only reason that has been urged against allowing female suffrage, is that it would destroy the home circle, that it would degrade women; and for that reason we should not adopt any amendment to the Constitution which would permit female suffrage. The distinguished delegate from Philadelphia, (Mr. Gowen,) for whose opinions I have the greatest respect—and I believe he is correctly reported in the papers of yesterday—used the language which I shall presently read, and, after using that language, undertook, by means of that ingenious kind which are characteristic of him alone, to argue against the proposition of female suffrage, notwithstanding that he concedes to it the greatest merit. “He was not one of those,” he said—and I quote from the newspaper report of his remarks—“who would deny to woman the right to claim the attributes of man, but no matter what were her reasoning faculties, the instincts of women were always right. He believed that if the women of Philadelphia had the right to vote, such disgraces as those under which we had lived, in our elections, would cease forever. But at what sacrifice! And while the exercise of the suffrage by women might elevate man, while it might remove the asperities of political life, while it might purify many of the sinks of corruption in this city that now send forth their stench, it would be accompanied by

an evil ten times greater than any of those of which we now complain.”

Now, sir, the only reason he stated was that it would destroy the peace and comfort and pleasures of the home circle. He then gravely asks whether, owing to this one consideration, we should not do great wrong in not opposing the adoption of this amendment, striking out the word male from the section, as reported by the Committee on Suffrage.

I take it, sir, that anything which tends, even in the least degree, to the elevation of the female sex, or to the greater intellectual development of women, tends, in a corresponding degree, to render them more independent, and to make them more useful, both to themselves and the community.

I do not believe that any gentleman upon this floor will undertake to say that if a woman had a higher degree of culture, thus rendering her more useful as well in her home relations as in her relations to the community at large, she becomes any the less liable to make a good daughter, a good wife or a good mother.

It was urged by the gentleman from Schuylkill (Mr. Bartholomew) in discussing the proposed amendments, that the right of suffrage was a natural right; that from all time woman had been debarred from the exercise of this privilege; and he cited, as an instance, that men were prevented from voting during their minority, but when they arrived at the age of twenty-one they emerged from the position in which they originated, and went out in the community as other men and became the heads of families. He therefore cited this as a reason why natural causes have always been against the adoption of this amendment. Why, Mr. Chairman, the only reason which has precluded minors from voting heretofore, anywhere in this Commonwealth or in any other Commonwealth of this country, is only temporary. This only exists until minors arrive at the age of twenty-one, and then they are relieved from their disability, and relieved of it because they are considered at that age free from all the responsibilities of life which are necessary to manhood. This principle of female suffrage, I take it, is not a new idea. I do not think, however, that it is necessary to go so far in an argument upon the subject as the gentleman (Mr. Horton) who sits immediately to my right went yesterday, although I agree with him in all that he said upon that occasion. I say that it is

unnecessary to go back so far into antiquity to find the very highest authority that this very question has been mooted and argued by some of the greatest people in this or any other country. I beg leave to call the attention of the Convention for a few moments by reading a few extracts, very brief, from the works of Jeremy Bentham. I consider that there can be no better authority than the works of this eminent author. In the discussion of this question of universal suffrage he does not state that it is the right of man to prevent woman from voting, but he discusses it in the light that their sex will be ennobled, and that they will be rendered more intelligent themselves in the performance of every duty. In the discussion of this subject he says: "No reason can be assigned why a person of the one sex should, as such, have less happiness than a person of the other sex."

"Nor therefore, whatsoever be the external means of happiness, why a female should have a less portion of those same means."

"If, in this respect, there were a difference, the principle of equality would require that it should be rather in favor of the female than of the male sex."

And he goes on further to state, that in England women have not only had the right of suffrage, but that they have been allowed higher privileges, growing out of this very right. In reference to this he says that "England also gives the example of a case in which, in the choice of a sub-legislature of twenty-four members, governing, with absolute sway in subordination to the supreme legislature, sixty millions of subjects in British India, females have an equal share with males. Thus while gnats are strained at camels are swallowed."

Now this somewhat distinguished authority goes on to argue, at great length, that no reason has ever been assigned up to the time he wrote the language why females should be debarred from this privilege. I deny that it is a natural right. I take it that it is not a right at all, but simply a privilege conferred upon the sex, and if you please to debar the other sex from exercising it, it is a mere political privilege, and should only be granted to that class of people who will secure the greatest amount of good to the greatest number of people. Now how has it been in England and in other countries? Has there ever been a country that was more prosperous than England during the

reign of Queen Elizabeth? Why, sir, this same distinguished author in his eminent work goes still farther, and furnishes complete confirmation of what I have already said. He says: "In intellectual aptitude Elizabeth of England showed herself in an incontestable degree superior to her immediate successor, and even to the nearest of her male and adult predecessors. If Anne was weak, she was not more so than her two immediate successors—both males. If Mary put men to death for what was called religion, so did her father, and so did her next male successor. If Queen Mary put people to death for what was called religion, so did Lord Chief Justice Hale, the hero of English lawyers, for what was called witchcraft."

"In no two male reigns was England as prosperous as in the two female reigns of Elizabeth and Anne. As to Anne, whatever was the cause, it was more prosperous than that of her immediate male predecessor—a man as unamiable as she was amiable."

"Thus has England been governed by female monarch, four; Russia, four; Austria, one; Sweden, one; Portugal, one; France, though not once by a female monarch, whose reign continued during life, has been governed by several female monarchs, whose reigns, under the name of regencies, have lasted for a long course of years."

Thus we find the result of this experience and the reasons given by this author why this privilege should be allowed to females, and I argue here that the opponents of this measure have conceded that females are entitled to it so far as they are concerned themselves. They admit that they are perfectly competent to receive and exercise this privilege. They admit, or at least the gentleman from Philadelphia (Mr. Gowen) admits, that men would be greatly benefited if the right of suffrage was conferred upon women. They admit, if you please, Mr. Chairman, that our politics to-day would be greatly improved if this right was conferred upon them, yet they argue this question in an ingenuous manner, and say although woman is entitled to the right of suffrage, and that she is competent to exercise it; although it would be pleasing and beneficial to man; although it would purify our party politics, yet they say it would disturb our home circles and render woman less a wife, or less a daughter, if this privilege was bestowed upon her.

Now I deny that proposition in toto, and I ask the gentleman who advanced that argument whether he believes that his mother, or any intelligent and independent woman, and I use the word independent in its ordinary acceptation, whether, I say, if she was fully conversant with the ordinary relations of life both indoors and out of doors, and acquainted with our form of government, if the exercise of this right of franchise would render her any less a mother, any less a wife, or any less a daughter. Why, sir, such an argument as that is an insult to the intelligence and patriotism of every woman in this land. I feel it would be an insult to myself to say that because the ladies surrounding my household might be educated, and refined, and as competent to discuss the political questions of the day as I am, by exercising the right of franchise they would therefore destroy the pleasures of the home circle and degrade themselves as women. I say that it is an insult to woman to cast any such aspersions upon her character.

Now, Mr. Chairman, there is another branch of this subject which I think is important, and ought to be carefully considered, and that is the argument which was urged upon this floor yesterday, that women did not want the right of suffrage conferred upon them, and that certain gentlemen in this Convention were undertaking to thrust it upon them without their consent or approval. Now, sir, I take it, if this is a right, that it is the duty of this Convention to protect the women who desire to exercise the right of suffrage, even if there are those among them who do not want it. The time may come when the very women who are to-day not over anxious for this blessing or privilege, will desire it when they perceive its necessity. Revolutions move slowly, but they move surely, and just as sure, in my opinion, the time will come when the females of this and every other Commonwealth in this country will be allowed the privilege of voting. It has been also argued during the discussion of this question, I believe by the gentleman from Allegheny, that women would be exposed to certain necessary criticisms if she were allowed the right of suffrage, and that there are certain duties devolving upon her by reason of her sex, which, if neglected, would render her liable to an unjust animadversion. It has also been argued that, physically speaking, she is rendered incompetent to exercise this

privilege, and that, although she may be the mental equal or superior to man, she is not so physically. I would ask those gentlemen who have advanced these arguments if they have forgotten that women have, in all time, exercised a moral influence over the ballot-box which has been more beneficial to the politics and the welfare of the country than the full exercise of that right by our male population. The opponents of this measure forget that women have been employed in all the branches of industry, and they forget that women have filled these positions with dignity, honor and profit.—They forget that the women of this country, whom they have undertaken to denounce as asking for a right that they do not merit, in all time, and down to this very moment, filled some of the most important positions in our political and in our social world. Why, what would have been the case in the election of the board of school directors if it was thought proper to bring this matter down to the true relations of everyday life? We often see it the case, that ladies who are employed in schools for the purpose of educating the young, are brought in contact with a class of men in some portions of our large cities, who are unworthy the association of the very persons whom they control. These ladies, whose children are to be educated at these public schools, have no voice whatever in the selection of those who are to control and govern them.

Now, Mr. Chairman, there is also another reason that has been urged here why this right should not be conferred upon woman. I desire to allude to it for a moment and then I am done. The gentleman from Allegheny, (Mr. D. N. White,) who last addressed the Convention, stated that, if female suffrage was adopted in this State, it would be of no practical benefit, inasmuch as it is not recognized in the Constitution of the United States. I deny that proposition. But even if were so, it certainly could have no weight in deciding why prompt and speedy action should not be taken upon this question. I take it that the Constitution of the United States could not interfere with the right of suffrage conferred upon any person in Pennsylvania, except so far as it relates to officers to be elected to fill positions under the United States government. I deny, however, the right. And if because the United States government do not think proper,

by an appropriate statute, to authorize the adoption of such a proposition as this, is it any reason why we should shrink from the responsibility of granting this privilege to a class of people who are, confessedly, by all who have taken part in this debate, entitled to receive it, by reason of their independence, by reason of their intelligence and their real worth? I submit, is there any reason why any gentleman of this Convention, who confesses their right to this privilege, and their competency to fill that high position, why this Convention should shrink from this great responsibility, because the United States government has not seen proper to adopt a similar proposition? Mr. Chairman, I have nothing more to add to these remarks, and, having promised to be brief, I therefore give way for others who may be desirous of addressing the Convention.

Mr. METZGER. Mr. Chairman: I do not desire to occupy the time of the committee any longer than I deem necessary to the discharge of my duty as a member of this Convention, for the question has been fully discussed; but as I have not occupied the attention of the committee heretofore, I feel justified in giving an expression to my views. I cannot agree to accept the amendment of the gentleman from Delaware, (Mr. Broomall,) because I have not yet heard a single convincing argument made upon this floor by the advocates of this innovation in our institutions, and because I have not yet heard from the parties advocating this innovation in our Constitution a sufficient reason for me to change from the position which we have heretofore occupied. I shall vote against the amendment. The gentlemen who desire this change seem to think that we who are in favor of sustaining the institutions as we have them at this day, and incorporate into this Constitution a similar provision to that which already exists, have forced upon us the burden of proof to show why suffrage should not be extended to females. I deny this position *in toto*. When these gentlemen attempt to introduce an innovation in our Constitution, and give the privilege of the elective franchise to parties that heretofore have not had it, when they propose to follow in a new path in which neither we nor our ancestors hitherto have walked, it is for them to give us reasons why we should pursue that course.

But I can conceive of many reasons why we should not pursue the course that is indicated by the gentlemen on the other

side of this question. They seem to have a mistaken idea of this subject. I thought it had been fully demonstrated to this committee by the gentlemen who have preceded me that this right of suffrage was not a natural right, nor, in fact, a right at all, yet they will persist in claiming it as such right. Now, if it be a right, from whence, Mr. Chairman, do we get that right? So far as females are concerned, they certainly have not derived it from the Constitution of the United States or of the State. There is, it is true, a higher law; but, with all due deference to the gentleman who has referred us to that higher law, (Mr. Horton,) if he had read a little farther he would have found that man and not woman was commissioned to rule. When the injunction of the Almighty was issued to Eve, after the fall, we find in that injunction to her that she was expressly told that man should rule over her.

Mr. HORTON. Read it out of the book.

Mr. METZGER. Mr. Chairman: I have not the book here, but I think I can quote it, so far as it relates to this question: "Thy desire shall be to thy husband, and he shall rule over thee." I have therefore failed to find any authority, either divine or human, which confers this right upon woman, and no individuals have this right, except those upon whom it has been conferred by the organic law of the land. When we establish once, or change this organic law, and confer the privilege of voting upon females alike with males, then you may claim it as a right, although the term is not appropriate. It should rather be called a privilege—a privilege conferred upon the ruling classes.

If these gentlemen would have considered for a moment that, not only from time immemorial, but from the very beginning—for my friend from Bradford (Mr. Horton) did commence in the beginning, for he said "in the beginning was the Word"—they cannot find a single precedent for what they are advocating here to-day. The God of nature established such a law for the sexes that woman's sphere is clearly defined and prescribed, as is also man's, and among the attributes of man is that of governing. So that, gentlemen, this is not a question of right at all; and when we come now to consider it, we have to consider it only as a question of expediency, a question of policy, a question whether it will enhance the interests and the happiness of the peo-

ple or otherwise. Considered in that view, who can doubt as to how we should stand upon this question? Why, gentlemen, it is known to you all, especially to you who are lawyers, and who have had special opportunities for observation, that a woman, while she sustains the relation of wife to her husband, is, to a certain extent, under the coercion of her husband. My friend from Philadelphia (Mr. Campbell) has claimed that there are barbaric principles in the common law. With all due respect to the opinion of the gentleman, I say that this principle of coercion is not only a principle of the common law, but it is founded upon the Word of God itself. If man and wife are one flesh—if they are one—then the existence of the one must be suspended while the marital relation continues. You cannot “divide a house against itself” has been well said. It is an utter impossibility. And, in the very nature of things, it is as true as it is that the sun rises in the east that, when the existence of either is to be suspended, it should be of the one whose peculiar duties and whose peculiar province is not to govern, but to whom Providence has assigned other and nobler duties. During the continuance, therefore, of these relations, it is impossible to extend this right of suffrage to the woman. You will not only have to abolish all the principles of the common law, but you will have to establish a principle which, if carried out in practice, would, as these gentlemen who have preceded me have clearly shown you, end in discord and in bringing to pleasant homes those troubles and difficulties which would end in final separation. Just imagine, for one single moment, your wife differing with you politically, (which she may do.) Imagine that she has the right of suffrage; that she insists upon carrying out her right, and some villainous and corrupt politician, with whom you would not associate, nor permit your wife or daughter to associate, under the pretence that he is canvassing for a political position, enters your house to solicit your wife’s or daughter’s support. I say to the members of this committee that, under those circumstances—while it is not probably right, it is human nature for man to recoil at it—the probability is that it would end in a brawl between the man and his wife and a divorce would be sought for.

Now I say to you, Mr. Chairman, that we are not here simply to argue as to what, in the abstract sense, may be right or

wrong. We are here to meet facts as they exist in society; and who, in this Convention, does not know, within his own knowledge and observation, instances in which these differences of opinion, even when they have arisen upon less exciting subjects, have created difficulties which have created a breach which grew wider and wider until ultimately it ended in a final separation.

Mr. H. W. PALMER. Mr. Chairman: Will the gentleman allow me to ask him a question?

Mr. METZGER. Mr. Chairman: Certainly.

Mr. H. W. PALMER. Mr. Chairman: Has the gentleman a wife?

Mr. METZGER. Mr. Chairman: I beg leave to say to the gentleman that I have had, and am sorry I have not now; and for the sake of the teachings which my dear wife gave to my children, I protest against the innovation which the gentleman proposes to adopt here.

I come from a section of country in which I have carefully canvassed the sentiment of the people upon this subject, and I tell you, in all candor and sincerity, that it is the wish and the desire of respectable females of my vicinity that we should put our final veto upon it. While I am occupying this position I am in a different position from the gentleman from Delaware, (Mr. Broomall,) who pretends to represent a washer-woman. I am not here to represent a washer-woman, or any single woman. I am here to represent my constituents at large, and I have no right to make use of what one, or two, or fifty demand, to the prejudice of what a thousand desire. The gentleman is mistaken when he says that it is his province here to represent the women, if it is but one. He is here to represent the sentiment of his constituents, and not single individuals.

It has been urged here, and with a great deal of surprise I heard these old arguments which I thought had long ago become obsolete, that the Declaration of Independence, the Bill of Rights and the Constitution of the United States gave the right of universal suffrage. Why, if that be true, our ancestors were the most inconsistent people that ever lived. The very men who framed these instruments, if they meant to include females and minors in the exercise of the right of suffrage, in theory adopted what in practice they always denied. Hence it is evident that they did not mean by these instruments

that all should have a direct influence in the government, but that they should operate in some measure, as my friend from Centre (Mr. M'Allister) has said, by representation. He has said, and very truly, and I approve of it heartily, that the head of the family represents the family. The head of the family is the husband. If the teaching which I have had is correct, if the principles contained within the lids of that same book which the gentleman from Bradford (Mr. Horton) held up to us the other day be true, if the teachings of the Apostle Paul be reliable, then I say, not only is the husband the head of the family, but it is the duty of the wife to render obedience to her husband, as it is the duty of the husband to love, honor and respect her. And how can I, under the circumstances in which I might be placed if this amendment should succeed, have that love which should animate the breast of every man towards his wife—towards his bosom companion, and which should be the sunshine whose rays illuminate the fireside of his home, and when I go to that home it should be a home of peace and not of dissension.

Mr. Chairman, these are some of my reasons for opposing the amendment offered by the gentleman from Delaware. There are many others, but as I promised to be brief I will not longer trespass upon the time of the committee.

Mr. Boyd. Mr. Chairman: The debate upon this question has assumed proportions vastly beyond my expectations. It has been with me a strain, mentally and physically, by day and by night, until it had well nigh wrought an agony. But as this blessed day commenced to dawn upon us, as the cock crew, as if it were by inspiration, I beheld the way out of all our troubles. I have here an olive branch that will calm and restore us to our original relations, and where everything will be peace. Before I shall present it I beg, sir, to preface it by a few remark which, under the circumstances, must necessarily be exceedingly brief. I by no means underrate the magnitude and importance of this question. It is, sir, a big thing, [laughter,] mighty big to some gentlemen; and in my rural simplicity I sat here listening to the advocates of this innovation and sought to ascertain a motive, if they were capable of a selfish motive, and I soon discovered, to my satisfaction, that the chief advocates of this measure are likely to be influenced by per-

sonal considerations. I now propose to proceed to prove it.

The gentleman from Delaware, (Mr. Broomall,) who in this debate I love, and am smitten with him yet, who moved this amendment and gave his reasons for it, convinced me when he had the floor, that whatever of merit there is or might be in the female having suffrage, yet it is in danger of being abused. Why, sir, take the gentleman from Delaware, (Mr. Broomall,) the champion upon that side of the question, and as he stood there, in his manly beauty, with a fascination and a charm, and a glory, radiant around, do you suppose, sir, that those of us who are less favored could ever get an office in the county of Delaware while he lives? I tell you, with his winning, fascinating ways, he would be irresistible, and it would be in vain for any man, however intellectual he might be, to hope to succeed in that direction.

What opened my eyes wider was my friend who is absent to-day, I regret to say, the bland, the insinuating, the fascinating member from Chester, (Mr. Darlington,) possessing all the toned relations and affinities, coming here day after day, filing around my corner the beauty, the sweetness and the loveliness of Chester county after he has filed them around me, should, in that placid, sweet way, turn his eyes into my corner, as much as to say: "I pity you." Sir, if I had no other reason to vote against this amendment, it would be through sheer envy and jealousy of the gentleman from Delaware (Mr. Broomall) and the gentleman from Chester (Mr. Darlington.) Then, sir, I had my eyes still wider opened when my beloved friend, if I may so call him, from Bradford, (Mr. Horton,) who addressed us. Do you tell me that such a gentleman as that, with his winning, smiling, bewitching ways about him, going around from house to house with his pallet of pills, for he is a doctor, one grain of rye flower and two grains of sugar, and presenting it in that fascinating way, as only he can do, and then, too, with the holy bible next to his bosom, do you tell me, sir, that he can go around in that district, seeing his patients, and administering these sweet potions, and not always be returned to office? I tell you, in all sincerity, that these gentlemen who are so highly favored should not seek to take this advantage of us who are so illy favored.

Now, Mr. Chairman, there is one county that should have female suffrage, and if we could give it to that one county I would vote for it. I would vote with all my might for Luzerne, after hearing from the venerable gentleman, the senior member from that county, my old, long-time and honored friend, (Mr. Wright,) who told us yesterday that the election days in that county were as calm as a sabbath school and as lovely as a sabbath morn; when he promised us, as I understood him, to see that in the future, as in the past, at the polls of that county, all shall be peace and order, and that he proposes to act as wet-nurse to the babies of Luzerne county while the mothers go to vote. I say we will give to the women of Luzerne the ballot. [Applause and hisses.]

Now, Mr. Chairman, this debate never would have assumed the importance and the proportions that it has, notwithstanding the gentlemen who are prominent in its advocacy upon this floor, had it not been for what I conceive to be an unwise step, on the part of gentlemen on the other side, to have given it an importance which it was not entitled to. I undertake to say that this is a scandalous waste of public time; that this body here, which is supposed to be composed, in a high degree, of the choice intellect of the State, should be here calmly discussing a question of this kind for three days. I say it is beneath the dignity of this body. If the right of suffrage is ever to be accorded to the female it would be more wisely and properly dispensed by the Legislature, and that in a manner and at a time when they have shown themselves fit and equal for it, as, for example, the county of Luzerne; and after it has been tried in one county and in another, if, in the wisdom of the Legislature, it shall be found to be wise and politic to extend it throughout the broad Commonwealth, then it might be well enough; but, sir, representing the county of Montgomery, which for the most part is a rural district, and where the polls are in many instances miles and miles from the homes of the voters, I wish to say that we are not prepared for a change of this kind until the way is paved for it.

While I make remarks of this kind I beg that you will understand that the sex have my highest admiration and respect. Indeed, sir, I am known to be rather weak in that direction, and I assure you that they have my best, and deepest and most

heartfelt sympathies in their behalf, because—and here I might say that I mean no personal reflections upon any man in this body—I have always thought it rough for certain gentlemen to give the ballot to Africa before they gave it to female America. I claim for the sex that they are the superior of Africa, male or female, and that it is the bounden duty of gentlemen who are favoring female suffrage, and who brought Africa in before they brought in the females, that it is their bounden duty to repair the gross wrong and injury that was done the sex when they helped to effect and accomplish that act.

Now, Mr. Chairman, I am aware that this body is wearied, as has been signified by the votes which have been taken, and by the discussion, and that they are ready to vote upon the question, and I am admonished by the clock that I should cease, and bring my remarks to a close, although not entirely completed. In view of all that has transpired, sir, I trust that, if the chairman of this committee should deem it proper and wise to offer an argument in reply, that he will refrain from doing so, because, should this body be troubled here as to the difference between the chairman of this committee (Mr. M'Allister) about the trail at the polls, and the gentleman from Potter (Mr. Mann) about the trail at the Academy of Music? Therefore, sir, as it is now just two o'clock, I will close.

Mr. J. S. BLACK. Where is your "olive branch?"

Mr. BOYD. I had forgotten that. I will now read it.

"Every male citizen of the age of twenty-one years, and all damsels and spinsters above the age of forty, or of doubtful age, citizens of the United States, having resided in the State one year, and in the election district where he or she offers to vote, two months immediately preceding the election, shall enjoy the right of suffrage."

This gives exact justice to a large class of the sex whom we are bound to provide for.

Mr. H. G. SMITH. Mr. Chairman—

Mr. SIMPSON. I move the committee now rise, report progress, and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole has had the report of the committee under consideration, and has instructed their chairman to report progress and ask leave to sit again. •

Leave was granted to the committee to sit again to-morrow.

The PRESIDENT *pro tem*. The hour of two having arrived, the Convention stands adjourned until to-morrow at eleven o'clock.

THIRTY-SEVENTH DAY.

FRIDAY, *February 7, 1873.*

The Convention met at eleven o'clock A. M., Mr. Walker in the chair. Prayer was offered by the Rev. James W. Curry.

The Journal of yesterday was then read and approved.

THE CHICAGO PUBLIC LIBRARY.

The PRESIDENT laid before the Convention a communication from the Chicago public library, thanking the Convention for the adoption of the resolution presenting to the library complete copies of the Debates and proceedings.

REPORTS OF PROTHONOTARY.

The PRESIDENT also laid before the Convention a communication from the prothonotary of Potter county, relative to the number of civil causes upon the docket of the county, which was referred to the Committee on the Judiciary.

THE DEATH PENALTY.

Mr. KNIGHT presented a memorial from the Fishing Creek monthly meeting of Friends, praying that the provisions respecting the death penalty be erased from the Constitution, which was referred to the Committee on the Judiciary.

EXEMPTION FROM MILITARY SERVICE.

Mr. KNIGHT also presented a memorial from the same meeting, praying that the Constitution be so amended that all persons who are conscientiously opposed to military service be exempt from the same, which was referred to the Committee on Militia.

INTOXICATING BEVERAGES.

Mr. KNIGHT also presented a memorial from the same meeting, praying that the Constitution be so amended as to prohibit the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

Mr. DEFRANCE presented a memorial from two hundred and eighty citizens of Mercer county, praying that a clause be

inserted in the Constitution prohibiting the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

Mr. PARSONS presented the petitions of citizens of Lycoming county, praying that a clause be inserted in the Constitution prohibiting the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

Mr. DARLINGTON presented a memorial from the Bradford monthly meeting, praying that the Constitution be so amended as to prohibit the sale of intoxicating beverages, which was referred to the Committee on Legislation.

THE DEATH PENALTY.

Mr. DARLINGTON also presented a memorial from the same meeting, praying that the death penalty be erased from the statutes, which was referred to the Committee on the Judiciary.

EXEMPTION FROM MILITARY SERVICE.

Mr. DARLINGTON also presented a memorial from the same meeting, praying that the Constitution be so amended that all persons who are conscientiously opposed to military duty be exempt from the same, which was referred to the Committee on Militia.

INTOXICATING BEVERAGE.

Mr. DARLINGTON also presented a memorial from the same meeting, praying that a clause be inserted in the Constitution prohibiting the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

Mr. DARLINGTON also presented a memorial from the citizens of Solesbury, praying that a clause be inserted in the Constitution prohibiting the sale of intoxicating liquors as a beverage, which was referred to the Committee on Legislation.

WOMAN SUFFRAGE.

Mr. CAMPBELL presented a petition from a number of citizens of Pennsylvania

nia, praying for an amendment to the Constitution granting to woman the right of suffrage, which was referred to the Committee on Suffrage, Election and Representation.

DEBATE ON WOMAN SUFFRAGE.

Mr. WOODWARD offered the following resolution, which was twice read :

Resolved, That the debate in committee of the whole, in reference to woman suffrage, terminate at one o'clock P. M., and that the question thereon be then taken without further debate.

Mr. GUTHRIE. Mr. President: I offer the following amendment:

To strike out all after the word "resolved," and insert: "That the final vote upon the amendments to the first section of the report of the Committee on Suffrage, Election and Representation be taken to-day, and that the hour of adjournment be postponed, if necessary, for that purpose."

Mr. WHERRY. Mr. President: I rise to a point of order. Rule 25 says, "a delegate may speak oftener than twice on a subject." I ask how a delegate can speak often than twice on this subject if the Convention limits the time in which speeches may be made?

Mr. DARLINGTON. Mr. President: That does not apply to committee of the whole.

Mr. WHERRY. Mr. President: Certainly it applies to the committee of the whole.

Mr. WOODWARD. Mr. President: There is nothing more common than for committees of the whole to limit the time in which discussions may be held.

The PRESIDENT. The Chair rules the point of order against the gentleman from Cumberland (Mr. Wherry.)

Mr. WOODWARD. If the resolution which I offered be in order, which it undoubtedly is,—

The PRESIDENT. The amendment is before the House.

Mr. WOODWARD. Mr. President: That is not right, and I shall vote against the amendment. I am in favor of having a vote on this question at twelve o'clock, or to fix a time when we will get rid of this subject and stop this bickering, with which we have been inflicted for several days. If the gentleman from Allegheny (Mr. Guthrie) will modify his resolution

to make it one o'clock, I will agree to that amendment.

Mr. LILLY. Mr. President: I rise to move an amendment to the amendment, by striking out "twelve o'clock" and inserting "one o'clock."

Mr. WOODWARD. Mr. President: I wish to say, if I may be permitted to say that much, that it is about time that this body disposed of this loathsome subject and went about the business for which they were sent here. It is about time. We have spent this week on this question. I have not occupied one moment of the time of this Convention in discussing this miserable subject, and I do not intend to occupy a moment now, but I do maintain that gentlemen have had as much time as we can afford to devote to this subject. There are other subjects, of much greater importance, pressing upon our attention, and to which we should turn our attention. This Convention, I submit, is fully prepared to vote upon this question; therefore let us dispose of it and take up the more important and more appropriate duties that are waiting on your table. That is the reason why I offered this resolution, and I do not care whether it is twelve o'clock or one o'clock, but I want an early hour, to get rid of this debate that seems to promise to be interminable, if some resolution of this kind be not adopted.

The PRESIDENT. The Chair regrets to state to the gentleman from Carbon (Mr. Lilly) that his proposed amendment is not an amendment to anything that is in the amendment.

Mr. LILLY. Mr. President: I withdraw it.

Mr. DARLINGTON. Mr. President: I have no objection to an early vote, but I do not want to hear this debate characterized as loathsome. I think it is delightful.

Mr. WOODWARD. Mr. President: I agree to a modification of my resolution, by striking out "twelve o'clock" and inserting "one o'clock."

The PRESIDENT. The resolution is so modified, and the question is on the amendment of the gentleman from Allegheny (Mr. Guthrie.)

On agreeing to this amendment a division was called, which resulted forty-three in the affirmative and fifty-four in

the negative. So the amendment was not agreed to.

Mr. SIMPSON. Mr. President: I desire to move to amend, by striking out the hour named and inserting the words, "in two hours after we resume business in committee."

The amendment was rejected.

Mr. WHERRY. Mr. President: I move to amend, by striking out "one o'clock" and inserting "two o'clock."

The amendment was rejected.

Mr. CAMPBELL. Mr. President: I hope the Convention will not pass this resolution. I protest, for one, at this attempt to gag debate. There are members on this floor who believe that this subject is a proper one to discuss, and they should be heard. One of the members of the minority committee has not been heard. He expects probably to be heard to-day, and unless we give him an opportunity, and give other gentlemen who wish to be heard here a like opportunity, it is gagging the debate, and I protest, as a citizen of the Commonwealth, as a democrat, as a member of the minority upon this subject, against the attempt upon the part of any majority to gag debate.

Mr. KNIGHT. Mr. President: I call for the reading of the resolution.

The CLERK: "*Resolved*, That all debate in committee of the whole in reference to woman suffrage terminate at one o'clock to-day, and that the question thereon be then taken without further debate."

Which was agreed to.

LIMITED TERMS FOR CORPORATIONS.

Mr. D. W. PATTERSON offered the following resolution, which was referred to the Committee on Railroads:

Resolved, That the Committee on Railroads and Canals are requested to consider the expediency of restraining, by organic law, the Legislature from creating any corporation for the construction of railroads, canals, &c., except for municipal purposes, for a longer period than forty years.

LEGISLATIVE MAJORITIES.

Mr. ROSS offered the following resolution, which was referred to the Committee on Legislation:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of providing, by a constitu-

tional provision, that the Legislature shall pass no enactment, the operation, or force or effect of which shall be limited or conditioned upon its approval by a majority at a general or special election; and that no law shall be enacted which shall be dependent upon a majority vote for its enforcement.

PRINTING MEMORIALS.

Mr. BRODHEAD offered the following resolution, which was twice read and agreed to:

Resolved, That hereafter no petition or memorial be printed, except by special order of the Convention.

ADJOURNMENT UNTIL MONDAY.

Mr. H. W. PALMER. Mr. President: I offer the following resolution:

Resolved, That to enable the members of the Convention to accept the polite invitation of the trustees of the University of Pennsylvania, for Saturday at two P. M., this Convention, when it adjourns to-day, will adjourn to meet on Monday next, at twelve o'clock noon.

Mr. DARLINGTON. Mr. President: I understand that this invitation is for two o'clock to-morrow afternoon. We can go on with the business of the Convention until one o'clock, and then leave in ample time for the visit to the University. I understand the proceedings do not commence until three o'clock anyhow, and if that is the case we can sit until two, and visit the University after we have transacted the business we are sent here to transact.

Upon the question of proceeding to a second reading of the resolution, the yeas and nays were required by Mr. Corbett and Mr. Simpson, and were as follow, viz.

YEAS.

Messrs. Addicks, Alricks, Armstrong, Baer, Baker, Bannan, Bartholomew, Bidle, Black, J. S., Bowman, Boyd, Brodhead, Broomall, Cassidy, Clark, Collins, Corson, Dallas, Davis, Dunning, Elliott, Ellis, Gibson, Guthrie, Hanna, Harvey, Hemphill, Heverin, Hunsicker, Lilly, Long, M'Camant, M'CLean, Metzger, Minor, Niles, Palmer, G. W., Palmer, H. W., Parsons, Pughe, Read, John R., Rooke, Ross, Runk, Sharpe, Smith, Henry W., Stanton, Temple, Wetherill, J. M., Wherry and Woodward—51.

N A Y S.

Messrs. Achenbach, Bailly, (Perry,) Bailey, (Huntingdon,) Barclay, Bardsley, Beebe, Black, Charles A., Brown, Campbell, Carter, Cochran, Corbett, Cronmiller, Curry, Curtin, Darlington, De France, Edwards, Ewing, Fulton, Gilpin, Hall, Hay, Hazzard, Hopkins, Horton, Howard, Lawrence, Lear, M'Allister, M'Connell, M'Culloch, Mann, Mantor, Mott, Patterson, D. W., Patterson, T. H. B., Patton, Porter, Purviance, Samuel A., Reynolds, James L., Russell, Simpson, Smith, H. G., Smith, W. H., Struthers, Turrell, Walker, Wetherill, J. Price, White, David N., White, J. W. F. and Wright—52.

So the question was determined in the negative.

ABSENT OR NOT VOTING.—Messrs. Ainey, Andrews, Buckalew, Carey, Church, Craig, Cuyler, Dimmick, Dodd, Fell, Finney, Funck, Gowen, Kaine, Knight, Lambertson, Landis, Littleton, M'Murray, Mac Veagh, Newlin, Purman, Purviance, John N., Reed, Andrew, Reynolds, S. H., Stewart, Van Reed, White, Harry, Worrell and Meredith, *President*—30.

WOMAN SUFFRAGE.

The *PRESIDENT pro tem.* The next business in order is the further consideration of the report of the Committee on Suffrage, Election and Representation. The Convention will resolve itself into committee of the whole. The gentleman from Washington (Mr. Lawrence) will please take the chair.

The *CHAIRMAN.* When the committee rose the subject under consideration was the amendment offered to the first section of the report of the Committee on Suffrage. The gentleman from Lancaster (Mr. H. G. Smith) has the floor.

Mr. H. G. SMITH. Mr. Chairman: For taking up some time in the remarks which I shall make upon this question I deem no apology to this committee necessary. Whatever certain gentlemen in this Convention may think of the proposed amendment, however lightly and flippantly they may treat it, they will find that it embraces a living issue. The parties engaged in this agitation are pushing it with the same intense energy that characterized the beginning of the agitation upon the slavery question. They are applying all the agencies of agitation, and are now upon the point of establishing, at the Capi-

tal of the nation, a newspaper upon a basis of one hundred thousand dollars. They do not intend to let this question die out. They intend to be heard before the American people, and the opponents of female suffrage will have to meet its advocates, not by flippant remarks, not by gross humor, but by arguments better than those who plead for it can bring. Its supporters will enlist upon their side male demagogues of both political parties, as soon as they begin to show a chance of success, and it is a singular fact that this is a question upon which there is no division of sentiment by political lines. The minority report which has been presented here is signed by men of both political parties. The men who have spoken upon this question of woman suffrage belong, part of them to one political party and part to the other.

I have no reflections to make upon the motives which have influenced any gentleman during the progress of this discussion, but I hazard the broad assertion here, and the truth of history will bear me out, that just as soon as woman seems likely to be given the ballot you will find the male demagogues of both political parties crowding forward and aiding in securing it for her. This they will do, not because they regard woman or care for the good of the State, but because they will have selfish purposes of their own to subserve.

As to the question itself, it has been pretty freely discussed here, but not so freely as in the Constitutional Convention of New York, where two weeks were taken up with it. There have been various opinions advanced and various reasons given by the advocates of woman suffrage why it should be adopted. Some of them have placed their arguments upon the ground that suffrage is a natural right. Their reasoning in that direction has not been convincing. They have not shown us in what sense or in what respect suffrage is a natural right. They have failed to point to any government in which that idea has prevailed, or to quote recognized authorities in support of their position.

What is the ballot as it prevails in representative governments? Why, sir, it is merely a part and parcel of the governmental machinery. It is an institu-

tion provided—it is machinery constructed—for the purpose of taking the sense of the people upon certain questions which are defined and limited by law. Certain classes of the people are commissioned to exercise suffrage for the whole community. It is not given, in any government, to all members of the community. It is limited in ours by the age and the sex of the voter, by residence in the United States, by residence in the State, by residence in the district, by the payment of tax, and by other arbitrary qualifications. It is not one of the rights which men enjoy in nature. Those are—a right to life, to liberty, and to the possession and use of property. Suffrage is merely a conventional right—a privilege, if you choose to so call it—conferred by the government upon certain parties in order that the business of government may be properly conducted. We limit not only the voter but the party to be voted for. We place these limitations in the organic law of the land, limitations both upon the voter and the person to be voted for, in order to remove them from the mutations of political parties, and from excitements which may prevail among the populace. We place them in the Constitution of the State in order that no sudden popular commotion may change or overturn them. We say no man shall be a member of the Legislature unless he shall have lived in the State a certain time and have arrived at a certain age. Why? Have not the people of a district the right to choose whom they will send to the Legislature? That would seem, at first blush, to be a natural and inherent right. Yet, by the organic law, we set limitations both to the will of the electors and to the character of the men whom they shall choose to represent them. This we do in accordance with certain general rules, founded in expediency.

A number of the gentlemen who have argued in favor of woman suffrage upon this floor have abandoned the position taken by others, that suffrage is a natural right. The gentleman from Chester (Mr. Darlington) did it, who belongs to one political party. The chairman of the Democratic city executive committee, (Mr. Temple,) who spoke

yesterday, did the same thing. They, with the strongest advocates on that side, did this, because they felt that the arguments which have been adduced in favor of the proposition that suffrage is a natural right can not be maintained. Abandoning untenable ground, they have placed themselves just where every intelligent American citizen must plant himself, if he views this subject aright,—with position of considering suffrage to be, not a natural right, but a matter of expediency. That is what it is—a question of expediency for this Convention to consider—for the American people to consider—for the people of Pennsylvania to consider at the polls, and at their homes. It is simply a question as to what will be the practical effect of giving to the women of the State the right of suffrage to be exercised by them as freely as it is by men; and in considering this question we must remember that true expediency is, in representative governments, the highest statesmanship.

Mr. M'ALLISTER. Will the gentleman allow himself to be interrupted by a question?

Mr. H. G. SMITH. I will, sir.

Mr. M'ALLISTER. I ask the gentleman whether the wife and the children are included in the "people"—in whom all sovereignty, inheres?

Mr. H. G. SMITH. I will answer the question of the gentleman at once, though I had intended to do so at another point in my argument. The husband is the head of the family. There can be no association, social, political or other, properly conducted without some controlling head. In this Convention we have had to choose a President; when sitting in committee of the whole, as we are now, we have a chairman. We have these officers for the purpose of deciding points of order, and disposing of disputes that may arise among us. Without such officers, there could be no such thing as a proper conduct of the business of this body. Without a head to the family, there could be no proper conduct of the business of that primary organization, the smallest but the most important in the social fabric. The man votes, not for himself alone. He casts his ballot, not for himself merely, but for his wife, for his children, for his

neighbors, and for the State. And, sir, the remedy for the evils that exist in our politics is, in my judgment, not to be sought in an extension of suffrage, but rather in wise limitations. I fear we cannot remedy existing evils even by restrictions, for the reason that I do not believe we can frame a rule which will properly apply restrictions. If instead of extending suffrage we could cut off from the ballot all who are weak enough to yield to improper influences, all who are venal, all who are too ignorant to exercise suffrage understandingly, all who do not properly appreciate this great privilege, we would arrive at the proper result, and elevate and purify our politics. We can find no adequate remedy for existing evils in wholesale extension of suffrage.

MR. M'ALLISTER. If the gentleman will permit another question, I desire to ask if the right of suffrage be not a natural social right, on what principle would the gentleman found the right of revolution? By "right of suffrage" I mean to convey the idea of the right to organize a government, to establish a government, to revolutionize a government in certain events. On what principle, if the right of suffrage be not a natural social right, can he justify the right of revolution at all? If suffrage be a merely conventional right, how can he justify the right of revolution?

MR. H. G. SMITH. Does the gentleman mean peaceful revolution?

MR. M'ALLISTER. No; but where a government becomes oppressive, and a portion of the citizens rise and revolutionize that government. On what principle would he found that action unless this right to re-establish this government is a natural social right?

MR. H. G. SMITH. I say then that revolution under such circumstances would not be justifiable; that it would be the duty of the State to put such an attempt at revolution down by the strong arm of force, taking, as a matter of course, the chances of being beaten and having the revolution become successful. We all know, sir, that successful revolutions carry with their success their justification.

Now, Mr. Chairman, arguing from my standpoint, the practical working of woman suffrage is the only question left for consideration. There in a narrow circle

are confined all the arguments that have been adduced by the advocates of the proposed amendment on this floor. How will it work? What will be its practical operation? These are the questions for this Convention to consider—the questions which must determine our action and our final vote upon the subject.

We have had fancy pictures drawn here of a model republic which is to come when women vote. Our politics are to be purified. The rough ward politicians of our cities are to be transformed into angels of light. Men are no more to advance in the struggle for public office, as if they were highway robbers bent upon seizing upon the spoils. This is a very pretty picture; but, Mr. Chairman, it can never be realized while human nature remains what it is. If you give woman the ballot it will be her duty to go down to the practical operation of the primary elections, where political corruption has its beginning. Will women do so? Why, sir, in this city the very best men of both political parties, the wealthy, the intelligent, the refined, shrink away from the primaries in disgust; as well they may.

I remember, upon one occasion, having curiosity enough to go into a section of this city where a struggle was going on for a nomination of State Senator, in the republican party, to fill a vacancy caused by death. Passing down the street I came in sight of a singularly shaped hall, a three cornered building, where it was at once apparent that a severe struggle was going on. There was a crowd of men on each side of the street along which I advanced, and I soon ascertained that they belonged to opposite political parties. I found there a young friend of mine, from the rural districts, who was a member of the Pennsylvania Legislature. He was looking on with much seeming curiosity. I asked him why he was tarrying there, and he very naively informed me that he was waiting to see one of these factions, in the same party, throw the other out of the third story windows of the building in which the nominating convention was assembled. In the crowd gathered there I recognized a number of notorious democratic politicians of this city, and, to my surprise, I soon discovered that they were advocating the cause of a prominent republican, who

had been put forward, to some extent, against his own wish, as a candidate. The republican newspapers in this city were loud in his praise. He was called pure, high-minded and incorruptible; and the praise thus bestowed was well deserved. He is to-day one of the most distinguished members of this Convention, having been elected as a delegate at large from this city. You may judge of my surprise when I found that he was being warmly championed by certain democratic ward politicians not noted for their purity. I inquired why this was so. "Oh!" said one of these singular champions of honor and integrity, "we can beat him easy. He is no *rounder*." The fellow's slang puzzled me, and I was forced to ask what he meant. He replied quickly: "Why, you see, he don't go 'round and drink with the *boys*. He is one of your high-toned fellows that stand on their dignity." Pointing to a heavy-set, low-browed man, who was drinking at the bar of a tavern we had entered, my informant continued: "That fellow controls eighty votes in the republican party of this district, and he can turn them which way he pleases. If ——— is nominated he will turn those eighty votes over to us for a *consideration*. He is the head of a gang, and all he will want to know is what the figure is to be and who is to hold the money till the work is done." Not being disposed to put on airs, for I was present as a seeker after information in regard to the working of Philadelphia politics, I accepted an introduction to this purchasable patriot, and was kindly permitted to overhear the following conversation: "So, Toney," said the democratic rough, "they have got the organization on you"—meaning that the friends of the high-toned gentleman had secured the election of the officers of the convention. The admission of this fact was made by the republican rough with a fierce imprecation. "That means ———'s nomination, don't it?" asked the democrat. "I reckon so," replied the republican, whitening with rage through the roseate hue of his rum-dyed face. "You know we must have a *high-toner* in this district now. Let them nominate the infernal aristocrat, and we'll *high-tone* him."

Somehow the high-toned gentleman

was beaten in the convention, and, to the astonishment of the public, the democratic candidate was elected to the State Senate. I believe nobody was thrown from the third-story windows of Jefferson Hall that day. I believe a nomination was effected without murder. But murders at the primary elections and at nominating conventions in this city have come to be common occurrences. The pistol, the bludgeon and the bowie-knife are the strong arguments resorted to when money and whisky and the fists of interested patriots are not found to be sufficiently convincing. What man who possesses a proper regard for his sister, his wife or his daughter would desire to see them participating in such scenes? What woman of refinement would consent to descend into these foul slums of debauched and degraded political life? And yet, sir, to this must woman come, if called upon to participate in elections, before the evils under which our State groans can be cured. Women must take part in these primary elections, where rowdies rudely shoulder each other, and from which decent men shrink away, if she would reach the source of our political corruption. It is in these primary elections and nominating conventions that the wrongs which most afflict this Commonwealth have their origin. They lie deeply embedded in the degradation of human nature, and our arms are not long enough to reach down and pluck the noxious plants up by the roots. They can only be eradicated when human nature is made different from what it now is—when woman by her highest power, exercised in its proper sphere, in the home circle, shall educate the male children committed to her care, so that they will purify the political life of the State and the nation. To give woman the right of suffrage now would only be to double the influence of the dangerous classes. The rowdies who control primary elections in our cities would take with them, to the polls, their degraded female companions, not their wives, and no pure woman would voluntarily come in contact with such creatures.

MR. BROOMALL. I would ask the gentleman whether he does not think the women of the country can be safely

trusted with the question of their own respectability and their own good behavior, under all circumstances.

Mr. H. G. SMITH. I intend to answer that query after while, but I must be brief and endeavor to conclude. I have been drawn, in the heat of discussion, into extending my remarks to a greater length than I intended. The next question to which I desire to allude is this: If woman cannot control and purify these springs of corruption solely by having the right of suffrage conferred upon her, what will be the effect of female suffrage upon the State? Minerva sprang full-armed from the brain of Jove, but will woman spring full-armed into the political arena, prepared to become the great law-giver of the State and the nation? Will she, simply by having the ballot conferred upon her, be prepared to perceive and correct all the evils under which the State labors? Will she be able to do more than men, properly educated and trained by her, have been able to accomplish during the past years of our history? Why, sir, it has been truthfully said that woman, with all her genius, with a power to strike the lyre and send forth poetry that touches every heart, with skill to frame the most interesting plots of romance and to fascinate the world by their details—is entirely lacking in the inventive faculty. I mean that inventive faculty which perceives existing imperfections and applies remedies in a practical manner. The utensils woman uses in the culinary department are the invention of man, down to the very simplest of them. The fashion of the furniture in her parlor and boudoir, the patterns of the carpets on the floor, and of the garments in which she decks herself, are the invention of man. Nay, sir, more: From the very feather that flutters on

furniture of the household, if she cannot make laws for the State and devise remedies for existing political evils—there still remains for her a higher destiny, and a nobler and purer ambition. She can fashion and mould the law-makers of the land, and can say, as did the glorious mother of the Gracchi: "These, these are my jewels which I give to the state."

In love and reverence for the sex, I yield to no man. I recognize in woman the great agency commissioned by God to elevate and ennoble the human race. Until she begins to rise to her proper sphere, man continues to be a mere savage, dwelling in caves and rude huts, subsisting upon the spontaneous productions of the soil or the precarious spoils of the chase, roaming naked through the primeval forests or clad in an uncouth garb of skins, having no law except the rude rule of the strong over the weak, with degrading superstitions for religion, with lust for love, and with all unholy passions alive and actively at work in his heart. With the elevation of woman to her proper sphere, the life of mankind is ennobled and elevated. At her bidding the arts spring into existence. To clothe her fair form aright, the silk-worm is set to spinning its shroud, and the swift shuttle is brought to play along the busy loom. To decorate and adorn her person, the diver gropes for pearls in the quiet caves of the ocean, and diamonds are sifted from the sands of rivers that wander through desert lands. To portray the charms of her countenance, to catch and perpetuate the expression of the soul that shines through her features, the painter exhausts his genius upon the canvass, and the sculptor bids the almost breathing marble rival the matchless symmetry of her form. To furnish her a fitting home, the architect plies all his skill, and, in the homes thus created and thus adorned, sits enthroned the family, which is, spite of all that may be said to the contrary, the true unit in every representative government. England, Germany, this country, all what they are to-day, not on account of superior civilization, but because in them the homes of the people, homes humble or grand, are made the luminous centres of all that is purest and most elevating in

"The towering top of a miss' bonnet,"

down to the last furbelow of the trail which has caused so much caustic comment in this Convention—all these things are said by books of fashion to be the invention of Woerth, the man-milliner and mantua-maker of Paris.

I rejoice, however, that woman is not a universal Yankee genius. If she cannot invent mowing machines and cooking utensils, if she fails to fashion the

life, through the quiet and unobtrusive influence of woman. France, unhappy France, the victim of constantly recurring revolutions, feels more the need of true homes than of anything else that can be named.

The universal respect shown to woman in this country is the result, not of any chivalrous gallantry—it is the legitimate effect of early home-training in the family circle. The rude crowds which have been represented by the gentleman from Delaware (Mr. Broomal) as giving way at the approach of a woman, do so, not because the passer-by is a woman, but because there is an instinctive reverence in every American heart for the shape that bears with it the image or the title of mother. This sentiment is universal with us, and we all recognize its sacredness. Some men are so unfortunate as not to know their fathers, but every man has at some time felt the all-embracing and encompassing love of a mother. The sacred memories which cluster around the presence of a pure mother, as she moves in the home circle, can never be forgotten.

“Our mother’s voice; how oft doth creep
Its cadence o’er our lonely hours,
Like healing sent on wings of sleep,
Or dew to the unconscious flowers.
We can’t forget her melting prayer,
E’en when our pulses madly fly;
And in the still, unbroken air
Her gentle tones come stealing by,
And years, and sin, and manhood flee,
And leave us at our mother’s knee.”

Is it not so with every man? When Shakespeare sought to stamp upon Richard the seal of iniquity that would be recognized at once by all men and remembered forever, he made him sneer at a mother’s blessing. It is the influence of the mothers of this land that gives to woman that respect which she receives and that courtesy which is universally shown her in this country. It is the home influence that makes ours a successful representative government. The homes of Germany make Germany what it is. The homes of England, “the proud ancestral homes,” the humble cottages of the peasantry, and the comfortable dwellings of the middle classes make that country what it is. The homes of our people make our people what they are. God grant that this home influence,

the one thing alone from which we can look for a regeneration of our politics, may become purer and better every day. In my judgment this cannot be done by according woman the ballot. I would not drag her down from her high and pure estate.

Woman as sister, wife and mother, as counsellor and elevator, as a sacred presence in the family, that true unit in representative government of which the father is the lawful and proper head, exercises an influence which she can never wield in the rude and too often corrupt arena of politics. Men, as fathers and heads of families, are forced to assume certain duties of citizenship, which are often distasteful to the more sensitive and refined among them, that society may be preserved and good governments endure. And, while the men of Pennsylvania are willing to fight the fierce political battles of the present and the future, the women of the State are still ready and willing to trust the guardianship of all their civil rights to their fathers, husbands and brothers. While woman maintains her majestic state as the mistress of man’s holiest affections, as the ministrant to his highest and purest aspirations, she must command universal respect and unconstrained admiration. When she consents to draggle her robes in the filth and mire of politics, and descends from her high estate in the domestic circle to honeyfugle with pot-house politicians, in order that she may say who shall be elected to ward and township offices, she will have sacrificed her highest and best attributes to an imaginary good. Then will the homes of this fair land cease to be the abodes of that purity which is the result of their sacred privacy. God grant that the pure mothers and the fair daughters of this grand old Commonwealth may be long preserved from the sore trials which an exercise of suffrage would inevitably entail upon them. In voting against the pending amendment, and every proposition of a like character, I shall be actuated by a true love and reverence for woman, and by an honest desire to protect her from evils, which, in my humble judgment, the earnest advocates of female suffrage do not fully appreciate.

One word more and I am done. The argument principally relied upon by the

advocates of woman suffrage upon this floor is, so far as I have heard it, not that woman is needed to frame and modify and improve the general laws of the Commonwealth, but that there are certain great moral questions upon which she ought to vote. Now, Mr. Chairman, these moral questions are the very questions which come within the sphere of that moral influence which ought to prevail in the homes over which woman presides. We have had much talk here about the closing of dram shops when women vote. Well, woman has been exerting her influence in that direction through legitimate agencies, and what result have you seen? You have had the passage of the local option law, and the very first county to adopt it was the county of Clearfield, with its 1,500 democratic majority. Knowing that fact I think the women of Pennsylvania can safely trust the question of license to the men of the State. Enough has been done in that direction to ensure that the action taken will be sustained if it be found to operate aright.

I am not one of those, sir, who would cast the slightest slur upon these women who are here and elsewhere advocating the proposed amendment. I know that, whatever may be said of some, those who have come here are women of purity and entitled to all respect. The other day I stood behind the eloquent gentleman from Philadelphia, (Mr. Gowen,) and turning my eyes to one of the seats in front of him I saw a fair face, and shining through it a soul that noted accurately every word that fell from his lips. At his poetical allusions the eye gleamed, while at his caustic remarks there seemed to be no anger; but there was a shadow of sadness upon the features. And, as I looked at that face, I thought: "Fair lady, if you could have accorded to you your desire, how would that shadow on your brow deepen and darken! How would the hopes that now swell within your bosom fade, until you should realize at last that what you expected to prove a blessing was as much a curse as the boon granted by the gods to Midas!

I would be perfectly willing to submit the question to a vote of all the women of this Commonwealth, providing that they should be enumerated, and that suf-

frage should be granted to them when the majority of them went to the polls and demanded it. If the advocates of woman suffrage tell me that that would be unfair and unjust, because many women would be restrained by men from voting, I tell them that they have in that fact one of the strongest arguments why suffrage should not be accorded to the sex. If woman suffrage come with the curse that I believe it will entail upon this Commonwealth, it will not come from the action of women at all, but from the selfishness of male demagogues in both political parties, who scent spoils in a further increase of the conventional right of suffrage.

MR. HEVERIN. Mr. Chairman: I have no desire to approach the discussion of this subject with derision, or consider it as one to be disposed of by ridicule or unbecoming jokes. But while I have very little faith in the salutary influences and pictured blessings which are predicted as the consequences of the inauguration of female participation in our government, I still have, for ulterior purposes, an inclination to indulge those claims and appeals which seem to find source more in a restless ambition than an honest conviction. I am well satisfied that neither politics nor the nation will be benefited by the conferment of the right of suffrage upon woman. Yet I can imagine a remedy for this agitating spirit in that sex whose constitutional characteristic is to value coveted prerogatives in proportion to the persistence with which they are disputed. The disposition of women to long and strive for that which is denied them has come down to us from the day-break of the world. It has descended with undiminished significance through every generation, and it has found conspicuous exponents since the first partaker of forbidden fruit taught its insatiable yearnings in the gratification of an unwise appetite.

Now, while acknowledging the existence of this proclivity, I am not yet certain as to the best mode of correcting its ill-timed demonstrations. I do not believe that the disposition which one hundred and thirty-three men in this body may make of this question will as effectually settle it as a popular condemnation of the subject through the potency of the

ballot box, and therefore if I should favor this amendment at all, it would only be for the purpose of securing a safe burial to a troublesome corpse without the ceremonies of a pompous funeral.

I presume, Mr. Chairman, it is but proper and right that I should say here, after the manner of those who have preceded me, that I stand second to none in admiration and love for those anterior to whose creation, we are told "the earth was sad and the garden was a wild." I will not yield in adoration of their graces and virtues, even to the gallant member from Montgomery, (Mr. Boyd,) who wears a *shining* crown as a certificate of perennial devotion to female charms and graces, and who, with becoming eloquence, pleads the presence of a multitude as the only proper inspiration under which to approach the consideration of this subject. To that of a gentleman grown *bald* in the service, I contribute my testimony in support of the claims of their personal attractions. It is because I thus adore woman as she is, it is because I adore her as she has been, that I desire to raise my voice in opposition to any fanatical effort which seeks to destroy the relationship which raises her above "the lords of creation," and makes her "little lower than the angels."

Now with many thanks to my aged brother from Bradford, (Mr. Horton,) who sits in front of me, and who alone is responsible for any remarks which I may make here, I say with many thanks to him who held aloft this book, (the Bible,) whose legal precepts have never been overruled, and whose fundamental principles have not been reversed by any appellate court. I am reminded that in this book, I find reasons for the faith I have, stronger than any that history teaches or expediency suggests. I find it in the creative wisdom of Him who distributed the attributes of His image with significant distinction. In the divine pronouncement "male and female created He them." I find the reasons for my position and the greatest advocate of woman's deserved rights, in that I find indicated the distinctive spheres of the sexes. We are told that when the prophet of old complained of the wickedness of Judea, and foretold the coming of Him who hung the rainbow of redemption over a fallen

world, he then foretold what we now see here, that "seven women shall take hold of one man, saying we will eat our own bread and wear our own apparel, only let us be called by thy name." From the same pages, recorded in the instructions to him who was about to go into Macedonia, we find a useful lesson to these apostles of mistaken reform, for it is there said, "let the woman learn in silence with all subjection," and "suffer not a woman to teach nor to usurp authority over the many, but to be in silence." And again, Peter the apostle said to those scattered about Pontus, Gallatia, Asia and Bythinia, "likewise ye wives be in subjection to your husbands." For after this manner the woman in the old times, who were holy and trusted in God, were in subjection to their husbands. "Even as Sarah obeyed Abraham and calling him lord."

Now, Mr. Chairman, I hold up these unchangeable truths, established by the moral and physical sciences, and sanctioned by the voice of Divinity—by the side of all the quoted axioms of revered statesmen, or the paraded proverbs of fanatics. They were born, and have been recognized since the time, when Adam suffered the loss of a rib in that sleep which fell upon him when it was "not good for man to be alone," or for woman to be anything else than a help-meet. I find and read the duties, the sphere and the rights of women, in the discriminating handi-work of God; I find their superlative attractions in the superior endowments of nature, and I find the perpetuation and the preservation of all that is adorable in them, in their freedom and absence from the degrading conflicts and contaminating influences which surround and attach to masculine existence.

Mr. Chairman, it seems to me that all the arguments advanced in its favor have been answered by the venerable gentleman from Erie (Mr. Walker) and the eloquent member from Schuylkill, (Mr. Bartholomew,) who said that this was not a natural right. I purpose to go even further than these members, and I say that it is not only not a natural right, but it is an unnatural pretention, the exercise of which involves the abolition of all the distinctive characteristics implanted by Deity.

If this right is contemporaneous with our birth, and attaches naturally to our existence, whence cometh the power that withholds it for one score years and one? If it emanates from the special attributes of humanity, and is inseparable from it, why should age be the arbiter of its agency and determine the seasons of its being? Let those who declaim about God-given rights, reconcile their propositions, at least, to precepts of reason and the consistencies of nature. If this is to be extended, then tell us why it should not be extended in the future beyond all possibility of proscription, for all the reasons which induce us to confer this upon women *compel* us to give it to minors. I am conscious of no organ of my nature particularly constituted for voting or electioneering. The right to air, to food, to sight, are natural rights, but they trace their titles to the original instincts, the organs of our nature, and acknowledge no limitation by human authority.

If suffrage be an inalienable right, let us know why it belongs to age and in what particular portion of our nature it inheres; and unless it be demonstrated that it proceeds from a particular condition, identical only with the age of maturity, then I want to know why all women are not born men, or why men are born *so young*.

Even admitting that suffrage is a natural right, yet there are no reasons why it should be exempt from the regulation dictated by experience and propriety. The right to labor and the right to eat are natural rights, but God says of what we shall eat and when we shall labor. Matrimony is a natural right. Even my worthy friend from Montgomery (Mr. Boyd) would not have a right to assume such relationship to more than one woman, or even to represent their political sentiments at the polls, or even to take one to wife without her consent, and the agency of a third party. So I say, even if it be a natural right it is subject to the same restrictions which were inaugurated when God called Adam and Eve "to dress and keep" the garden by the Euphrates, and circumscribed their rights by authoritative revelation. So when God, the ruler of the universe, formed the Commonwealth of Israel, He announced no natural rights. He told them how they should

govern their natures. The right to eat was a natural proclivity, but He dictated to them the proper food. They had a natural inclination to walk, but this was subordinated to restrictive degrees, when all but one were forbidden to enter the holy of holies.

Therefore this is not such a privilege as by divine endorsement has been declared to be the common property of humanity and the universal heritage of every man; and in vain, against all contravening philosophy, has religion been invoked to marshal public sentiment against legislative regulations, which ignores the supremacy of any such doctrine. Therefore, by what show of reason, by what plea of expediency, by what exhibition of propriety are we to be influenced to contribute our votes in behalf of this amendment? Certainly not because the majority of the women of Pennsylvania demand it. Even the half score of women who present themselves here from day to day, as all say, out of this great city of eight hundred thousand inhabitants, who are interesting themselves in this matter, will not arrogate to themselves the office of representative of the whole of the female sex. Will they ask it because they are competent to exercise it, and upon this alone? I will undertake to say that I will find one hundred minors for every one woman who has advocated this movement, by public declamation or by her presence upon this floor, who are equally competent to enjoy the same rights. I do not believe that even the most zealous advocates of this cause are prepared to encounter the unpleasant exigencies which the adoption of this amendment would necessitate. I do not believe that the aged gentleman from Delaware (Mr. Broomall) would be willing to superintend the culinary department, while the wife was upon the hustings, making herself the target of jeers and sneers from a motley assemblage. I do not believe that the youthful gentleman from Philadelphia (Mr. Campbell) would be willing to drop paregoric to the teething baby, while the wife was carrying a flaming transparency in a riotous procession. I do not believe that the gentleman from Chester (Mr. Darlington) or the aged gentleman who quotes the old law book (Mr. Horton) would be willing to sing lullabies to a petulant infant, while

the wife was sitting at the polls of some ward precinct trying to coax stubborn figures to exhibit the triumphant election of some defeated candidate.

I admit all that has been said upon this floor in praise of the heroines of the past and of women in general, and I could have no greater admiration of them had I looked upon all types of beauty from the Andalusians, immortalized by Murillo, to the famous Circassians of Kabardo. I will detract nothing from the reputation of her who framed the code of laws which Peter the great was without, and which are now preserved in the Imperial academy of St. Petersburg as a testimony to the wisdom of their author and the esteem in which she is held; nor of her who was the fellow student of Voltaire, and who, in the language of another, "traveled with him through the sublime mazes of philosophy, unwound the eternal denses of the sky, and wrote her name among the stars beside those of Newton and Leibnitz," but I do say that they would have been no better had they been clothed with all the rights which are now claimed for women. Leander would not have swam the Hellspont with moreskill or zeal if the object of his efforts had been clothed all over with political powers and political favors; and even Eve's appetite would not have been more controllable had she been registered as a voter in the garden of Paradise, and I say to these fair ones who now come here, and by their presence and their efforts seek to secure the endorsement of this measure, I say, even to them, that it is a privilege to which "distance lends enchantment;" and if they should ever enjoy it at the expense of our deprivation, then we can all sincerely exclaim, as the king of Syria said to Benhadad, king of Israel, "let not him who putteth on the harness boast as him who putteth it off." For these reasons, Mr. Chairman, because I desire that woman should remain as she is and has been, that I oppose any efforts which seeks to equalize her with man, whose heart never beat with the same feelings, never throbbed with the same affections and warmed with the same love. When I shake hands with every earthly pleasure and enjoyment may my last recollections of woman, and all the pleasant memories which cluster around that

name, be associated with the gentle mistress of the home circle, the presiding angel, who sitteth by the fireside of love, teaching lisping infancy to syllable prayers to God, and ever nourished that fount of life which "overfloweth most when greatest numbers drink;" and that this may be I commend to those who advocate this cause, the beautiful and appropriate words of one of the most talented of their sex:

"Sisters, women, while piling the blazing beacons that signal your resistance to thralldom, old as the earth and time, take heed lest you trample out the fires round your own hearthstones. Have mercy upon the humble flowers springing close to your doors."

Mr. HOPKINS. Mr. Chairman: It is now fifteen minutes of the hour fixed for taking the final vote upon the pending question. There are several gentlemen here who feel aggrieved upon account of their arguments, as they conceive, having been misrepresented, and therefore, sir, I shall yield the floor to those gentlemen, and if it is the pleasure of the Convention to vote at one o'clock I will be ready. I therefore yield the floor.

Mr. M'ALLISTER. Mr. Chairman: I desire to make a few remarks, as chairman of the committee that presented this report; I believe it is not a matter of right but a matter of courtesy.

The CHAIRMAN. The Chair will suggest to the gentleman from Centre (Mr. M'Allister) that upon second reading the question will be open for discussion. The gentleman from Franklin (Mr. Sharpe) rose to secure the floor, and the Chair felt anxious to grant it to him; and there are several other gentlemen who wish to speak. Of course there are but a few minutes left. If the gentleman from Centre (Mr. M'Allister) yields the floor, the Chair will give it to the gentleman from Franklin (Mr. Sharpe) for a moment.

Mr. HOPKINS. Mr. Chairman: Before the gentleman proceeds I desire to make a motion, which will perhaps be for the benefit of all concerned.

I move that the hour be extended to two o'clock.

The CHAIRMAN. If the gentleman will reflect he will see that such a motion cannot be made in committee of the whole.

He can move that the committee rise for the purpose of making that motion.

Mr. HOPKINS. I make that motion.

The motion was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed me, for a special purpose, to report progress and ask leave to sit again.

The PRESIDENT *pro tem.* The chairman of the committee of the whole reports that the committee has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed him to report progress for a special purpose, and ask leave to sit again. The question is, shall the committee have leave to sit again?

Mr. LAWRENCE. Mr. President: To prevent any misapprehension, I will say that the gentleman from Washington (Mr. Hopkins) proposes to make a motion which is in accord with the object for which the committee rose.

Mr. HOPKINS. Mr. President: I was about to make a motion that the hour for taking the vote upon this question be extended to two o'clock.

Mr. WOODWARD. Mr. President: I rise to a point of order. I submit that the motion of the gentleman from Washington (Mr. Hopkins) is not in order. The Convention, this morning, by a decided vote, adopted a resolution that debate on this subject should cease at one o'clock to-day. Now the only way to get at the question is to move to reconsider that vote. It is not in order for any gentleman to move to extend the hour to two o'clock, since the vote upon the resolution of this morning has not been re-considered. I therefore submit that the motion of the gentleman from Washington (Mr. Hopkins) is out of order.

Mr. DARLINGTON. Allow me to suggest that we will get at it more quickly by a motion to rescind the order made this morning, and extend the time. I make that motion.

The PRESIDENT *pro tem.* The Chair is of opinion that before the Convention can take into consideration the question at all the Convention must determine

whether the committee shall have leave to sit again.

The question being, shall the committee of the whole have leave to sit again, it was agreed to.

The PRESIDENT *pro tem.* When shall the committee have leave to sit again?

Mr. WOODWARD. Mr. President: I raised a point of order. I tried to state it clearly, but the Chair has not decided that point of order yet. I maintain that the Chair is bound to decide it. The point was that the Convention having resolved that debate on this subject should cease at one o'clock, the question can only be reopened by a motion to re-consider that vote.

The PRESIDENT *pro tem.* The Chair will state that the question now before the Convention is: When shall the committee have leave to sit again?

Mr. J. R. READ. On Monday.

The PRESIDENT *pro tem.* Monday is named. If no other time is named—

[Several delegates. "Now." "Now." "Immediately."]

Mr. LAWRENCE. I move that the committee have leave to sit when this question is decided.

The PRESIDENT *pro tem.* The question will first be upon the farthest time named.

The question being upon fixing upon Monday as the time when the committee should have leave to sit again, it was not agreed to.

The PRESIDENT *pro tem.* The question now is upon giving the committee leave to sit immediately.

Mr. AINEY. When this question is determined—

The PRESIDENT *pro tem.* When shall the committee have leave to sit to-day?

[Several delegates. "One o'clock."]

The PRESIDENT *pro tem.* No other time being named, the committee will sit to-day at one o'clock.

Mr. HOPKINS. I move that the hour be extended to two o'clock.

The PRESIDENT *pro tem.* Now the point of order of the gentleman from Philadelphia (Mr. Woodward) comes in. The Chair will sustain that point of order, holding it to be well taken; and decides that the question can be brought before the body only by re-considering the resolution which was passed this morning.

Mr. LAWRENCE. I move to re-consider the vote.

Mr. DARLINGTON. I second it.

Mr. WOODWARD. On that motion I call for the yeas—

The PRESIDENT *pro tem.* The Chair having sustained the motion of the gentleman from Philadelphia, (Mr. Woodward,) a motion is now made to re-consider the vote by which the resolution of this morning was adopted.

Mr. CORBETT. Mr. President: The gentleman from Chester (Mr. Darlington) voted in the negative. He cannot therefore second the motion to re-consider.

Mr. JNO. PRICE WETHERELL. I second it, Mr. President. I voted with the majority.

The question being upon the motion to re-consider, the yeas and nays were required by Mr. Corbett and Mr. Woodward, and were as follow, viz:

YEAS.

Messrs. Addicks, Ainey, Baker, Bartholomew, Beebe, Biddle, Black, J. S., Brodhead, Broomall, Brown, Buckalew, Campbell, Cassidy, Clark, Cochran, Corson, Curry, Dallas, Darlington, DeFrance, Dunning, Elliott, Ellis, Ewing, Fell, Fulton, Gibson, Gowen, Hall, Heverin, Hopkins, Horton, Howard, Knight, Lawrence, Lear, M'Allister, M'Camant, M'Cleau, Mann, Mantor, Metzger, Mott, Niles, Palmer, G. W., Palmer, H. W., Patton, Pughe, Purviance, Sam'l A., Reed, John R., Rooke, Sharpe, Smith, H. G., Struthers, Temple, Turrell, Walker, Wetherill, J. M., Wherry, White, David N., White, J. W. F. and Wright—62.

NAYS.

Messrs. Achenbach, Armstrong, Baer, Baily, (Perry,) Bailey, (Huntingdon,) Bannan, Barclay, Bardsley, Black, Charles A., Bowman, Boyd, Collins, Corbett, Cronmiller, Davis, Edwards, Finney, Gilpin, Guthrie, Hanna, Harvey, Hay, Hazzard, Hemphill, Hunsicker, Lilly, Littleton, Long, M'Connell, M'Culloch, Minor, Parsons, Patterson, D. W., Patterson, T. H. B., Porter, Reynolds, James L., Ross, Runk, Russell, Simpson, Smith, Henry W., Smith, W. H., Stanton, Wetherill, Jno. Price and Woodward—45.

So the motion was agreed to.

ABSENT OR NOT VOTING.—Messrs. Alricks, Andrews, Carey, Carter, Church, Craig, Curtin, Cuyler, Dimmick, Dodd, Funck, Kaine, Lamberton, Landis, M'Murray, MacVeagh, Newlin, Purman, Purviance, John N., Reed, Andrew, Reynolds, S. H., Stewart, Van Reed, White, Harry, Worrell and Meredith, *President*—28.

Prior to the announcement of the vote.

Mr. WOODWARD. I call the attention of the Chair to the fact that the hour of one o'clock has arrived.

The PRESIDENT *pro tem.* The Chair considers itself under obligation to receive the vote which has just been taken, and after the vote has been declared the Chair will announce that the hour has arrived for the Convention to go into committee of the whole. The vote stands: Yeas sixty-two; nays forty-five. So the motion is agreed to.

Mr. HOPKINS. I rise for the purpose of asking the Chair a question. As I understand the vote which has just been taken, it was upon a motion to re-consider the vote by which a resolution was adopted, this morning, declaring that all debate upon the question of woman suffrage should terminate at one o'clock. The Convention has agreed to re-consider that vote, and now I ask in what position is that resolution now placed before this Convention? Is the question an open one for amendment or not? If it is not an open question, and the Convention goes into committee of the whole at this time, we shall be just precisely in the same position as when the committee rose. Now I desire to know of the Chair whether it is competent for the Convention to extend the hour at which this debate shall terminate.

Mr. WOODWARD. Not after one o'clock has arrived. You cannot extend the debate on this question after one o'clock has arrived.

Mr. MANN. I rise to a point of order. The Convention having re-considered the vote taken on the resolution to terminate the debate on this question at one o'clock, the resolution is now an open question.

The PRESIDENT *pro tem.* The Chair decides, although the decision may be wrong, that the Convention having decided to go into committee of the whole, that the Chair is bound by that order, and that the vote—

which has just been taken was made to re-consider a motion made in the forepart of the day. That vote does not annul or undo what the Convention has voted in respect to going into committee of the whole. Mr. Lawrence will please take the chair.

Mr. LAWRENCE. I am of the opinion that the re-consideration of the resolution leaves the question an open one, and some difficulty may arise in the committee of the whole, whether the time of the debate is restricted or not.

The PRESIDENT *pro tem*. The Chair will endeavor to avoid any further difficulty by calling the gentleman to the Chair.

IN COMMITTEE OF THE WHOLE.

The Convention then went into committee of the whole, Mr. Lawrence in the chair.

The CHAIRMAN. The question is upon the first section of the article reported by the Committee on Suffrage and Election. The amendment of the gentleman from Delaware (Mr. Broomall) is before the committee.

Mr. BROOMALL. I desire to know exactly the position of things. I ask the question of the Chair. The resolution, limiting the debate to one o'clock, having been re-considered, the question I ask is, whether we are now in committee of the whole without a limit to debate, or whether we are in committee of the whole with a limit to debate?

Mr. WOODWARD. I rise to a point of order; and it is, that the speech of the gentleman from Delaware (Mr. Broomall) is not in order.

Mr. BROOMALL. I am asking a question of the Chair.

The CHAIRMAN. The gentleman has a perfect right to do that, but he will recollect that it is not the province of the chairman of the committee of the whole to decide points of order, unless they have reference to proceedings while in committee of the whole.

Mr. BROOMALL. That is precisely the question I designed asking the Chair. I believe the Chair decides I am in order and shall not be interrupted.

The CHAIRMAN. The gentleman from Philadelphia (Mr. Woodward) will not interrupt the gentleman.

Mr. BROOMALL. Mr. Chairman: I desire to know whether we are, in committee of the whole, without a limit to debate upon this question of woman suffrage, in consequence of the vote, limiting the debate having been re-considered, or whether we are still limited to the time fixed by the resolution that was adopted this morning in the Convention?

Mr. WOODWARD. Mr. Chairman: I rise to a point of order. I do not suppose that the gentleman from Delaware (Mr. Broomall) has an indefeasible right to the floor of the Convention, and I suppose that I have a right to raise a point of order.

The CHAIRMAN. Certainly.

Mr. WOODWARD. The point of order I wish to place before the Chair is this: The Convention decided this morning that the vote in committee of the whole upon this loathsome question should be taken at one o'clock. I submit to the committee that this is the rule by which the Chair is now to be governed in committee of the whole, for that resolution has never been rescinded. The Convention did agree to re-consider the resolution, but a vote was not taken to reconsider it, and it is therefore the law for the committee of the whole and its chairman.

The CHAIRMAN. The Chair is as anxious as any gentleman on this floor to permit this question to go on, because there are several gentlemen who are desirous of addressing the Convention upon this subject who have failed to obtain the floor for the past two days. One of these gentlemen signed the minority report, and the Chair feels desirous that the discussion should proceed, but as the point of order has been raised by the gentleman from Philadelphia (Mr. Woodward) the Chair is bound—

Mr. HOPKINS. Before the Chair decides, I desire to say that the point of order raised by the gentleman from Philadelphia, (Mr. Woodward,) with all due respect to him, is not well taken, and for this reason—

The CHAIRMAN. Will the Convention give the gentleman from Washington (Mr. Hopkins) permission to proceed?

[Cries of "aye," "aye."]

The CHAIRMAN. Will the gentleman state his opinion in respect to the position

of this question. The Chair is desirous to hear the opinions of the members of the Convention.

Mr. HOPKINS. Mr. Chairman: It seems that some of the members of the Convention are in doubt as to this question—I certainly do not desire that the Convention or the committee should fall into an error. The gentleman from Philadelphia (Mr. Woodward) has raised this point of order: The Convention having decided this morning that a vote on the woman suffrage question should be taken at one o'clock, therefore it is not in order to proceed with the debate. I take the converse of that position for the simple reason—and one which is entirely satisfactory in my own opinion—that the vote to which the gentleman refers has been re-considered by a solemn vote of this Convention, and the resolution, therefore, stands before the Convention as though no action had been taken upon it.

Mr. ARMSTRONG. Mr. Chairman: I suppose it is not competent for the committee of the whole to reverse a judgment of the Convention.

Mr. HOPKINS. I beg the gentleman's pardon. It was the Convention that reversed that decision.

Mr. ARMSTRONG. I will make myself understood. The Convention will remember when this resolution was before it that the motion to reconsider did not rescind the previous vote, because the Convention had not so voted. That stands as a decision in this Convention, unappealed from, and therefore conclusively binding upon the chairman of this committee. As the question stands now, I hold that the chairman of the committee cannot render a decision at variance with the one given by the President *pro tem* of the Convention, which distinctly was that a motion to re-consider the resolution did not rescind it, but simply brought the question within the control of the Convention, if they had chosen to act upon it, but they did not. Therefore I raise the point of order that the President *pro tem* of the Convention, having decided that the motion to take the vote at one o'clock, was not rescinded by the motion to re-consider, it is binding upon the chairman of the committee of the whole and that no debate is now in

Mr. BROOMALL. Mr. Chairman: —

Mr. BUCKALEW. I desire to make a correction in —

The CHAIRMAN. Will the gentleman from Delaware (Mr. Broomall) yield the floor?

Mr. BROOMALL. Yes; but I desire to retain my right to follow the gentleman.

Mr. BUCKALEW. Mr. Chairman: Our accomplished and intelligent President *pro tem* of the Convention, decided that the motion to re-consider did not rescind the previous vote of the Convention to terminate the debate upon this question in committee of the whole at one o'clock. He made a new decision upon a very remarkable point, to wit: That when a legislative body has solemnly re-considered a former resolution that that resolution shall still stand as law. I never heard such a proposition before, and I hope I shall never hear of it again.

Mr. BROOMALL. I desire to settle this vexed matter. I see that the committee is tired of it. I am satisfied that the gentleman from Columbia (Mr. Buckalew) is right in his position upon the question of order, and that unlimited debate upon this subject is in order; but I think that the chairman of the committee thinks otherwise, and I do not desire to trespass upon the Convention, because I know there are other gentlemen here who desire to be heard upon this question.

The CHAIRMAN. The Chair expresses no opinion, but a decision having been rendered by the President *pro tem* of the Convention, that the vote to re-consider the resolution, upon the question now before the committee, did not leave the resolution open for consideration, the Chair feels bound to say that this decision is binding upon the chairman of the committee of the whole.

Mr. BROOMALL. Mr. Chairman: Oh, no. He did not so decide.

The CHAIRMAN. I understood the President of the Convention to so decide, and the gentleman is well aware that the chairman of the committee of the whole has no right to go behind the decision of the chairman of the Convention.

Mr. BROOMALL. Mr. Chairman: My plan is to cut this thing short by withdrawing the amendment at this time and re-offering it in the House on second reading. That will remove it from ^{at} pre-

sent, and it can be called up again when these gentlemen who desire to speak upon the subject, and who have been cut off by the proceedings of this session, can be heard.

The CHAIRMAN. The Chair will state that he has said privately to some gentlemen who desire to be heard upon this question that they can have an opportunity of doing so in the Convention. The Chair does not, of course, desire to interfere with debate.

The gentleman from Delaware (Mr. Broomall) withdraws his amendment.

Mr. SIMPSON. I rise to a point of order. The amendment of the gentleman from Delaware was supplemented by another amendment offered by the gentleman from Indiana (Mr. Harry White) and the gentleman from Delaware cannot, therefore, withdraw his amendment.

The CHAIRMAN. If the gentleman from Philadelphia (Mr. Simpson) will turn his attention to rule fifteen he will find that before a vote is taken the mover of an amendment can withdraw an amendment which, of course, carries with it the amendment to the amendment.

Mr. BROOMALL. Mr. Chairman: Then I withdraw the amendment.

Mr. WHERRY. Mr. Chairman: Then I renew it.

Mr. HAY. Mr. Chairman: I arise to a point of order.

The CHAIRMAN. As the Chair understands his duty he will be compelled to put this question, although it is after one o'clock, but he would suggest to the gentleman from Cumberland (Mr. Wherry) that it would perhaps be better to withdraw the amendment which he has renewed and allow it to come up in the House on second reading.

Mr. WHERRY. Mr. Chairman: I withdraw the amendment.

The CHAIRMAN. The gentleman from Allegheny (Mr. Hay) will state his point of order.

Mr. HAY. Mr. Chairman: My point of order is that under the fifteenth rule of this House a motion can not be withdrawn after it has been amended. There was an amendment offered to the amendment of the gentleman from Delaware.

The CHAIRMAN. If the gentleman from Allegheny will read the rule again

he will find that an amendment can not be withdrawn after it has been amended. In this case the amendment of the gentleman from Delaware was not amended; an amendment to it was only offered.

Mr. J. W. F. WHITE. Mr. Chairman: I move that the committee rise, report progress and ask leave to sit again.

The CHAIRMAN. The Chair suggests to the gentleman from Allegheny (Mr. J. W. F. White) that he had better withdraw his motion and let a vote be taken on the question.

Mr. CAMPBELL. Mr. Chairman: I rise to a point of order. The amendment has been withdrawn, and there is nothing before the House.

The CHAIRMAN. The question is on the section.

Mr. J. W. F. WHITE. Mr. Chairman: I will withdraw my motion if we can have a vote.

The CHAIRMAN. The question is, then, upon the first section of the report of the Committee on Suffrage, Election and Representation.

Mr. COLLINS. Mr. Chairman: I offer the following amendment: To strike out the words "two months," and insert "sixty days."

Mr. COLLINS. Mr. Chairman: I just wish to call the attention of the committee to the fact that considerable difficulty could arise in regard to the words "two months" being used here, because there is no telling what is meant by two months, whether you mean two calendar months or otherwise. But if you make it sixty days, then it is explicit, and everybody can understand it. There will be no misunderstanding what is meant in the Constitution in regard to the matter, whether you mean lunar months or calendar months. This difficulty may arise if the present language of "two months" be retained, but if it be "sixty days" you so put it that every man can understand it, and there will be no mistake about it.

Mr. NILES. Mr. Chairman: I offer the following amendment:

The CHAIRMAN. To the amendment?

Mr. NILES. Mr. Chairman: No, sir; to the section. I thought the amendment had been voted on.

Mr. C. A. BLACK. Mr. Chairman: I move to amend the amendment, by striking

ing out "sixty days" and inserting "ninety days."

Mr. BUCKALEW. Mr. Chairman: I will merely remark here that the Committee on Suffrage, on all these occasions of computing time, have used the term "month" or "months," and for this reason, that the length of time or the number of days in months vary, and will be simpler and more convenient to election officers to compute time from the same day in any month to the same day in succeeding months, without stopping to calculate how many days it would take for the same space of time. We have to carry these computations over different periods of the year, and we have uniformly used the term "months" as more simple and convenient for election boards and for the people.

The amendment to the amendment was rejected.

Mr. CAMPBELL. Mr. Chairman: I move to amend, as follows:

To strike out "sixty days," and insert "one month."

Mr. CAMPBELL. Mr. Chairman: I do not desire to speak upon this question. I merely wish to say that I offer this amendment for the reason I gave the other day, and which I do not now propose to repeat; that this section as it stands would practically disfranchise a great many of the poor men of large cities, who are compelled to remove within a brief period before the election. Longer residence is designed to prevent colozization and personations. The Committee on Suffrage, Election and Representation having provided, for small precincts, they will accomplish the same purpose sought to be obtained by longer residence.

The amendment to the amendment was rejected.

The amendment was rejected.

Mr. NILES. Mr. Chairman: I offer the following amendment:

To amend section one, by inserting after the word "election" the words "within two years paid a State or county tax, which shall have been assessed at least two months before the election."

Mr. GOWEN. Mr. Chairman: I offer the following amendment to the amendment:

To insert the word "having" before the word "within." I am in favor of the

amendment, and was preparing one when the gentleman from Potter offered his.

Mr. NILES. Mr. Chairman: I accept the amendment. I have no desire to make any remarks upon this question at this time. My amendment merely re-instates a clause that is in the Constitution as it stands to-day. I believe that this is a beneficial amendment. We have been making the right of suffrage cheap enough, to say the least, and there ought to be something to connect the voter with the government under which he lives.

I believe, for many reasons, that this amendment ought to be made, but I have no desire, at this time, to make any extended remarks in favor of it.

Mr. LILLY. Mr. Chairman: I am in favor of this amendment, and wish to state to the committee the reason of it. It is simply this: Every voter who desires to put his hand to the government and help to mould it, should help pay the expenses of that government, and should assist in so sharing these expenses to the extent of his ability. If it is five cents, let him pay five cents. If it is five dollars, or any other amount, let him pay according to his wealth. But every man who votes ought to pay something toward the support of the government under which he lives, and which he desires to assist in moulding.

Mr. TURRELL. Mr. Chairman: I desire only to say that I will vote for this amendment because I look upon it as an additional safeguard to the purity of the ballot. In all our discussions here we have endeavored to throw safeguards around the right of suffrage. Now I believe this will be an aid in determining the qualifications of a voter. It is an additional safeguard thrown around the right of voting.

I do not propose to extend my remarks, but only desire to call the attention of the committee to this view of this subject. We have had this provision since the existence of the government, and I see no reason why we should not continue it.

Mr. SIMPSON. Mr. Chairman: The good Book tells us that "where a man's treasure is there will his heart be also." I shall vote to insert this tax qualification, because I believe that a man will have some interest in the government when

he pays something towards its support. I am of the opinion that, if there had been some direct tax imposed by the government of the United States upon the southern States for a number of years before the late rebellion, there would have been no rebellion. They would have felt some interest in the government, because some of their money was in that government. For that reason, that it will strengthen a man's interest in his government, I sustain and will vote for this amendment.

Mr. CLARK. Mr. Chairman: I move to amend the amendment, by adding at the end the following proviso:

"Provided, That freemen, being citizens of the United States, between the ages of twenty-one and twenty-two years, having resided in the State one year, and in the election district two months, as aforesaid, shall be entitled to vote, although they shall not have paid taxes."

The CHAIRMAN. Does the gentleman from Indiana (Mr. Clark) desire that to be inserted at the end of the section or at the end of the amendment?

Mr. CLARK. Mr. Chairman: At the end of the amendment.

Mr. J. W. F. WHITE. Mr. Chairman: I only desire to say that I shall vote for this amendment. I did so in committee, and I will do so here, on this ground: I think every person who enjoys the right of suffrage in a State ought to feel that he owes something to the State. He ought to feel that he should contribute of his mite, however little that may be, for the support of the government. There should be a tie between him and the State. The amount of tax is of very little consequence. It is the principle involved in the thing; and I say that every man who enjoys the right of voting ought to feel that he owes something to the State.

Mr. SIMPSON. Mr. Chairman: I will suggest to the gentleman from Indiana (Mr. Clark) that he withdraw his amendment until we vote on the question of inserting the tax clause, and then he can offer his amendment at the end of the clause, where it properly belongs.

Mr. CLARK. Mr. Chairman: I have no objection to do as the gentleman from Philadelphia (Mr. Simpson) suggests.

The CHAIRMAN. The amendment to the amendment is withdrawn.

Mr. DARLINGTON. Mr. Chairman: The committee are hardly in the right temper just now, so near the close of the day's session, to consider a proposition so important as this. The Committee on Suffrage, Election and Representation have proposed an entire change in this respect—a fundamental change, indeed, in the qualifications of electors, such as has never existed in the State. They have entirely stricken from the Constitution the tax qualification. Now, sir, what do they mean by this? They are allowing those to vote, not only at our general elections, but at our county elections, our township elections, our borough elections, our city elections, who have no manner of stake in the government, vote to put themselves in office, to impose expenses and taxes, debts upon the community, when they themselves cannot be obliged to pay one farthing—no share of the burdens and all of the benefits.

Now I am opposed to that. Every man living in this free government ought to be ready and willing, under all circumstances, to contribute his mite, although it may be small, his proper proportion, according to his means, to support the government, not only State, but municipal and local, everywhere.

I would like to hear from the chairman of the committee which reported this, as to what has actuated them in striking from the Constitution so important a provision as this has always been esteemed to be.

Mr. EWING. Mr. Chairman: I shall vote for this amendment; first, because I think that every man that votes ought to contribute something for the support of government; and, second, as a safeguard in elections. I look upon it as worth more than all the new provisions that the committee has reported.

Mr. BOWMAN. Mr. Chairman: It does really seem to me as though the gentlemen present had not considered the importance of this question.

Now it is proposed by the committee to effect a radical change in point of taxation as a qualification to the right of suffrage. This is a reform Convention, forsooth, proposing to open the door to a band of gypsies, if you please, that are to-day encamped upon the banks of the

Delaware river, and in two months thereafter, on the day of election, they make their appearance upon the shores of lake Erie, and step up to the polls and deposit their votes without contributing one cent towards the support of the government.

Again, sir, we know that they can vote themselves into office if they have the requisite number. They can vote to impose taxes upon the individuals who have property, without contributing one dollar themselves. It is a very strange thing to me that the committee, composed of such wise gentlemen as it is, should support a proposition, in all honesty and soberness, to be submitted to the gentlemen composing this Convention, and say that we should incorporate into the fundamental law of our State, that any man can step up to the polls and vote without paying one cent for the support of the government, county or municipality in which he resides. To me it is a monstrous proposition. No man can forget the injury that will ensue by adopting the report of this committee, and I hope it will not be adopted as it is.

I am in favor of the amendment offered by the gentleman from Tioga, (Mr. Niles,) and I shall vote for that amendment; and I shall vote against every proposition to change the fundamental law of our State, by which vagabonds and stragglers shall have a right to step up to the election polls and cast a vote which will count just as much as the man whose property is taxed thousands of dollars. To that proposition I am opposed. I will never vote for it.

Mr. H. G. SMITH. Mr. Chairman: This is a question which consumed a very large portion of the time of the Convention of 1838 in its discussion. In that body it was fully considered in all its bearings. Objections were made that it was imposing a property qualification, and appeals were made in behalf of the poor man, and prejudices were endeavored to be excited against the rich classes of the community, but the clause was finally retained.

Now, sir, I ask any man, who is familiar with the politics of this country and with its workings in elections, what has been the result of it?

It may be possible that the retention of the tax clause had added somewhat to the amount of revenue derived for coun-

ty and State purposes, but what is the practical operation upon the ballot? I do not know how it may be elsewhere, but I do know this, sir, that it has come to be, in cities, a source of corruption. No man need pay a tax at all, in these days, in order to secure the right to vote, if he is mean enough to say: "I will not vote until my taxes are paid." Political parties are forced to provide for the payment of the taxes of certain classes at every campaign, and I have known a man who has been taxed amounting to twelve dollars, who refused to vote until they were paid.

It has grown to be an agency of corruption. If the gains in revenue will counterbalance this, then let us retain the tax qualification. If they will not, and taxes sufficient for county and State purposes can otherwise be collected than by maintaining it, let us strike it out and accept the amendment which the committee has reported, for, in my judgment, it is to-day nothing but one of the means and sources of corruption.

Mr. GOWEN. Mr. Chairman: I think the gentleman from Tioga (Mr. Niles) has somewhat amended the resolution since it was read. Will the Clerk please read the amendment?

The CLERK read:

"And having, within two years, and at least one month before the election, paid a State or county tax, which shall have been assessed at least two months before the election."

Mr. GOWEN. Mr. Chairman: The Convention will see that, as the amendment now reads, the payment of tax must be made at least a month before the election, and it must be assessed at least two months before the election; hence, if the present amendment is adopted, while it will secure the right which all of us ought to have, namely: That no one should exercise the right of suffrage without contributing his share of the expenses of the government, to the extent of his ability; yet the fact that the tax must be paid at least a month before the election will take away that evil of gratuitous tax receipts on the day of election, which are paid for by one or the other of the political parties. I know that it has been a great evil that people vote without paying their taxes, but the State or county get the benefit of it, for if they

do not pay then somebody else does. The taxes must be paid, and if they must be paid at least a month before election, this general distribution of free tax receipts a day or two before election will cease.

Mr. BUCKALEW. Mr. Chairman: The main consideration which weighed with me in opposing this particular clause of the report of the committee, and which induces me to vote for its amendment, is this: If you strike from this division of the election article the tax clause, as expressed, the necessity will be imposed upon you of establishing a registry system for the whole Commonwealth. Now, sir, we use our assessors for the purpose of making up our election lists. They are officers which will be required under any system of laws. They pass through every election division of the State, in the administration of our revenue system. They get complete lists of all persons who will be qualified to vote under the existing Constitution. Those tax laws are subject to revision now at least ten days before the election, and the revised and completed lists are put up in public and conspicuous places, accessible to all people.

Now, sir, if you strike out the tax provision you will have no lists made out by the tax assessors. You cannot use the officers who now exist, and who conveniently, and without any expense to the people, perform this duty. You will be obliged to establish a registry for the whole State, and employ officers to pass around into every community into which our State is divided, and make out these lists and revise them afterwards. A great deal of machinery will be required, and along with it a very considerable amount of expense to the people.

Upon this practical ground of inconvenience and expense connected with the change, I have been, and am now, opposed to the report of the committee in this particular, and shall be in favor of an amendment somewhat similar to that which is now pending. I think, however, the requirement that the tax should be paid at least one month before the election is rather severe; a period of ten days would be sufficient.

Mr. NILES. I will accept that as an amendment.

Mr. BUCKALEW. I only rose to make this single point: Before the question was voted upon I thought it was proper that the gentleman of the Convention should understand one defect, practical and inconvenient, connected with the carrying out of the change.

Mr. M'ALLISTER. Mr. Chairman: I hope this subject will be properly considered before the vote is taken upon it.

Mr. H. G. SMITH. Mr. Chairman: I move the committee rise, report progress and ask leave to sit again.

The motion was not agreed to.

Mr. M'ALLISTER. Mr. Chairman: The committee will observe, by reference to another portion of the report now under consideration, that the Committee on Suffrage were fully conscious that the change from the tax qualification would involve the necessity of the registration of voters, and they have made provision for it in one of the sections.

There were evils arising out of this tax qualification. Persons were deprived of their right to vote, by reason of the neglect of the tax officer, who were otherwise qualified. The tax had not been assessed so as to enable them to pay it. This itself was an evil. There was, however, no one principle that impressed the minds of the committee more firmly than that the right of suffrage did not depend upon property, nor upon the payment of taxes, but that it belonged to man, as a man, and because he was a man, and not because he was a tax-payer. That was the great truth which led to the conclusion at which the committee arrived.

It is not asked that any one should vote who does not contribute to the support of the government. Without the tax prerequisite, may not taxes be levied and collected? Is the arm of the government shortened, that it cannot reach every citizen? No taxes are levied now upon property or upon persons that do not involve the liberty of the man upon whom they are assessed, and the tax collector can take the body when there is no property. The strong hand of the government is thus laid upon every citizen to compel him to contribute to the support of the government. Is it possible that the exercise of the elective franchise is to be brought in as a means of compelling the performance of duty to the government?

Surely not. There is no resort to any such expedient necessary. The government has power to collect her taxes from those whom she protects, and whose rights and property she renders secure. But what do we obtain by this registration? Do we obtain anything except a tax upon property owners? How much of the tax list is made *very* shortly before the time when the tax must be assessed? The five cent men, those men who are said to contribute to the support of the government? five cents, are brought in, when? Just on the eve of an election. As we have had it in times that are past, it was no bar to fraud, no protection against fraud, no evidence of anything. Men brought into the districts and supported there that they may vote, go to the assessor, and say "assess me," and the assessor, in such cases, must assess them, because they are there. And that sort of thing is necessary, it is said, to prevent fraud and show who support the government! And then, when they are brought up to the polls, somebody must pay the tax for them; they will not even pay five cents. Yet they are "supporters of the government." It is a mere farce. There is nothing in it—less than nothing.

The committee, therefore, believing this, abolished the tax requisition and provided for a registration of the voters, of the electors. The fact of the assessment of this five cent tax, as I have shown, is no evidence of anything. The tax list and the payment of the taxes, though made *prima facie* evidence of the right to vote amounted to nothing. Will the registration of the voters amount to less? I have stated that it has deprived men otherwise entitled to vote of the right of suffrage, and has, in many parts of the State, become odious. The committee have provided that there shall be a registration of voters, and they have left it to the Legislature to say when that registration shall be made, the manner in which it shall be made, to give it force and effect. In all these provisions the committee has contemplated legislative action to carry them into effect. And such provisions can be made in reference to the registration of voters, that there will be no more expense than there is now. The same officers, the tax assessors, if the Legislature shall so de-

termine, may have the duty imposed upon them without increased expense. but when the electors are registered, and when that registration is put up, a certain time before the election, all men of all parties can have access to it and inquire as to the status of the men who claim to be electors of the respective districts. I think it belittles the right, this great social, natural right of suffrage, when you associate it with five cents.

The government will gain nothing by this tax-prerequisite to the right of suffrage; they will lose much. To adopt these amendments will confuse the whole scheme, as reported by the committee, and will answer no good purpose. I hold, Mr. Chairman, that every elector, and every elector's family, are a constituent part of the people, in whom all sovereignty inheres, and for whose welfare all governments are instituted; that the family is represented by the head, and that the right of suffrage belongs to him, as a man, and as the representative of his family, and that it cannot be *taken away*, nor can it be *given*, justly, simply because he pays or does not pay a tax.

Mr. ROOKE. Will the gentleman permit himself to be interrupted for a motion that the committee rise?

Mr. M'ALLISTER. Yes, sir.

Mr. ROOKE moved that the committee do now rise, report progress and ask leave to sit again, which was agreed to.

So the committee rose.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed me to report progress and ask leave to sit again.

The PRESIDENT *pro tem*. The chairman of the committee of the whole reports that the committee has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed him to report progress and ask leave to sit again. Shall the committee have leave? ["Aye!" "Aye!"]

When shall the committee have leave to sit again?

[Several delegates. "To-morrow—Monday."]

The PRESIDENT *pro tem*. The question will first be on the farthest day named, which is Monday.

Mr. LAWRENCE. I understand the question to be whether we shall sit to-morrow or Monday?

The PRESIDENT *pro tem* Yes.

The question being, shall the committee have leave to sit on Monday, the yeas and nays were required by Mr. Darlington and Mr. Smith, and were as follow, viz:

Y E A S.

Messrs. Addicks, Alricks, Baker, Bartholomew, Bowman, Cassidy, Clark, Corson, Dunning, Elliott, Ellis, Gibson, Harvey, Lilly, M'Camant, Metzger, Niles, Palmer, G. W., Parsons, Read, John R., Sharpe, Simpson, Smith, Henry W., Stanton, Wherry, White, Harry, and Woodward—27.

N A Y S.

Messrs. Achenbach, Baer, Bailly, (Perry,) Bailey, (Huntingdon,) Barclay, Beebe, Biddle, Brodhead, Brown, Buckalew, Campbell, Carter, Cochran, Collins, Corbett, Cronmiller, Curtin, Dallas, Darlington, Davis, De France, Edwards, Ew-

ing, Fell, Finney, Fulton, Gilpin, Gowen, Guthrie, Hall, Hanna, Hay, Hazzard, Hopkins, Horton, Howard Knight, Lawrence, Long, M'Allister, M'CLean, M'Connell, M'Culloch, Mann, Mantor Minor, Mott, Patterson, D. W., Patterson, T. H. B., Patton, Porter, Pughe, Purviance, Samuel, A., Reynolds, James L., Russell, Smith, H. G., Smith, W. H., Struthers, Turrell, Walker, Wetherill, J. M., Wetherill, John Price, White, David N., White, J. W. F., Worrell and Wright—66.

So the motion was rejected.

ABSENT OR NOT VOTING.—Messrs. Ainey, Andrews, Armstrong, Bannan, Bardsley, Black, Charles A., Black, J. S., Boyd, Broomall, Carey, Church, Craig, Curry, Cuyler, Dimmick, Dodd, Funck, Hemphill, Heverin, Hunsicker, Kaine, Lamberton, Landis, Lear, Littleton, M'Murray, MacVeagh, Newlin, Palmer, H. W., Purman, Purviance, John, N., Reed, Andrew, Reynolds, S. H. Rooke, Ross, Runk, Stewart, Temple, Van Reed and Meredith, *President*—40.

The hour of two o'clock having arrived, the President declared the Convention adjourned.

THIRTY-EIGHTH DAY.

SATURDAY, *February 8, 1873.*

The Convention met at eleven o'clock A. M., Mr. Walker in the chair.

The Journal of yesterday was read and approved.

WRITS OF ERROR.

Communications from the prothonotaries of Schuylkill, Mercer, Huntingdon and Pike counties were laid before the Convention by the President.

BOYS' HIGH SCHOOL.

The PRESIDENT also submitted to the Convention the following communication:

OFFICE BOARD OF PUBLIC EDUCATION }
OF PHILADELPHIA. }
PHILADELPHIA, *February 8, 1873.* }

Hon. WM. M. MEREDITH,

President Constitutional Convention:

SIR:—The Board of public education of Philadelphia respectfully request the attendance of the members of the Constitutional Convention at the commencement exercises of the Boys' Central high school, at the Academy of Music, on Thursday next, at ten o'clock A. M.

Respectfully,

M. HALL STANTON,
President.

H. W. HALLIWELL,
Secretary.

Mr. M'CLEAN. Mr. President: I move that the invitation be accepted, with the thanks of the Convention.

Mr. STANTON. Mr. President: I will merely state, in connection with this invitation, that seats will be reserved on the stage of the Academy for the members of the Convention. The entrance to the stage is on Locust street.

The motion was agreed to.

INTOXICATING LIQUOR.

The PRESIDENT laid before the Convention several memorials asking for the prohibition of the sale of intoxicating liquors, which were referred to the Committee on Legislation.

Mr. NILES. Mr. President: I present the petition of one thousand citizens of

Tioga county, asking for the submission to the people of a prohibitory law.

Referred to the Committee on Legislation.

LEAVE OF ABSENCE.

Mr. LAWRENCE. Mr. President: I desire to ask leave of absence for the First Assistant Clerk, Mr. Rogers, who was called away suddenly last night, and will not be here again until Monday.

Leave was granted.

EX-GOVERNOR GEARY.

Mr. ARMSTRONG. Mr. President: The Convention has heard this morning, with very profound regret, of the decease of ex-Governor Geary. The dispatch which bears to us this sad intelligence informs us that, as he sat at breakfast, engaged in sprightly conversation with his family, death suddenly arrested him in his course. It reminds us what shadows we are and what shadows we pursue. Not long since I had the pleasure of meeting Governor Geary, and in the course of a pleasant conversation he remarked to me that he had for some time been unwell, and that he much feared his health was giving way.

He spoke cheerfully upon topics of the day, but was evidently impressed with the belief that his health was in a very precarious condition. He has filled, and so ably, so many conspicuous positions, that his life is intimately associated with much of the history and many of the most striking events which have marked the eventful years of the last decade. During the war he was prominent in many of the most notable conflicts, and won proud distinction upon many bloody fields. Few men have lived whose lives have been more filled with great events.

This is not the time to eulogize his memory, and I forbear from further comment. He was personally my friend, and I was his, and in offering this sad tribute to his worth it is in accordance not only with my personal feeling of friendship and regard, but with my sense of public duty and propriety. Without further comment I will offer the following resolutions:

Resolved, That this Convention has heard with deep regret of the sudden death of John W. Geary, late Governor of this State.

Resolved, That we tender to his bereaved family our most sincere sympathy, and that, as a mark of respect for his memory, both as a private citizen and a public officer, this Convention do now adjourn.

Resolved, That the Clerk of this Convention forward to the family of the deceased a copy of these resolutions.

Mr. ALRICKS. Mr. President: In rising to second these resolutions, I have a word to say upon this dark dispensation of Providence, which suffuses many hearts with sorrow, and which has made a mother a widow, and left happy children orphans. It was my pleasure, although a political antagonist, to be intimately acquainted with the late civil head of this Commonwealth. He was to me the picture of health. I very well remember, the last time I met him, congratulating him on the subject of his *physique*, and he told me then that we could not judge from outward appearances, that for more than a year past he had been suffering to an extent that he could not describe.

We were pall-bearers at a funeral but a few months since, and, in the course of

our journey to the city of the dead, death was the subject of our conversation, and he remarked to me: "Who will be the next that will be carried to the narrow home?" He himself has gone to "that bourne from which no traveler returns." He filled some of the highest offices in the gift of the people. In the army he was a general; in civil life he was the Governor of this State. Temperate in habits, he was also kind and indulgent in his family, and probably his hospitality has been partaken of by every gentleman who hears me. It may be said he had his faults, but that can be said of all men.

On such occasions as this, however, we are admonished that we should

"Be to his faults a little blind,
And to his virtues very kind."

While we may mourn this day with those who mourn for him, let us not forget the lesson of his sudden call, that "in the midst of life we are in death."

The question being upon the resolution, it was agreed to.

Pursuant therewith, the Convention then, at eleven o'clock and twenty-two minutes, adjourned to Monday morning next at eleven o'clock.

THIRTY-NINTH DAY.

MONDAY, *February* 10, 1873.

The Convention met at eleven o'clock A. M., Mr. Walker in the chair.

Prayer was offered by Rev. James W. Curry.

JOURNAL.

The Journal of Saturday's proceedings was read and approved.

PROTHONOTARY'S REPORT.

The PRESIDENT *pro tem* presented a report from the prothonotary of M'Kean county, which was referred to the Committee on the Judiciary.

PROHIBITION.

Mr. FULTON presented a petition from four hundred and twenty-five citizens of Westmoreland county, asking the Convention to adopt, as a part of the Constitution, an article prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislature.

Mr. M'ALLISTER presented a petition upon the same subject, from two hundred and fifteen citizens of Phillipsburg, Centre county, which was referred to the same committee.

EXEMPTION FROM MILITARY TAX.

Mr. KNIGHT presented a petition from the monthly meeting of Friends, of Abington, relative to exemption from military tax, which was referred to the Committee on the Militia.

CAPITAL PUNISHMENT.

Mr. KNIGHT presented a petition from the same meeting, relative to the abolition of capital punishment, which was referred to the Committee on Judiciary.

INTOXICATING LIQUORS.

Mr. KNIGHT presented a petition from the same meeting, relative to the prohibition of the manufacture and sale of intoxicating liquors. Referred to the Committee on Legislation.

Mr. BROOMALL offered a petition from Concord monthly meeting of Friends, upon the same subject, which was referred to the same committee.

Also, one from the Roaring Creek monthly meeting of Columbia county, upon the same subject, which was referred to the same committee.

Also, the petition of many citizens from Unionville, Chester county, on the same subject, which was referred to the same committee.

MILITARY DUTY.

Mr. BROOMALL presented a petition from the Concord monthly meeting of Friends, asking to be relieved from military duty, which was referred to the Committee on the Militia.

CRUEL AND BARBAROUS LAWS.

Mr. BROOMALL presented a petition from the Concord monthly meeting of Friends, asking for the enactment of a provision for the protection of human life against cruel and barbarous laws, which was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

Mr. BROOMALL asked and obtained leave of absence for a few days for Mr. Darlington, of Chester.

ELECTION OFFICERS.

Mr. HOWARD offered the following resolution, which was read and referred to the Committee on Counties, Townships and Boroughs:

Resolved, That the officers of all primary meetings and primary elections for nomination of candidates for office, or the election of delegates to put in nomination said candidates, shall be sworn or affirmed, before entering upon their duty, to fairly and truly conduct the proceedings, and fairly and truly make up the result, and any wilful violation of said oath or affirmation shall be perjury and indictable according to the said act.

POST OFFICE.

Mr. WHERRY offered the following resolution, which was twice read:

Resolved, That the postmaster be directed to keep the post-office in this hall open between the hours of nine and ten A. M. and from four to five P. M., on Sunday.

Mr. COCHRAN. Mr. Chairman: I move to amend the resolution, by adding: "And that measures be taken to procure the bringing of the mail to the hall, by the messenger, on Sunday."

Mr. WHERRY. I accept the amendment. I desire to explain. Serious difficulties have occurred here, in the way of getting mail, and it seems that some violence had been done by members to get their mail. This resolution is to remove that difficulty. Gentlemen come in here from the country, on Saturday nights, and are unable to get their mail until Monday morning, at nine o'clock, and we do not seem willing to suffer this inconvenience. For myself, I am compelled to say that it takes a letter three days to come from my home, whilst it should not take more than sixteen hours, at the outside.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. M'CULLOCH asked and obtained leave of absence for Mr. Jno. M. Bailey, of Huntingdon.

DRAPING THE HALL.

Mr. CORSON offered the following resolution, which was twice read and agreed to.

Resolved, That the House Committee be instructed to report what progress has been made in draping the windows of this hall, in obedience to the resolution of this Convention authorizing the said committee to proceed in the premises.

LIMITATION OF DEBATE.

Mr. MANTOR offered the following resolution, which was read and laid upon the table, under the rule.

Resolved, That no member of this Convention be permitted to speak for a longer time than twenty minutes on any question before the Convention.

LEAVE OF ABSENCE.

Mr. GILPIN asked and obtained leave of absence for Mr. M'Murray, for a few days.

Mr. DUNNING asked and obtained leave of absence for a few days for Mr. H. W. Palmer.

THE LEGISLATURE.

The PRESIDENT *pro tem*. The next business in order is the further consideration, in committee of the whole, of the report of the Committee on the Legislature.

Mr. WHERRY. I desire to ask if there is a quorum of the Convention present.

The PRESIDENT *pro tem*. There is quorum present.

Mr. LILLY. Mr. President: I move that the consideration of the report of the Committee on the Legislature be postponed for the purpose of going into committee of the whole upon the suffrage article.

Mr. NILES. Mr. President: I would like to say one word before that vote is taken. It is well known that the gentleman from Dauphin (Mr. MacVeagh) has this article in charge, as chairman of the committee, and he is absent at Washington, attending to important litigation in behalf of the Commonwealth; and as we have business now before us, which comes up under the regular order, I think it would be right that we postpone this and proceed with the report of the Committee on Suffrage. There are several members of the Committee on the Legislature who are absent to-day, and as we have already made progress in the report of the suffrage article, and being now in the middle of the speech of the delegate from Centre, (Mr. M'Allister,) I hope the motion to postpone will prevail.

Mr. TURRELL. Mr. President: I am in favor of the postponement, but I am not in favor of it for the reason given by the gentleman from Tioga, (Mr. Niles,) that the report is in charge of a certain gentleman, who is absent. It is the business of that gentleman to be here, and the report is not in the charge of one man more than another. We are all here upon an equality, and I protest against postponing the business because a certain member is absent. When we get to work upon an article let us go on and finish it.

Mr. M'ALLISTER. Mr. President: I wish to add that the consideration of the report of the committee on the Legislature was postponed, with a view of a report to be received from the Committee on Legislation, and also a further report by the Committee on Suffrage and Representation. Neither of those reports have yet been made, so that the cause which led to the postponement would seem to lead to a still further postponement.

The question being upon the postponement of the report of the Committee on the Legislature, it was agreed to.

So the further consideration of the report was postponed.

THE SUFFRAGE ARTICLE.

Mr. LILLY. Mr. President: I move that the Convention now resolve itself into committee of the whole, for the purpose of further considering the report of the Committee on Suffrage.

The motion was agreed to.

So the Convention, as in committee of the whole, Mr. Lawrence in the chair, proceeded to the further consideration of the article on Suffrage Election and Representation.

The CHAIRMAN: The question is upon the amendment offered by the gentleman from Tioga (Mr. Niles) to the first section. The amendment will be read.

The CLERK read the amendment, as follows:

Insert after the word "election," in the fourth line, the following: "And having, within two years, and at least one month before the election, paid a State and county tax, which shall have been assessed at least two months before the election."

Mr. M'ALLISTER. Mr. Chairman: I believe the motion was made to adjourn whilst I occupied the floor upon the question then before the committee. When that motion was made I was proceeding to assign some reasons, based upon political principles, why the amendment should not be made. I rose to speak upon that occasion, simply for the purpose of preventing a vote upon the amendment without due consideration. I conceived that it involved an important principle of government, that the report of the Committee on Suffrage involves an essential alteration of the Constitution as it now is, and that the subject deserved the serious consideration of this committee. I feel that we do not lose time in discussing, in committee of the whole, every principle involved, and every fact that bears upon the report of any committee.

Viewing the subject in this light, I was opposed to the restriction placed upon the discussion on the preceding part of this section, touching the right of women to suffrage. Though opposed to the granting of the right I felt strongly inclined, as a member of the Committee on Suffrage, to afford the women advocates of the right every opportunity they asked to be heard before the committee. And when the subject came under discussion here I felt that it was a right that every advocate of that measure had, to discuss fully, in committee of the whole, the principle; upon which the right of woman to suffrage is claimed.

I feel that it is not a sacrifice of time, that these discussions must come off at some stage of the proceedings of this Convention, and I would exceedingly regret that these general discussions should be renewed when we come to second reading in Convention. It would be a calamity; and certainly such a discussion will come off if members are prevented from speaking in committee of the whole.

It may be recollected that during that discussion I asked a friend upon my left, (Mr. H. G. Smith,) an opponent of woman suffrage, with whom I was acting, two questions, for the purpose of illustrating the principle involved in reference to which, in my judgment, he was in error. I chose to ask him, though standing on the same side with myself, two questions, which he courteously answered.

It very much surprised my friend from Dauphin, (Mr. Alricks,) who sat immediately upon my left, that I should ask such questions of a gentleman advocating the same side of the question under discussion with myself. I asked the questions because I believe that the principle inquired of bears upon other parts of this report, and involved other issues that must be discussed in this Convention, one of which is now before us in the consideration of the tax qualification, and therefore I have referred to those questions now and here.

It may be remembered that I asked that gentleman whether the wife and the children constituted an element in the people, in whom all sovereignty is inherent; whether they were a part and parcel of that people, recognized in the Declaration of Rights as "the people in whom all sovereignty is inherent."

He answered, promptly and correctly, that they did constitute a portion of that sovereign people. He had denied that the right of suffrage was a natural right, or that it was a natural, social right, and therefore I asked him another question: Upon what principle, if the right of suffrage were not a natural, social right, revolution could ever be justified in any government? Certain, it seemed to me, that revolution could not be justified on the ground that it was a mere conventional right.

Now these inquiries lead us to the consideration of the exercise of the right of suffrage, in view of the question now specifically before us, the tax qualification; on what is this right of suffrage

founded? Why is it given to the citizen?

This, Mr. Chairman, brings us back to the foundation of the government; to the organization of the first social relation on earth; to the time when God made man and made woman as the helpmeet of man and, if you please, as the equal of man; to the time when God granted them the power of procreation, pronounced "the twain one flesh," and sat the solitary in families, thus constituting, first, the social relation upon the earth—a social relation which has existed from that day to this.

Now, Mr. Chairman, I ask the attention of the Convention whilst we proceed from organization to organization, until we come to the situation we now occupy in this Convention as law-makers, in establishing an organic law, and this with a view of ascertaining the foundation of the rights of suffrage. We have then the family established.

Who constitutes the family? First, the husband, who, by the law of nature, is made the head of the family and the head of the wife. Let me here ask what is the law of nature? Blackstone tells us that it is "the will of God," and he tells us further that the scripture, as contained in the old and new testament, is that portion of the natural law which has been expressly revealed to man.

Then, Mr. Chairman, I have quoted from the law of nature. I have quoted from that law in the establishment of the first relations which man, women and children bore to each other upon the earth. What succeeded? Families were multiplied, and it became necessary that they should have some other social organization beside the family. What was it? It was an assembling of the people, recognized in our Declaration of Rights, as "the people in whom all power is inherent." They assembled together for the purpose of establishing a government; and what government? A pure democracy. The people met in order to organize this pure democracy as the second social relation upon the earth. Who went to the meeting thus assembled? Did the wives and the children go? Rather was it not, Mr. Chairman, the husband and father as the head and representative of the families? They assembled together, and they were recognized as the people in whom all sovereignty was inherent, because they were the representatives of every human creature upon the earth.

What was the unit in the State which was then formed? Surely it was the father. True, it is the wife and children, constituted a part of the people, who were represented in this democracy, represented that is all. The adult sons who had been released from the disabilities of minority were there, and they were there as the representatives of their adult sisters, both being in a transition state in the way to the family relation. What then was the unit of the State when this democracy was formed. Was it not the family? The family then, and nothing else, is the unit of the State as a pure democracy; but time passed by, and it was found that when the heads and representatives of families, the father, the husband and the adult son, came to assemble together, they had become too numerous to be heard in a deliberative assemblage; and what then happened? The people met again, and they formed a State upon a larger scale. They formed a republican government—a representative government. That was the purpose for which they assembled, and who constituted the assemblage? Not the wife, not the children, but the representatives of the wives and children, the representatives of the family. The same element which constituted the unit of the State in the democracy constituted the unit of the State in the republican or representative government. It will be observed that this republican government arose from the impossibility of the mass deliberating as a body. The people had become so numerous that they were compelled to act by representatives, and a representative government became a necessity. The right to choose a representative is every man's portion of the sovereign power residing in the people of the State. The right of each to exercise his individual portion of this sovereign power is denominated the right of suffrage. It is the delegation by one man to another of that portion of his sovereign power, which, as a representative, he may exercise under the organic law of the State. It seems inevitably to follow that suffrage is, as I have said, a natural, social right. Certain it is that husband, wife and children, down to the infant at the mother's breast, are a constituent part of the people, in whom all power is inherent. It is equally certain that they cannot constitute a portion of the people unless the family is the unit of the State. This brings us to the inquiry, what families are the units of the State? The inquiry as to

what families are the units of the State in the formation of a government is important. Much confusion of ideas and many disputes have arisen among men from a misunderstanding of the question discussed. I desire, therefore, before proceeding further, to make a few remarks in illustration of my idea. I repeat, then, the inquiry, what families constitute the unit of the State in the formation of government? This is one standpoint. Another standpoint from which this subject is to be viewed is the one occupied by the judge upon the judicial bench, when he construes the meaning of the Constitution, or the legislator in the legislative hall when he enacts laws under and in accordance with the Constitution. These are both different standpoints from the one occupied by this Convention, and by every other assemblage of men who meet to establish an organic law. Their inquiry is, what is the Constitution? Our inquiry is, what should the Constitution be? Proceeding now, in this view of the subject, to answer the question, what families constitute the unit of the State, I reply, every family that participates in the formation of the Constitution. When the people assemble to frame a Constitution for themselves, whether it be for the pure democracy or for the republican representative government, they are all equal. Whoever heard of an attempt to exclude any of those present from a right to be heard in these assemblages? Whoever heard of an attempt made to exclude any from the deliberations? It being the people who assemble for the purpose of organizing the government they were all equal. The Declaration of Independence says that all men are born equal. This is what our Bill of Rights says. All men are equal and born equal. All start the race of life from the same goal. There can be no exclusion of any part of the people when the original State is being formed. But therein all are thus placed upon terms of perfect equality in the formation of their organic law; they can and they do determine who shall be admitted afterwards, and on what terms they shall be admitted.

Though they came from a hundred different countries, they were there as equals in the formation of the government. There is no distinction between natives and foreigners. They all come to form their government for themselves and for the families that are represented, for the families that deliberate. But, in

forming that government, they are to determine how foreigners are to be admitted in the future; and that is the exercise of their rights. They are to determine how long a man, who comes from another country, or another part of their own country, shall reside in a particular district before he shall be entitled to participate in their rights. This right they have, and this right those who have formed the governments have always exercised. They may, if they choose, determine that a man shall not be admitted to participate in their rights, as a government, in the privileges of the government, unless he be a freeholder—unless he be possessed of one hundred acres or a thousand acres of land. So our ancestors, when they came and settled in Philadelphia, determined, being freeholders themselves—for they were all freeholders—they determined that no one should be admitted to the privileges of their government unless he was a freeholder. He must possess a certain amount of land. That they had a right to do, though they had not been all freeholders themselves. But they were. These property requisites to the right of suffrage were then common in all the States. The right of property was associated with the right of suffrage. But in Pennsylvania the hand has been loosened from the freehold, and now, by universal consent, the basis of representation has changed, which the gentleman from Chester (Mr. Darlington)—I do not see him in his seat now—contended should be kept in the Constitution of 1838, and I understand he is now in favor of this tax requisition, though he has abandoned “taxable inhabitants” as the basis of representation. Nobody here defends the basis of representation in the present Constitution, but there seems to be a disposition to hold on to the tax requisition after the basis of representation, founded on property, has been abandoned.

Now, Mr. Chairman, if it be true that suffrage arises from necessity; if it be true that, in the formation of the organic law, all who participate, every family that participates, every human being that comes into the deliberative body, has equal rights in the formation of the Constitution, and that their power to restrict only applies to those who are to come into the government afterward, upon what terms can we assert that the payment of taxes, the performance of military duty, or that the possession of a

freehold should be imposed as a condition precedent to the right of suffrage? From the standpoint we occupy I have shown that the right of suffrage is a natural social right; that the exercise of that right is attached to manhood; to the man because he is a man, and not to the man because he can do military duty, nor to the man because he owns a freehold, nor to the man because he pays a tax.

Now I admit that all these requisites may be imposed upon those who come into the government after its formation if it be expedient to impose them. Now let us consider this subject. I have traced the government from the family up to the representative republican government. Now let us go a step further. I have alluded to the fact that our ancestors, when they came to form a government, composed a freehold requisition as a condition precedent to the right of suffrage. I will suppose that our republican government increases, and still increases in population. The merchant comes in, the mechanic comes, wealth is accumulated by the citizens of every department. A large portion turn their attention to other pursuits than agriculture. The masses do not own land and are not freeholders. Those who are not freeholders not only exceed in numbers the freeholders, who hold the exclusive right of suffrage, but they outnumber them greatly—three-fourths, four-fifths, fifth-sixths, nine-tenths, if you please, of the entire population. They outnumber greatly the freeholders, in whom exist the right of suffrage by the organic law. Yet the freeholders elect the Legislature, and when the people come up to the Legislature, asking the extension of the right of suffrage, they turn a deaf ear. They say: "Nobody but freeholders should exercise the right of suffrage. It is ours and we will hold it. You have come into this government as a band of interlopers, or if you did not come in in that way, you are only the children of those who are freeholders, and if you wish to become voters you ought, like them, to become freeholders. Therefore we do not consider you capable of exercising this right of suffrage, and we will call no Constitutional Convention to re-organize the government. We won't do it."

Now what is the result? Inevitably revolution! And this brings us to the question I asked my friend on the left, (Mr. Smith,) on what ground do you jus-

tify this revolution? Nine-tenths of the people are not freeholders; one-tenth are, and that one-tenth grind us down and deny us all representation in this government, and we won't submit to it. We will show that one-tenth that they can no longer rule, and we will call a convention ourselves, a convention of the people, to re-organize this government on correct principles." Now can that be done if the right of suffrage be not a natural and social right? I hold that it is a part and parcel of the sovereignty which inheres in the people, and it is by this right of revolution, this natural social right, that that action of the nine-tenths is justified, and it is the only principle on which it can be justified.

I will admit, Mr. Chairman, that this attempted revolution in Rhode Island failed in the Dorr case, and why? Not because the people didn't have the power, but because of the peculiar organization of our government, that organization which enabled the minority in the State, the one-tenth in the State possessing political power, to call on the strong arm of the United States government to suppress rebellion, to suppress all resistance to their power. That was a result that belongs peculiarly to our federal government, and has nothing to do with the general principles upon which we are discussing this subject now. The right of revolution does exist under the circumstances which I have stated, and no one can deny it, and if it does exist, then it must be referred to the natural social right of the citizen to re-establish and reform their government in a way that will conduce to the welfare of the masses. That is the principle which was inaugurated in the Declaration of Independence, and here let me say, Mr. Chairman, that that principle of the Declaration of Independence was the entering wedge that cleft asunder the institution of slavery. That principle, read to the people from fourth of July to fourth of July, was the entering wedge which did the work; and let me say here, also, that these declarations in the Bill of Rights, the first and second sections of the ninth article, are the entering wedges to the abolition of all property qualifications in the exercise of the right of suffrage. I will take the liberty of reading those sections, which I consider this entering wedge to effect this great object, referring suffrage to manhood.

"SECTION 1. All men are born equally free and independent, and have certain

inherent and inalienable rights, among which are those of enjoying and defending life and liberty, or of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

"SECTION 2. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace and safety and happiness."

Now mark the power of revolution! Here it is: "For the advancement of these ends they have, at all times, an inalienable, inalienable right to alter, reform or abolish their government in such manner as they think proper."

There is the right of revolution. The right which my friend on the left (Mr. H. G. Smith) would deny to the people. Clearly and explicitly stated, as is the right of revolution, it has no other foundation than that natural social right which every man has in society when government becomes subversive of the ends for which it was instituted, to revolutionize it, and to frame a government better adapted to the then present wants of the people.

Now I admitted when I spoke upon this subject on the introduction of this report, that the right of suffrage was not a natural right in the sense of an absolute personal right; but I asserted that it was a natural right in the sense of a social political right.

You will notice that this Bill of Rights recognizes the acquisition of property, as one of the absolute rights of man. It is no more an absolute right than the right of suffrage is an absolute right. They stand together; and my friend from Chester (Mr. Darlington) takes the position that there is no natural right of man to property. He assumes this position in order to render himself consistent as to the right of suffrage. Now how is that? This leads us back to the point from which we started. When God said to man, "Be fruitful and multiply, and replenish the earth, and subdue it, cultivate it, and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

"And God said, behold I have given you every herb bearing seed, which is upon the face of all the earth, and every tree in the which is the fruit of a tree yielding seed; to you it shall be for meat."

There is the foundation of the right of property, expressly given by God himself to man. He did not divide it among his creatures, but he gave it to man to be distributed among them as men.

"And in process of time, it came to pass that Cain brought of the fruit of the ground, and offered it unto the Lord." How did Cain bring of the fruit of the ground? Had he not gathered it? Had it not become his own by the labor which he bestowed in gathering it? Surely it had; but the concluding paragraph removes all doubt. "And Abel, he also brought of the firstlings of his flock and of the fat thereof." How did the flock become his? By his having reared it; by his having nurtured and kept it; by the labor which he bestowed upon it.

MR. CORSON. Mr. Chairman: I rise to a point of order.

THE CHAIRMAN. The gentleman will state his point of order.

MR. CORSON. The point of order is that the chairman of this committee has no right to go over the whole report of the committee again, and give his reasons upon the question of suffrage, but he must confine his remarks to the particular amendment now before this Convention—the amendment relating to taxation.

MR. BROOMALL. Mr. Chairman: I trust that this debate will not, at this stage, be stopped. I want a chance to make a reply.

THE CHAIRMAN. The Chair thinks, in some respects, it will be very well to rule in favor of the point of order, but he is disposed to allow the gentleman from Centre (Mr. M'Allister) discuss the subject and have a very wide range. The Chair felt disposed several times, however, to call him nearer the question—the taxation of the elector. He would be very glad if the gentleman would confine his remarks to that special subject, or as near it as possible, although he has no disposition to curtail debate.

MR. C. A. BLACK. Mr. Chairman: I do not think the gentleman can be much out of order. He has been arguing the whole principle. I do not see that he is much out of order.

THE CHAIRMAN. The gentleman has been going over the whole field, and it is sometimes customary to let the chairman of a committee do that. The Chair gave the gentleman the floor the other day for that purpose, and allowed him to go over the report in detail. The Chair supposed, this morning, that the gentleman would confine himself to the legitimate question,

and he is making an argument which approaches it.

Mr. CURTIN. Mr. Chairman: It seems to me that there has been nothing said by my colleague (Mr. M'Allister) that is not perfectly consistent. It is perfectly proper that he should go into the line of argument which he chooses to adopt. I imagine it would be very improper to prevent the chairman of a committee from making an argument in this singular and abrupt manner.

Mr. BROOMALL. I hope the debate will not be stopped.

The CHAIRMAN. The Chair desires to make—

Mr. M'ALLISTER. In my opinion I have said nothing which does not bear upon the amendment relating to the right of suffrage. I intended it all to bear upon that, and I believe it does, and with that view I have spoken every word that I have uttered.

The CHAIRMAN. The Chair will notice that the only trouble about this is, that when gentlemen come to reply they will claim the same latitude, and wish to go over the whole question. Upon that principle we will never get through with the discussion. The Chair is not disposed to confine the gentleman, as chairman, as closely as he would some other gentlemen.

The gentleman will proceed with the debate; he seems to be coming to the question now.

Mr. M'ALLISTER. I do not claim, in this part of the discussion, what is not common to every member of this Convention; but I do claim that what I have said touching the right of suffrage bears directly upon the question under discussion, and it is with that view only that I have spoken.

I have been calling the attention of the committee to this natural right of property, as one of the rights referred to in our Bill of Rights under the Constitution, and as bearing upon the exercise of the right of suffrage, and it is with that view alone that I have referred to the subject. I was proceeding to show that man was given the right to cultivate the earth; he was given the right to gather the fruits of the earth and to take charge of the irrational animal creation upon the earth, and when he bestowed his labor upon it it became his. This is an illustration of the right of suffrage. God impressed upon man the necessity of labor to the acquisition of the

fruits of the earth, when He said: "Cursed is the ground for thy sake." It was for man's benefit that the ground was cursed, to impose upon him the necessity of labor. "By the sweat of thy face shalt thou eat bread." And so it has been, through all the history of man, that wherever labor was not requisite for his sustenance he degenerated, and his humanity became dwarfed. If you go to the land where man can live upon the banana alone you will find him a dwarfed creature.

Labor, then, is the foundation of property, and when man bestows labor upon it it becomes his, and it is, therefore, that the productions of a man's labor is one of his natural rights, just as the right of suffrage is one of his natural rights, and they are grouped together in this Bill of Rights. Now I care not whether you call it a natural right or not. It is enough for me to know that the right of suffrage and the right to the acquisition of labor stand side by side among his absolute rights; and if they be absolute right and indefeasible right, inherent right, how can you take them away from him? That is the question we are discussing. If this right to form a government be one of man's inherent rights as man, and it be an absolute right, this government cannot take it from him without violating his natural rights. This is enough for my argument, whether it be a natural right or not. I believe that suffrage is a natural, social right, but I will dispute with nobody upon this floor upon that subject. I will take the Declaration of Rights as we have it, and will predicate my argument upon it. The right, it is inherent in man, government cannot take it from him. It cannot be taken away by the non-payment of tax. That is the end at which I have been aiming, and I believe I have not said one word that does not bear upon that identical subject, and upon the amendment as it is now presented to us.

I referred to lexicographers to ascertain what this inherent right was, and I found it described to be "a right implanted by nature, inbred, inborn, naturally pertaining to," and I find Crabb, in his synonyms, places inherent, inbred, inborn and innate, in the same category. Now if this be such a right, it is an absolute right; it is a natural right; but as I have said, it is enough for me that it is in our Declaration of Rights, and that it goes to manhood as the foundation of his right of suffrage, and if so it cannot be justly taken

away by us in the establishment of the organic law for default in the payment of taxes.

I have said before, if we establish the tax prerequisite to the exercise of the right of suffrage, those who come and settle among us must conform to it because as to them it is a conventional right, but we have no conventional rights to bind us here in our consideration of the subject when we establish an organic law, but when one comes to inhabit with us it is implied that he will conform to the laws which we have placed over him. But that question does not arise from the standpoint we occupy in the consideration of this right as an absolute right—a natural right.

Now, it is only in popular governments, it is only in civil governments, that manhood is the basis of the right. There are other places, in which suffrage is required, in which property is the basis. And if the gentlemen will look over this report they will find such a basis when we come to private corporations. There property is the only true basis, as manhood is the only true basis in civil governments. When we come to private corporations, *property* is the basis stock in the corporation, and not manhood, is the foundation of the right of suffrage. I hold that in civil government it is not property but manhood that is represented. In corporations it is not manhood but stock. We are to distinguish between the two, giving each that right of suffrage which arises from the very nature of the thing itself.

I have said, Mr. Chairman, that the States have been abandoning this property qualification from time to time. I will not now refer to that subject, except in one solitary instance. I will refer to one State, for the purpose of showing how long this property qualification, this tax requisition, was adhered to and when it was abandoned, and *what* was abandoned, at the same time with it, more consistently than by the friends of this tax here, who abandon this tax basis of representation, but hold to the tax as a prerequisite to the right of suffrage. I refer to the Constitution of the State of Connecticut, adopted in 1818. It provides: "Every white male citizen of the United States"—now mark the words—"who shall have gained a settlement in this State,"—you see that "a settlement" was one of the requisites; it goes on—"attained the age of twenty-one years, and residing in the town in which he may offer himself to be admitted to the

privileges of an elector at least six months preceding"—mark what follows—"and have a freehold estate of the yearly value of seven dollars in the State; or, having been enrolled in the militia, and shall have performed military duty therein, for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been by authority of law excluded therefrom, or shall have paid a State tax within a year next preceding the time he shall present himself for such admission,"—there is the tax requisite brought in—"and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector."

That was the law up to 1845, when the whole was abolished. There is representation founded on taxable property, and military duty and all the other cumbrous requisitions which at that time were conditions precedent to the exercise of the right of suffrage. Let our prerequisite of tax paying fall with the prerequisite of taxable inhabitants. Let the two tax requisitions fall together, and go down into the same grave.

"But," it is significantly asked, "why grant the right of suffrage at twenty-one years of age, if it be a natural right?" I reply for the very same reason that ability to acquire property is granted at twenty-one years of age. The specific time is arbitrary, but some time is necessary, and under our government—under our government as it is—what son or daughter can acquire property until they have passed their majority, without the consent of the parents. All their acquisitions are through their parents, until they arrive at that age, and then they are emancipated, and may become men and women. The same reason governs in the one case as in the other. I have shown that both are natural social rights. I do not pretend, in reference to this right of property, that the right to transmit by inheritance, that the right to transmit by will is a natural right, but I do contend that the right to the acquisitions of labor is a natural social right; the right to gather the berries and the nuts from the trees—the right to enjoy them after they are gathered—the right to appropriate a portion of the earth to a specific use and take its produce, are natural social rights.

I have now gone over this discussion, and I humbly conceive I have strictly adhered to the subject matter before this Convention.

I should like, Mr. Chairman, if I could do so without violating the rules of this Convention, to do that which I have not yet had an opportunity of doing. I should like to pay my respects to the gentleman from Delaware, (Mr. Broomall.) His remarks were made upon the amendment that is withdrawn. I ask the Chair whether it is in order to answer any of the arguments or inferences made by him. If it be in order I shall proceed to consider some of his remarks; if not, I shall, of course, forego.

The CHAIRMAN. What position does the gentleman (Mr. M'Allister) desire to assume?

Mr. M'ALLISTER. I desire, if in order, to pay my respects to the gentleman from Delaware (Mr. Broomall) in answer to some of the arguments, and inferences, and insinuations made on the floor, in his remarks touching woman suffrage.

The CHAIRMAN. That is out of order at this time. The subject will come up in the Convention on second reading, and the President of the Convention can give the gentleman (Mr. M'Allister) the floor if he wishes to be heard.

Mr. BROOMALL. I was somewhat outraged in my feelings, last week, by the close of the debate upon the amendment that was then pending, after four speeches against me, in succession, without the chance of any one being heard upon our side.

But I submitted then, with a good grace, and certainly did not intend to renew the discussion at this time, but the gentleman from Centre (Mr. M'Allister) has spoken an hour and a quarter, mainly upon the very question, and upon the same side that has been so extensively heard already.

Now when I remember the parties mainly affected by that question asked, when the law was being passed by the Legislature, to be represented on this floor, and were rudely denied with sneers and contemptuous laughter; when I recollect, too, that the gentleman represents, probably, the majority upon this floor, I cannot resist, at least, asking this Convention to let me be heard for five minutes, or ten, in reply. I know that it is not regular, but the question has been opened upon what claims to be the strong side, and it is nothing more than fair that that short space of time should be allowed me. I will promise that I will not tire the patience of the Convention, because I

shall be brief, and because I never can talk long to those not disposed to listen.

Now, sir, we are met here by the denunciation of the gentleman from Philadelphia before me, (Mr. Woodward,)—who is not now in his seat—who pronounces the whole question "loathsome" to him; and, not satisfied with making the assertion once, he deliberately tells this body, on three separate occasions, that the very debating of the question whether or not one-half of the adult citizens of Pennsylvania ought to be allowed a voice in making the laws under which they as well as the other half live is "loathsome" to him. Sir, I have no answer to make to that gentleman. He was born too early for these times. The government of the world has fallen upon younger shoulders. And, although I have been ranked among the "old men" of the Convention, yet I will say here, in passing, that it does not depend alone upon when a man was born, whether he is old or not. I was born before a great many men here, but I claim to be among the youngest. Beside the denunciation of the gentleman from Philadelphia (Mr. Woodward) we have had the ridicule of the gentleman from Montgomery, (Mr. Boyd,) and I must say for him that, notwithstanding some exceptions were taken to the tenor of his remarks, he is the most consistent advocate of his cause in the Convention. His is the only line of argument possible in the case. There is nothing else that can be said that is worth a moment's consideration. Sir, when the citadel of wrong is reduced to the necessity of defending itself against the attacks of right by harmless squibs, you may be sure that the stronger ammunition has run out, and that the citadel is upon the point of surrendering.

Then comes the gentleman from Philadelphia (Mr. Gowen) with his plausible argument about the devotion that young men like he and I ought to have for woman. He feared that we should do something by which women would have less respect from the opposite sex than they have now. He admitted, however, that the right of suffrage once granted to woman would cure all the evils of election corruption now in the cities, and that it would be the means of purifying all our elections, but he says that this great good would be purchased at too great a sacrifice. Why, sir, has the gentleman any idea what that great good is? Upon the question whether or not the elections in our

cities can be purified, depends the permanency of this government. Sir, I say here that if the elections in the cities go on as they do now, if men continue buying and selling votes, and making nominations in the interests of the whisky ring and other corrupt combinations, then the chances of perpetuating republican government will be rendered very small indeed. The effort to perpetuate this government is certainly worthy of the exertions of all its citizens, male and female, and when we only ask, in order to promote this object, the right of suffrage to be conferred upon woman, I am sure the gentleman from Philadelphia, upon second thought, will think the experiment well worth trying. Why we do not propose to force women to go to the elections even in Philadelphia. We propose only to confer upon them the privilege. Will the gentleman from Philadelphia, and those who entertain the same views with him on this question, say that woman is so weak that unless she is hedged around by legal disabilities made by man, that she will do something mean, something to degrade her? Do these gentlemen pretend to say that a woman is not to be trusted with the care of her own dignity, her own respectability? Why, sir, there is not a door in the world over which I would willingly see written: "Men, but not women are admitted here." Ah! the very fact of admitting only men pronounces the place not fit for men to enter. I would do away with all that distinction. I will trust women with the care of their own conduct, for I have no fears for them. The gentleman from Philadelphia (Mr. Gowen) has professed to have great admiration for women, and there are others upon this floor who have enlarged, it seems to me unnecessarily, upon their devotion to women. I am afraid they do not mean the kind of women that we would help. When this question was debated before I met in the streets a woman cheaply though respectably clad, who carried in her arms a load of men's vests, which she had doubtless spent many an hour over to the profit of some man in the business, who doled out to her the poor pittance she earned, only because he could not get a voter to do the work at the same starvation prices. Now I would ask if the devotion to women, which has been so often spoken of during the progress of this debate, extends to this class of our community? I am afraid not, but it is this class of women of whom

I am the advocate in this Convention. It is the woman who works, whether with her hands or with her brain. It is the woman who feels in her heart that God has not placed her here to do nothing but to work for the good of herself and for the good of her kind. This is the cause of which I stand here to-day the advocate.

MR. HOPKINS. Mr. Chairman: I desire to ask a question of the Chair. I have been laboring under the impression that the gentleman from Delaware (Mr. Broomall) withdrew his amendment touching the woman suffrage question, on Friday last, and I desire to ask whether that amendment has been renewed?

THE CHAIRMAN. The amendment offered by the gentleman from Delaware (Mr. Broomall) has not been renewed, but the Chair would state that the gentleman from Centre (Mr. M'Allister) was permitted by the committee to take a very wide range during the progress of his remarks. The Chair now feels compelled to require the gentleman from Delaware to draw nearer in his remarks towards the merits of the main question.

MR. C. A. BLACK. Mr. Chairman: I understood the gentleman from Delaware (Mr. Broomall) asked permission of the Convention to reply to the gentleman from Centre, (Mr. M'Allister,) and the Convention gave its assent.

MR. S. A. PURVIANCE. The gentleman certainly did ask leave, and leave was certainly granted.

THE CHAIRMAN. Such was the understanding of the Chair at the commencement of the remarks of the gentleman from Delaware, (Mr. Broomall,) but the gentleman from Washington (Mr. Hopkins) having raised the point of order, the Chair is bound to be governed by the rules of the Convention. The Chair, however, has no disposition to reflect on the remarks made by the gentleman from Delaware.

MR. C. A. BLACK. I move that the gentleman from Delaware (Mr. Broomall) have permission to proceed.

The question being then taken, a division was called, and the motion was agreed to—ayes, forty-nine; noes, ten.

MR. BROOMALL. Mr. Chairman: I thank the Convention for allowing me to proceed, and I promise that I will be very brief. Now, as I said, all these professions of devotion to women, I am afraid, apply simply to women of the gentlemen's own imaginations—the painted butterflies who are supposed to be kept in

costly glass cases, and watched by men for fear, if they should step outside, they will soil their wings. I have a great deal of respect for women, but not for that kind. They want no votes. They deserve none, and they do not ask for any; and gentlemen may safely say that they will do what the devotees who worship them ask, and doubtless a great many of them would not know what the word vote meant.

These, sir, are all the arguments that have been advanced upon the other side of the question, because the argument of the gentleman from Centre, (Mr. M'Allister,) with a single exception, which is a fallacy, was in favor of women voting. These, I say, are all the arguments, with the exception of that of the gentleman from Erie (Mr. Walker) and some others. And these may be summed up in the words: "It has never been the law heretofore, and therefore it must not be hereafter." This is the argument of conservatism. It is nothing more than the rattling of the dry bones and the dead fossils of humanity, while the car of progress passes on over them and crushes them out of the way.

The gentleman from Centre, (Mr. M'Allister,) however, has a few ideas peculiar to himself, which are, perhaps, well worth noticing. He founds the right of man to govern upon the Bible. No man can claim a greater respect for that book than I, but there never was a time in the history of the world when the cause of wrong seeking to have its way over right that it did not find some passage in the Scriptures to pervert for the purpose of sustaining its arguments. Mr. Chairman, you know that, for you have heard these arguments upon other floors than this. Arguments of this kind may unsettle the minds of the people in their respect for the Bible itself, but they never can convince. When you show me one single conclusive argument in the Bible in favor of unfairness, injustice and cruelty, I will show you an argument that will make more infidels than all the Voltaires and all the Paines ever wrote.

The gentleman from Centre (Mr. M'Allister) has the peculiar notion of a family being a political unit and the husband being that family. I hardly think it necessary to reply to that argument; but suppose I should die, who then would be the political unit in my family? In that case would my family also be dead? Why, according to the argument of the

gentleman from Centre, it certainly would be so. He would make it, at least, politically dead. Suppose the gentleman had half a dozen children going to school, and he should die, leaving a widow, and in his family an ignorant, drunken Irishman or black man. If the question arose of selecting and governing a school for the education of his children, who should have the voice of the family on that question, the mother or the ignorant employee? I wonder if the gentleman would be willing to consent that the unit is the family in that case, and that his wife, who is, doubtless, capable of judging these things, shall have no voice in the education of her own children, but that a drunken servant shall succeed to his rights over those he leaves behind him. Such arguments as these amount to nothing; there is nothing in them. Why, in a great many places in this city there are boarding-houses kept by women fully competent to attend to the business. Who is the family there? A dozen men board there, and twenty, thirty or fifty women, but who is the family? Not the woman, because, according to the gentleman's Bible, or the gentleman's version of it, no woman can represent the family. None of the boarders, certainly, because they are not in a position to be the head of the family. Again, who represents a woman who has neither husband nor family? But all this is, of course, outside; it is mainly what I said the other day, and I pass on.

The gentleman from Centre (Mr. M'Allister) says voting is the natural right of man. Now the gentleman from Erie, (Mr. Walker,) in whose legal opinions I have a great deal of confidence, says voting is not a natural right at all. This shows that even the garrison of this citadel of wrong, weak as the ammunition has become, do not all agree in the manner in which it shall be used. I agree with the gentleman from Erie that voting is not a natural but a conventional right, made to secure natural rights; but I deny that he has any authority to limit that conventional right to one sex, unless he can show that the other sex does not need it as much as the one. When he can show me that a woman can preserve her natural rights by less means than a man can preserve his, then I will agree that that is a reason for not giving woman this conventional right. But if it is a natural right, according to the gentleman from Centre, where is the authority for

limiting it to man? I thought, in my simplicity, that the natural rights of the sexes were equal. I doubt whether a single gentleman upon this floor will maintain anything else, and when once you establish the natural rights of the sexes as equal, and when once you establish that the political head of the family is the man, an individual, and not the family, why, sir, you turn all the arguments of the gentleman from Centre square over on our side.

One word more and I will conclude. I would think myself disgraced if I could rise upon this floor and say that I am afraid to let a woman do thus and so for fear she should do something that is not respectable. I would feel myself disgraced if I could argue this question on that ground. I am willing to throw the doors open to both sexes, and most assuredly would I ask woman to go where wrong is, because where wrong is it will disappear before her advent. Who ever heard of a woman attacked in a mob? Who ever heard of a drunken crowd of men that did not yield, in dumb silence, to the passage of one single woman? I never did, and nobody else ever did. The gentleman from Philadelphia (Mr. Gowen) is right when he said that the voting of women would purge our elections; and when I am asked to continue this tutelage over women, to have them guarded and hedged around by legal disabilities, lest they should not be sufficiently careful of their own dignity, I must protest that gentlemen, who express this want of confidence in women, must limit their charges to the women of their own constituency, and not apply them to the women whom I represent. The women with whom I associate are not of that character. They are women capable of being trusted wherever their good judgment directs them to go, and wherever they go you may be sure they will be surrounded by a halo of fairness, of right, of justice, of sobriety and of equity, before which all that is corrupt, and foul, and wrong will disappear.

The CHAIRMAN. The Clerk will read the amendment that is before the committee; and the Chair will state that he is compelled to keep gentlemen, who continue this discussion, within the subject embraced in the amendment.

The CLERK. To insert, after the word "election," in the first sentence of the first section, the words:

"Having within two years, and at least one month before the election, paid a State or county tax, which shall have been assessed at least two months before the election."

The CHAIRMAN. That is the question before the committee, and the Chair will repeat that, while he has permitted a great deal of latitude in the two gentlemen who have spoken this morning, he will now try to confine gentlemen who speak, after this, to the question, or nearly to it.

Mr. WHERRY. Mr. Chairman: We have had this morning a great deal of fine spun theory about human relations, government organizations; about what *are* and what are *not* natural, inherent, inalienable rights. Now, sir, this is all nice enough for speech-making, but it has very little bearing on practical affairs. Fine sentiments and finely sifted conditions never yet brought liberty and good government to any people. If they had, if they could, France ought to be the best governed nation in the world instead of being, as she is, the worst governed. Republics are not built upon propositions laid down by social science associations, but upon the one broad principle of common defence against common dangers. Human nature is too complex in its relations; our knowledge of it far too limited and imperfect; there are too many eccentric movements; too many wheels of imperfect cast; too many irregular and broken cogs for us at this age of the world to hope to make a government machine as delicate and accurate as a Geneva watch with hair pivots and jeweled bearings.

"For forms of government, let fools contest,
What's best administered is best."

Mr. HOWARD. Mr. Chairman: I do not intend to inflict a long speech upon the Convention, and in the few remarks that I have to make I will try and confine myself to the question. And to get at it straight, I will say in the beginning that I should favor inserting a clause that before a man is fully qualified to become an elector he shall pay a small tax. I think it is right, as a matter of principle, that an elector should be bound by some ties to the State. I believe that the elector looks upon it as a privilege, and not as a burthen, that he shall be permitted to pay something toward the support of his government. Though it may be but very little, and if he is poor and can contribute but just the widow's mite, he wants to

contribute something to support that government that protects him and his family.

Now, sir, that is all the argument that I wish to make upon the direct question of the tax. Incidentally some other subjects have been introduced here, and I desire to say right here, Mr. Chairman, that I do not want the Convention to get alarmed for fear I am going to branch out and go all over the creation, from the time of Adam down to the present day. But, sir, I believe that whatever we say here is, some how or other, going to get abroad among the people. Here I see these reporters; they are taking notes, and no doubt they intend to print them. And, sir, there is no doubt that from us the people will expect good, sound, civil law and political law; and if we intend to meddle with natural law, they expect us to understand natural law; and if we touch the divine law they expect us to understand the divine law, and to give them the Bible as it is. Now, Mr. Chairman, I for one am not in favor of reading the ten commandments, as was the thief, who first read the commandment "Thou shalt not steal," and then said, "I move to strike out the word 'not,'" when it read "Thou shalt steal." And when the commandment said "Thou shalt not commit adultery," the adulterer said, "I move to strike out the word 'not,'" and then it read just to suit him. I heard the Bible read by the gentleman from Centre, (Mr. M'Allister,) and I suppose it was for the purpose of proving, no doubt, that the act of voting is a natural right, but it was perfectly applicable to the subject under discussion now, and if we did not fully comprehend it, it was because we did not take in the entire scope of this mighty field that is before the Convention.

Why, unquestionably, when dominion was given to man over everything, the great subject included the right to tax. There is no doubt about that, and in that sense it is a perfectly legitimate subject of debate. Now, sir, it is a very good plan whenever we read the old book to read it aright. Now I want to read just a few verses, and then I will be willing to stop.

"God created man." I read this because I suppose it has something to do with the question of taxation, and I shall make it specially applicable to the declaration of the gentleman from Centre.

"And God said unto man be fruitful and multiply, and replenish the earth." I suppose the point—the subject matter of all that is to show that the command was

given to man alone, that, of course, the man ought to have all the children. I do not know whether the gentleman from Centre so interpreted it or not, but it would be just as sensible as the balance of his interpretation.

"God created man in His own image, in the image of God created He him; male and female, created He *them*."

And God blessed them, and God said unto them: "Be fruitful and multiply, and replenish the earth, and subdue it, and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth."

Now, sir, there is the first right of government that was ever given to man, and it is given to the male and the female jointly.

"And God blessed them, and said unto them"—said unto *them*: "Be fruitful, and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth."

That government was given jointly. Now, sir, if we are to have bible law, I do not want it to go abroad to the people of this Commonwealth that this great Convention that comprehends within itself, as some of the delegates have said, the brains, and intelligence, and wisdom of the Commonwealth, cannot read the Bible better than the delegate from Centre. But let us read a little further. The gentleman uses the term man and then makes it out that that is the male, although the term man in bible logic means both male and female.

MR. M'ALLISTER. Will the gentleman allow himself to be interrupted?

MR. HOWARD. Mr. Chairman: Certainly.

MR. M'ALLISTER. Mr. Chairman: I desire to ask the gentleman if he knows what the Scriptures declare to be the head of the wife?

MR. HOWARD. Why, her own head, I always thought. [Laughter.]

MR. M'ALLISTER. Mr. Chairman: I would ask the gentleman if he knows whether the Scripture says "man is the head of a woman, as Christ is the head of the church."

MR. HOWARD. Oh, you are getting too high for me [laughter.] I am going to stick to the subject.

THE CHAIRMAN. The Chair must remind the committee that the question is upon taxing the elector.

Mr. HOWARD. Mr. Chairman: I am discussing that question. I say when dominion was given to man over every living thing that it included the right to tax, and of course the gentleman from Centre understood this subject.

Now, sir, a little further:

"And God said: Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree in which is the fruit of a tree yielding seed; to you it shall be for meat."

Now, sir, does that mean "meat" for the male? Does it mean meat for both, or was the man to eat it all and the woman was not to have anything? Now I do not understand the Bible to mean that a man was to eat it all, and leave nothing but an empty platter for the woman.

Well, now, read a little further:

"And to every beast of the earth, and to every fowl of the air, and to everything that creepeth upon the earth wherein there is life, I have given every green herb for meat." It is to be given to both of them.

Now, Mr. Chairman, as far as the scriptural argument is concerned, I only desire to call attention to the fact that, in the first ordinance of government, (and the gentleman from Centre, in considering this question of taxation, went back to the very first point where democracy originated, the very first start of the thing,) it started right there in the garden of Eden. "Male and female created He them," and he gave them the dominion over everything that liveth. The first democracy was here organized, and the government was conferred upon all the people—man and woman—by God himself.

Now, Mr. Chairman, I have made all the speech that I consider legitimate upon this question. I am in favor of inserting a clause, as our fathers have done before us, that there should be a very small tax in order to qualify a man to be an elector, and I shall not consider it in violation of his original sovereignty, nor shall I discuss that other great question, as to a natural right in society, that is not a natural right out of it. I am not going into the discussion of those great fundamental principles, but in a great body like this it is a bad thing for us to be making a witches' cauldron, and getting natural rights and original sovereignty, and civil rights and political rights, all put into a grand hotch-pot, until we do not understand exactly how to pull them out of the pot. I like to see them all fairly and

squarely separated. If I were going to discuss the question, I should say that men originally were *all* sovereign, and it did not make any difference whether they were born in the United States or in any other particular country. Sovereignty is impressed upon man by his Maker, and it is just as strongly impressed upon woman. It is impressed upon the child the moment it is born, and that sovereignty inheres to it while it lives; that is something that cannot be taken from it. It is what is said to be inalienable. A man may be sovereign and not a citizen; or he may be a citizen and not have any of the rights of an elector at all. The rights of an elector, or the privileges, are conferred upon him by society, and when this privilege is conferred upon him it becomes a right. It is not a "natural" right nor a "civil" right, but a political right.

With these few words I will close my remarks on this subject, merely observing that I have not intended to appear learned; that I wished to avoid.

Mr. WORRELL. Mr. Chairman: I understand that the provision now before the committee is urged, firstly, as a means of identification of the voter; and, secondly, because the exercise of the right of suffrage should necessitate some contribution to the expenses of government.

Now I submit that as the payment of the tax can be made *for* the voter by some one other than himself, and that at the time of payment no inquiry is authorized, nor ever instituted, as to the identity of the person making such payment with the one upon whom the tax was assessed, that such payment can not be an *adjudication* of the identity or other qualification of the party presenting the tax receipt. The possession of a tax receipt can determine nothing other than the presumption of the payment of the tax, unless the law prescribes some regulations requiring such payment to be made by the voter personally, necessitating, of course, a *quasi* judicial examination by the receiver of taxes, with proofs and counter-proofs, into the identity of the party tendering payment with the one upon whom the assessor or canvasser made the assessment.

Upon the second point I desire to say that "government is the manner in which sovereignty is exercised." Government is created by those in whom the right of suffrage inheres. All powers, Executive, legislative and judicial, belong, originally, to the people, and we have met here,

representing the people of this Commonwealth, to vest, by their authority, in certain departments of government, now existing or to be created, the exercise of these powers, in such manner and by such officers as the organic law may provide. And I assert that this surrender of power not only establishes the right of, but imposes the duty upon, all who, joined in this delegation of authority, participating in the selection of the officers by whom the functions, thus resigned, are to be administered. The moment government is formed certain obligations are imposed upon each member of the community, among others to contribute to the expenses of government, *if such contribution be necessary*, and to bear arms in the event of rebellion or invasion, and the *liability* to perform these duties, not the *performance* of them, is the consideration for the exercise of the right of suffrage.

It is argued that this tax qualification is necessary, because in a republican form of government taxation and representation must be reciprocal. But if I understand this political maxim aright, it means that no tax can properly be assessed and collected unless those who are required to pay the tax were represented in the body which imposed the burden. To be taxed, one must be represented, but to be represented, one need not necessarily be taxed.

I desire now to advert to a few practical objections to the adoption of this amendment. The payment of tax has never been made a test of the identity of a voter, for I venture to say that in not more than one case in ten has a voter, upon presenting his ballot, been required to tender his tax receipt for scrutiny and approval. And unless the Constitution shall require, imperatively, that every voter shall make proof of the payment of tax, this amendment, if adopted, will fail as a criterion of qualification, and will become only a means of petty annoyance and embarrassment.

This tax, if collected, is utterly insignificant in its aggregate, and is unnecessary for the purposes of government.

The Governor of this Commonwealth, in his recent message, stated that the revenues of the State are now so large that some of the laws assessing taxes could fitly be repealed. This tax being of a personal nature, and therefore the most objectionable, as well as unnecessary, can with great propriety be abolished.

My attention has been called to the fact, through the public press, that with-

in a short time complaint has been made in two different sections of the country, that a provision of law, similar to the amendment now pending, that the payment of a personal tax should be a prerequisite of voting, has been so administered by assessing a tax excessive and exorbitant in amount, as to practically disfranchise a large body of electors.

It is alleged that in one of the States of our Union the poll or voting tax was fixed at ten dollars, and the Constitution of that State requiring an elector to pay a poll tax before exercising the elective franchise, the Constitution actually denied the right it was created to protect and secure. I trust that this Convention will not place such a clause in the fundamental law of Pennsylvania as may, at some time, through the demoralization of party politics, be used to disfranchise a great number of honest and intelligent, but poor, electors.

Again, the payment of the tax for the voter destroys, to a great extent, the independence which should attend the exercise of his right. Political parties will cheerfully pay the sum demanded and thus control the elector for party purposes, abridging the intelligent freedom with which the elector should discharge the highest duty of citizenship.

The imposition of a tax, as a qualification for suffrage, upon those unable or unwilling to pay such tax, places them under the direction of that political party which will make the payment for them; and the authority and restraint which a political party will exercise over an elector under such circumstances might, in some instances, defeat the proper expression of the popular will, for it may happen, at some time or another, that the most important election in this Commonwealth may be decided by a majority of a few votes.

I am of opinion that the exercise of the right of suffrage should be as free and unembarrassed as possible. No restrictions should be imposed except those which the purity of the ballot-box demands. I have listened with earnest attention to the remarks of the distinguished gentlemen who have advocated the adoption of this amendment, but for the reasons I have given I feel constrained to vote in the negative, and to place those reasons upon the records of the Convention.

MR. MINOR. Mr. Chairman: Upon this subject now before the committee I have, I confess, listened with interest to all that has been said. There is no doubt

that if we look merely at the theory of this proposition—the mere statement of it—it would seem that there is force in the amendment now offered. The design, if I understand it, is to so order things that there may be greater purity of elections in this Commonwealth, and better protection for the honest and interested voter; and also that the person being an elector might, through the medium of this slight tax, be the more interested in, and identified with, the State and its affairs. But, sir, upon listening to and reflecting upon what has been said on the subject, it seems to me that the practical working of this amendment will be directly the reverse of what is intended to be accomplished by the amendment. Let us look at it for a moment, for while it may be beautiful in theory and excellent in design, it is deplorable in practice. I will cite just one illustration: In conversing with a person who has been in this Commonwealth as long as my friend from Erie (Mr. Walker) the other day said he had, for nearly five generations, I asked him what his observations and experience on the subject of this tax were. He told me that the tax amounted to mere humbug, simply because men who have no property are assessed for some nominal article which they do not possess, and upon payment of the nominal tax—perhaps twenty-five cents, perhaps thirty—or, perhaps, no more than five or ten cents, they would have the right to vote for two years. And it was regarded as “a miserable piece of business” for the Commonwealth of Pennsylvania to make a man come up and pay such a tax. It was too small to give anybody any interest in the matter. The members of this Convention coming, as they do, from all parts of the State, doubtless understand the bearing of this argument. They know that when men come to reside in this State, and on presenting themselves for the exercise of the right of suffrage, are asked the question: “How much property have you got?” and they are obliged to answer, “very little,” and are then taxed five or ten cents; it belittles the value of the right of suffrage in the estimation of the people. I have known the tax to go up as high as forty cents, but even then this question seems pertinent here: Whether we shall, in a solemn Constitution, place a provision that in practice works out as this does?

When, in the business of levying taxes, there is no limit to the amount, no fixed rate being named as a standard, men will,

of course, reduce it to the lowest possible minimum. Therefore when this tax shall have been paid all over the State, there will have been just as little paid as it is possible to pay in order to vote. Does that result encourage respect and admiration for the right of suffrage? Does it give a man an enlarged and patriotic interest in our institutions? Does he not rather look upon it as a mere petty affair, something so insignificant as not to have any, or scarcely any, practical consideration except the trouble which it costs him to exercise the right? I shall not dwell further on this point, but come at once to another and one of the most serious objections to this tax. Will not this be the practical result, that instead of affording protection to the ballot, it affords simply the means of corruption? According to this amendment, if I understand it correctly, the tax is to be assessed two months in advance and paid thirty days in advance. That tax may be small, as indeed it always will be. What will be the effect of it? Why, sir, the politician who desires to control fifty or one hundred votes in his election district comes and looks over that list and pays the five, or ten, or twenty cents for the fifty or the hundred whose votes he may need, without their request, without even their knowledge; what follows? He has got the tax receipts, and when the men come to vote and they find that this man has paid their tax, they will no longer feel independent, and the consequence is, that so far as that can influence the voter the politician has secured him. Everybody understands that if one man steps up and pays a little money for another, and saves that other the annoyance and trouble of the transaction, the fact establishes a sort of influence over the man whose debt has been paid, and unless he is a man of very decided convictions, he will yield in the matter of his vote to the wishes of this “disinterested” friend. So that this tax clause becomes, in reality, an advertisement to all the politicians of the State, and advises them that there is one way in which they can get an influence over a man, and in such a way that even the man himself cannot prevent it.

This then becomes a question of very considerable importance. Is it not true, sir, that in every election district, wherever the disposition exists to exercise it, a man can, through this tax, get an influence over another man, and prevent his acting independently at the polls?

That being so, where is the "protection?" Is the purity of the ballot-box promoted, or is it not rather injured? If purity, and protection, and interest in the State is what we are looking for, let us approach this tax question carefully. Will it afford any of the purity or any of the protection talked of? Will it not, except, perhaps, in very rare instances, produce very different results from these? Is not the danger great? I think it is.

Let us fix the exercise of suffrage, if possible, in such a manner that men may vote for other men solely upon the merits of the candidates. Let personal character be the basis of preference; and let us remove from the ballot everything that would tend to corrupt it, or to influence improperly the minds of those who exercise it, to the detriment of those who are thus influenced and to the greater detriment of the State.

MR. CAMPBELL. Mr. Chairman: I hope that no amendment, requiring the payment of any tax as a condition precedent to the exercise of the right of suffrage, will be adopted by this body. Such taxes, whether large or small in amount, discriminate against the poor, and that class of people is by no means a small one. The poor are entitled to the right of suffrage as well as the rich. There should be no disqualification from voting by reason of the elector not having paid a tax.

I should like to call the attention of the committee to the abuses that exist in the city of Philadelphia under the present tax qualification. Instead of being a means of preventing fraud at elections, this tax qualification is one that directly tends to increase fraud. From what has been said at different times on this floor the members who represent districts outside the city will certainly acknowledge that we have flagrant election frauds in Philadelphia.

The practical working of the tax system, with regard to elections, in Philadelphia, is this: We have a receiver of taxes; sometimes he is of one political party, sometimes of another; all taxes are presumed to be paid to that officer. We find that a short time before the election there are hundreds and thousands of tax receipts issued by authority of the receiver of taxes, and those tax receipts are in blank, except that they are signed by one of his deputies or a clerk in his office. These receipts are distributed in hundreds and thousands to certain favorites of the tax receiver, who are, perhaps, political man-

gers in their respective wards or precincts, and who distribute them to their friends without any money consideration, or else they sell them for five or ten cents apiece. (the tax being fifty cents.) Then we find that the party which is not in power, and therefore has no favors from the receiver of taxes, or rather its unscrupulous managers, who are mixed up in many of the election frauds, go to work and have printed hundreds and thousands of tax receipts, in blank, with no name signed to them, and they distribute these to persons like themselves, who will use them in elections. We find further, that to those blank tax receipts are actually appended forged names of tax collectors and receivers; and upon election days we find that probably not one tax receipt out of several hundred that are presented at the polls are *bona fide* tax receipts, or have had one cent paid in on their account to the city treasury. We find that these fraudulent receipts are issued by the unscrupulous managers of both political parties. I do not mean here to intimate that either political party is any better than the other in this respect, as we find that certain unscrupulous politicians, who are in the *rings* of their respective parties, use these receipts as the means of getting men to cast fraudulent votes.

These tax receipts being thus distributed among the voters, the consequence is that not one man in a thousand who presents a tax receipt has given any consideration for it himself. Such a condition of things as that, leading to such an immense amount of fraud in our elections, presents a practical difficulty of no slight magnitude.

MR. NILES. Mr. Chairman: I would ask the gentleman (Mr. Campbell) whether he thinks the elections of the city would be any purer if the voters paid no tax?

MR. CAMPBELL. Decidedly I do. If there is one thing we want to get rid of in Philadelphia it is the systematized business of election frauds, and one of the most prolific sources of these frauds is the tax receipt system. If we do away with the tax receipt system—the absurd provision which requires a man to pay a fifty cent tax, which, in reality, he does not pay, and which places a qualification upon the exercise of the right of suffrage, which is, in nearly every case, a nullity—our elections will be greatly purified. Hence I have called the attention of the committee to this great evil in Philadel-

phia that we wish to remove. By doing away with the tax qualification, standing by the report of the Committee on Suffrage, as presented to this body, it will go a great way towards reforming elections in this city, and if you reform the elections in Philadelphia a natural consequence will be a reform in the elections throughout the State.

MR. SIMPSON. Mr. Chairman: All that has been said in regard to tax receipts will apply, with equal strength, to certificates of naturalization. Fraudulent certificates of naturalization have been issued all over this Commonwealth, and the argument might be made that a man should be allowed to vote without a naturalization certificate.

MR. BEEBE. Mr. Chairman: I believe that the question of taxation in connection with representation has been discussed here by gentlemen, irrespective of the true principles that underlie it.

The amendment, which requires the tax to be paid thirty days prior to the vote, was intended to do away with the evil of fraudulent voting. Some gentlemen deem this tax an improper one, as restricting suffrage. But it strikes me, sir, that the principle involved is not to be disposed of in that way. It would strike at the whole system of taxation, if the views of our friend from Lancaster (Mr. Carter) should be adopted, for he says that there are men there who have not sufficient interest in the government to vote until their taxes are paid, and he has known as high as twelve dollars of tax to be paid for one individual by another. There certainly are no taxes of this kind to be paid preliminary to voting, and the tax to which the gentleman alludes must be a tax on property. His views of things would lead to the conclusion that taxation itself—the very principle of taxation—must be abolished for the sake of purity at elections.

Sir, if we are to endeavor here, by legislation merely, to purify the body politic, without an intelligent and educated public sentiment, on the part of the people themselves, against corruption and in favor of honesty and purity of elections, we shall labor in vain, and might as well endeavor to attain the whole end at once by adopting a fundamental principle abolishing original sin.

According to the testimony of some gentlemen the whole heart of the people is corrupt, and not only is there a class of persons who corrupt the voters, but the voters themselves are unwilling to exer-

cise the elective franchise, or do their duty until they are corrupted by somebody. So long as this be so, constitutional legislation will be vain. But, gentlemen say it is such a miserable little thing—paying a tax of five cents in order to vote.

There is nothing that is good or desirable that does not cost something. I think that the man who will pay a tax, even if it be small, better appreciates the privilege or the right than if he paid nothing. In our county we have say as many as one thousand men, engineers, drillers, &c., earning three dollars to four dollars a day, and who, although they have little or no property, could control the election, but would never pay a cent of tax. By retaining this amendment they would pay into the county treasury, by virtue of the occupation tax, not less than one dollar each; and again, by the return of the roll furnished by the county commissioners as a basis for local tax levy, for municipal or township purposes, there would be a valuable contribution to the public school tax. Not, however, for any of these reasons alone do I favor the amendment, but because I believe in taxation *with* representation, and it affords also a basis for correcting fraudulent voting.

In conclusion, Mr. Chairman, let me say that he who exercises the elective franchise should, in my opinion, do something toward the organization, and support and protection of society.

MR. CHARLES A. BLACK. Mr. Chairman: I desire to state, very briefly, the reasons why I shall vote for this amendment. I regard it as very important, and should, in my judgment, be adopted by the committee. If but one-half of the charges alleged on this floor as to illegal and fraudulent voting be true, I think some further condition or limitation upon the right to vote should be imposed. The section, as reported by the Committee on Suffrage, Election and Representation, imposes no other condition upon the exercise of this important right than "residence," thus omitting the tax feature as contained in the present Constitution. The motion is now to restore the tax provision, with the superadded condition that it shall be assessed two months and paid by the voter one month before the election. The able chairman of that committee tells us, in opposition to this motion, that the subject was very fully considered in committee, and the section as reported, leaving out the tax feature, was the result of their deliberations. This

fact is certainly entitled to great weight and consideration, but, of course, the judgment of that able committee can at most have but an advisory influence upon us. He attempts to deny the right of this Convention to impose any such condition on the right of suffrage; not, perhaps, on the principle of any natural right to vote, a position that the most ardent friend of female suffrage in this body does not attempt to maintain, but on the ground that in an organized community the right of suffrage is a *natural social* right, the exercise of which cannot be restrained by such condition. The notion is perhaps plausible and ingenious, but hardly sound, and may have been adopted by the accomplished chairman to escape the dilemma of female suffrage, to which he is wisely, I think, opposed. But as a constitutional question there cannot, in my judgment, be the slightest doubt as to our entire power to impose this condition, notwithstanding the very able argument of the gentleman. For the purpose of legitimate alterations of the Constitution, amendments that do not affect or impair the exercise of any natural right, or that do not interfere with the conditions imposed by the Constitution of the general government, we may safely do anything that we believe the people would do if it were possible for them to constitute this body instead of ourselves. This amendment is therefore, in my opinion, but a matter of propriety, and the only question is, is it right and proper, and will it command itself favorably to the judgment of the people. It will, to my mind, afford a very simple and valuable system of registration—one as free from liability to fraud as could be devised, and without many of the objectionable features of other modes. The tax-payer, before he can vote, will have to be assessed two months before the election. He will be required to pay that tax one month before he offers to vote, and it will thus stand as a matter of record. That will show the voter has fully complied with all the requirements of the law, in this respect, and will stare the officers in the face, and although it may be a forgery or be fraudulent, it nevertheless will stand as a matter of record, and furnish within itself the means of detection. It will thus form a very important feature in the perfection of our system of registration.

It has been argued by the gentleman from Philadelphia (Mr. Campbell) that the payment of the tax could have but

little effect either upon the voter or in the management or control of our elections. I maintain that every person who votes at all should feel that he has some interest in the government, and I do not know how this feeling could be better exhibited than by the payment of a tax, no matter how small it may be. This feature of the section may not, in many instances, be so important in a financial point of view. The tax will often be small and apparently not worth the assessment and collection. But the true value, to my mind, of the section in this particular, as has been adverted to by the gentleman from Columbia, (Mr. Buckalew,) consists in the system of registration it will furnish. I never could see much advantage in any of the ordinary systems of registration, generally devised for some partisan end, and never, so far as my knowledge extends, regarded with much favor by the people. The cheapest and most effective system of registry hereafter, or under this provision, will be the assessments, as furnishing the most accurate and reliable evidence of the facts necessary to entitle a person to vote. It involves the violation of no essential social or political right; and as to any principle concerned, it is no great departure from the rule prescribed by the present Constitution. Our power or right to impose this condition upon the exercise of the right of suffrage of course must be conceded, and it becomes, therefore, a mere question of policy. In view of the necessity for some such limitation, and for the reasons I have given, I shall vote for the amendment. I believe it will go far towards remedying some of the evils of fraudulent voting, and hope the proposition may be adopted.

Mr. CORSON. I offer to amend, by striking out the word "one," and inserting "ten days," so that this part of the section will read, having within two years and at least "ten days before the election paid a county tax."

In offering this amendment, Mr. Chairman, I desire to say that it seems evident if the assessment is made two months before the elections that we would get the tax in good time, and at least ten days before the election. There is no reason why the tax should be paid thirty days before the election. If it is paid ten days prior to the election it would be ample time to secure all the money. I believe the majority of this Convention are of the opinion that about one of the wisest provisions in the old Constitution is this tax pro-

vision, which the committee has seen fit to strike out, but the only thing about which we differ at all is as to the time when the tax shall be paid.

Mr. BROOMALL. Mr. Chairman: I hope the Convention will vote down the amendment. It matters little, as far as my own views are concerned, whether a tax qualification is made necessary or not, but it is obviously important, in my opinion, if a tax qualification is imposed upon a voter, that it should be paid at such a time prior to the election as to spare us from the degrading spectacle of the buying and selling of votes at the polls on election days. Every one of our members who has ever attended elections must have seen the evil to which I allude, and been convinced that the tendency is highly demoralizing. It is there where men first learn to sell their votes, and we had better do without the tax altogether than to let it be collected so near the time of election, that parties will pay the tax for the purpose of obtaining the votes of those holding the receipts. We had better do without the money, and also the votes, than to encourage this practice of the buying and selling of votes. I think the time of one month, which was inserted at my request, is as short a space of time as is advisable, and, in fact, I would rather vote in favor of extending the time than of shortening it.

The question being then taken on the amendment to the amendment, a division was called, and the amendment was not agreed to, less than a majority of a quorum having voted in the affirmative.

The question recurring on the amendment offered by Mr. Niles, a division was called, and the amendment was agreed to; yeas, fifty-three; nays, sixteen.

The CHAIRMAN. The question is now upon the section as amended.

Mr. HUNSICKER. Mr. Chairman: I offer to amend the first section, by inserting at the end thereof the following proviso:

"Provided, Every person convicted of any fraudulent violation of the election laws shall be deprived of the right of suffrage, but such right, in any particular case, may be restored by an act of the Legislature, two-thirds of each House consenting thereto."

I desire to call the attention of the Convention to the fact that the first section, now under consideration, provides that: "Every male citizen of the United States

of the age of twenty-one years, having resided in the State one year, and in the election district where he offers to vote two months immediately preceding the election, shall enjoy the rights of an elector." My object in offering this amendment is to better arrange the grammatical construction of the section, by placing the enabling clause and the disabling clause together. It will be seen, by reference to the printed report of the committee, that the disabling clause forms the seventh section of the article. Its position, I think, is more properly at the end of the first section. The election board should not be embarrassed by finding a provision made in one part of the article that every male citizen shall vote and in another place that he shall not vote. If the disabling clause follows immediately after the enabling clause, so that it will appear that every person convicted of any fraudulent violation of the election laws shall be deprived of the right of suffrage, the section will not only be grammatically correct, but will afford the proper means for the administration of law.

Mr. WHERRY. Mr. Chairman: I think the gentleman has entirely misconceived the idea of the seventh section of the article, as reported by the committee. It has nothing at all to do with the right of the elector. If it is examined it will be ascertained that it is not a constitutional sanction, but a legal legislative sanction. Therefore I submit that the gentleman's motion is out of place in attaching a sanction to a section to which it does not belong.

The question was then taken on the amendment, and the amendment was rejected.

Mr. KAINE. Mr. Chairman: I move to amend the section, by inserting, after the word "district," the words "and paid taxes."

The question being taken on the amendment, the amendment was agreed to.

Mr. KAINE. Mr. Chairman: I move to amend the section, by inserting after the words "having resided in the State six months" the following proviso:

"Provided, That male citizens of the United States, between the ages of twenty-one and twenty-two years, having resided in the State one year, and in the election district two months, as aforesaid, shall be entitled to vote, although they shall not have paid taxes"

Mr. Kaine. Mr. Chairman: That is from the old article of the Constitution of 1838.

Mr. Ewing. Mr. Chairman: The same amendment was offered here on Friday last, but, at the suggestion of several of its friends, was withdrawn. It is not pertinent to and not necessarily connected with this question.

Mr. Kaine. Mr. Chairman: The people who made and adopted the Constitution of 1838 thought it was right, and it is right for us to have it inserted here.

The amendment was agreed to.

Mr. Dallas. Mr. Chairman: I move further to amend the section under consideration, by striking out the whole of the proviso.

Mr. Niles. Mr. Chairman: I move to amend the amendment of the gentleman from Philadelphia, by inserting in lieu thereof the following:

"*Provided*, That no naturalized citizen shall enjoy the right of an elector until he shall have resided in the State one year and in the election district two months immediately preceding the election, nor until one month shall have elapsed from the time he became a citizen."

Mr. Dallas. Mr. Chairman: The motives that induced me to offer the amendment, which I have offered in committee, I think it proper that I should briefly state, that they may be rightly understood. The Constitution of the United States, which certainly, in this particular, is the paramount law for this Convention, provides that the Congress of the United States shall have the power to establish uniform rules on the subject of naturalization.

Mr. C. A. Black. Mr. Chairman: I move that the committee rise, report progress and ask leave to sit again, if the gentleman from Philadelphia will give way to such a motion.

Mr. Dallas. Mr. Chairman: I yield the floor to a motion that the committee rise.

On agreeing to the motion that the committee rise, a division was called, which resulted: Forty-five in the affirmative; thirty-one in the negative.

So the motion was agreed to.

IN CONVENTION.

The committee rose, and the President *pro tem.*, Mr. Walker, resumed the chair.

Mr. Lawrence, chairman of the committee of the whole, reported that that

committee had further considered the report of the Committee on Suffrage, Election and Representation, and had instructed him to report progress and ask leave to sit again.

Leave was given to sit to-morrow.

FORFEITING CORPORATION CHARTERS.

Mr. Turrell asked and obtained leave to offer the following resolution, which was referred to the Committee on Railroads:

Resolved, That the Committee on Railroads be requested to prepare and report an article for the Constitution, providing that no combination, understanding or agreement by and between any railroad companies, or by and between any coal companies, or between any railroad and coal companies, relative to increasing their rates of transportation of freight and passengers, or either, or relative to the increased price of mining products, shall be cause for forfeiture of their charters; and the Legislature shall by law provide for the proper enforcement of this section.

CORPORATION CONTRACTS WITH THE STATE.

Mr. Dallas asked and obtained leave to offer the following resolution:

Resolved, That the Committee upon Railroads and Corporations be instructed to report how far the charters and privileges of existing corporations are in the nature of contracts with the State, and as such not subject to the provision upon the subject which may be incorporated in the Constitution.

Mr. Cochran. Mr. President: I hope this resolution will not, as it requests, be referred to the Committee on Railroads and Corporations. It seems to me that this is a judicial question, and ought to go to the Committee on Judiciary. I do not see why the Committee on Railways should be expected to make a separate report on a question which is simply legal and judicial.

Mr. Dallas. Mr. Chairman: It is immaterial to me to which committee this resolution is referred.

The resolution was referred to the Committee on Judiciary.

LOCAL FEMALE SUFFRAGE.

Mr. Finney asked and obtained leave to offer the following resolution, which was referred to the Committee on Suffrage, Election and Representation:

Resolved, That the Committee on Suffrage, Election and Representation be instructed to inquire into the propriety of inserting a clause into the Constitution, and to the people separately, permitting female citizens to exercise the same right of suffrage as male citizens in all city, county or township elections.

Mr. PORTER moved that the Convention adjourn, which was agreed to, and the Convention, at one fifty-five P. M., adjourned until eleven A. M. to-morrow.

FORTIETH DAY.

TUESDAY, *February 11, 1873.*

The Convention met at eleven o'clock A. M.

Prayer was offered by Rev. Mr. Curry.

JOURNAL.

The Journal of yesterday was read and approved.

PROHIBITION.

Mr. HAY presented a petition of James B. Fulton and others, praying for an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. WRIGHT presented a petition of one hundred and three mothers and wives, of Luzerne county, praying for a constitutional amendment prohibiting the sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. WRIGHT also presented a petition of two hundred and seventy-three citizens of the same county, praying for a similar amendment to the Constitution, which was referred to the Committee on Legislation.

Mr. DODD presented a petition of citizens of Venango county, praying for an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

THE DEATH PENALTY.

Mr. CARTER presented a memorial of a committee of a yearly meeting of the society of Friends, of Chester, Lancaster, Bedford and other counties, praying that the death penalty for crime may be commuted to imprisonment for life.

FEMALE SUFFRAGE.

Mr. CARTER also presented a petition of citizens of Lancaster county, asking that the right of suffrage be extended to women, which was referred to the Committee on Suffrage.

RESTRICTIONS UPON RAILROADS.

Mr. LANDIS presented a petition of citizens of Pennsylvania, praying for certain restrictions against railroads, which was referred to the Committee on Railroads and Canals.

PROHIBITION.

Mr. MANTOR presented a petition of two hundred citizens of Pennsylvania, asking that an amendment to the Constitution be adopted, prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

FEMALE SUFFRAGE.

Mr. HOWARD presented two petitions of citizens of Allegheny county, asking that the right of suffrage be extended to women, which were referred to the Committee on Suffrage, Election and Representation.

LEAVE OF ABSENCE.

Mr. PARSONS asked leave of absence for Mr. Metzger for a few days from to-day, which was granted.

Mr. BARCLAY asked leave of absence for Mr. Henry W. Smith for a few days from to-day, which was granted.

DELAYS IN PRINTING.

Mr. BROOMALL offered the following preamble and resolution, which were read:

WHEREAS, The printer for the Convention is under contract to furnish the Debates on the day after delivery, and the Journal on the day after approval, and is not entitled to any compensation unless he complies strictly with his contract.

And whereas, Serious loss is likely to be entailed upon that gentleman if the Convention shall insist upon its just and legal rights; therefore,

Resolved, That unless the printing shall be, at any time, more than one month behind, the printer shall be allowed the contract price, with an abatement of two per cent. for any day any portion of the printing is behind.

Mr. BROOMALL. I desire the resolution put on second reading, and then referred to the Committee on Printing and Binding.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

The PRESIDENT. The resolution is now before the Convention.

Mr. BROOMALL. Mr. President: I only desire to say that, seeing the Debates only up to the fifteenth of January, and remembering that at this late day they will be sent to the newspapers all over the State, and knowing how little use they can be to the newspapers at this time, I desire the Committee on Printing to look into the subject, and see what remedy can be devised.

The resolution was then referred to the Committee on Printing and Binding.

PRINTING THE CONSTITUTION.

Mr. KAINE offered the following resolution, which was twice read:

Resolved, That the Clerk is hereby directed to have the present Constitution of the State of Pennsylvania correctly printed, in bill form, and placed upon the files of members.

Mr. HAY. Mr. President: I can see no reason why this resolution should be adopted. There is already a copy of the present Constitution, which has been printed and laid upon the desks of our members. This resolution contemplates that it should be again printed at the expense of the State. It seems to me it would incur an entirely unnecessary expense.

Mr. KAINE. Mr. President: That may be all very well, and every member of the Convention may have a printed copy of the Constitution on his desk, but it is a mere pamphlet, printed in very small type, and wholly unfit for ready reference. The object of the resolution is to have the Constitution printed in bill form and placed on the file of members, so that they can turn to it readily and see what alterations or changes are necessary to be made. I find great difficulty in examining the Constitution as it is printed in this pamphlet before me. I think there is very little objection that can be urged as far as the expense is concerned. If we

can do anything to facilitate the work and business of the Convention, I think both time and money could be saved. I examined the subject with some care before I offered the resolution, and I hope therefore it will be adopted.

Mr. MANN. Mr. President: I desire simply to remark that the present Constitution of the State has been already printed in the first part of our Journal, and in this form it is more convenient than it possibly could be if it was printed in bill form.

The question being taken on the resolution, a division was called and the resolution was rejected, less than a majority of a quorum having voted in the affirmative.

SESSIONS OF THE CONVENTION.

Mr. HOPKINS. Mr. President: I move that the Convention proceed to the second reading and consideration of the resolution I offered a few days since, relative to holding two sessions per day.

The motion was agreed to.

The PRESIDENT. The Clerk will read the resolution.

The CLERK read the resolution, as follows, viz:

Resolved, That from and after Monday next, the sessions of the Convention shall be held from ten o'clock A. M. to one o'clock P. M., and from three o'clock P. M. to five o'clock P. M.

Mr. DALLAS. I move to amend, by striking out "ten o'clock A. M.," and inserting "eleven o'clock A. M.;" and striking out "one o'clock P. M.," and inserting "two o'clock P. M."

Mr. ARMSTRONG. I move to amend the amendment, by inserting "ten o'clock A. M." and "two o'clock P. M." It seems to me, Mr. President, that until there is more work from the committees presented to the Convention, that there will be very little use of holding two sessions a day.

Mr. HOPKINS. I would have no objections to the modification of the resolution, if it applied to three days in the week. I move, however, that the further consideration of the subject be postponed.

The question being taken, a division was called, and the motion was agreed to. Yeas, forty-seven; nays, forty-four.

LIMITING DEBATE.

Mr. MANTOR. Mr. President: I move that the Convention proceed to the second

reading and consideration of the resolution I offered yesterday.

The motion was agreed to.

The PRESIDENT *pro tem.* The Clerk will read the resolution.

The CLERK read as follows :

Resolved, That no member of this Convention shall be permitted to speak for a longer time than twenty minutes on any question before the Convention.

MR. MANTOR. Mr. President: In offering this resolution I desire to state that it is not with a desire to restrict any member of the Convention in the exercise of any right which properly belongs to him; but we have been sitting here, from day to day, and have consumed a whole week in discussing a question which has not yet been brought to a vote. I think it proper to say that I have consulted with a number of members of the Convention with reference to this resolution, and they have expressed a variety of opinions in regard to the length of time that ought to be allowed to each member in debating the questions that may come before us for discussion. Some have been in favor of twenty minutes, and others ten, fifteen and twenty-five minutes. I have endeavored, in this resolution, to select a medium, and have, therefore, suggested twenty minutes. I have carefully examined this subject, and desire to call the attention of the Convention to the time this debate, if not limited in some manner, will require before our sessions are ended. It is well known that twenty-seven committees have been appointed, and, if twenty minutes are allowed to each committee to debate any question that may arise, it will be found, at the close of our sessions, each committee will have occupied nearly five hours time in discussion. The Convention is composed of one hundred and thirty-three delegates; so that if each gentleman avails himself of the opportunity afforded in this resolution, it will require one thousand one hundred and ninety-seven hours to debate any one question; and if the sessions of the Convention are continued as they are now, arranged from the hours of eleven A. M. to two o'clock P. M., it will be found that three hundred and ninety-nine days will be required to complete our work. It seems to me, therefore, that the time has arrived when we should take this matter

into consideration. I am aware that there will be many questions which will come before the Convention requiring more than twenty minutes for discussion; but there will be a large number of delegates who do not propose, as I suppose, to speak over ten minutes on any question; but if this time is enlarged upon, and every delegate is allowed to speak on every proposition that comes before the committee of the whole or the Convention, in the various sections of any report that may be made, we shall have to sit here until doomsday; we shall never get through.

MR. LILLY. Mr. President: I move to amend, as follows:

To strike out "twenty" and insert "ten," and to also make the amendment applicable to the committee of the whole as well as the House.

MR. LILLY. Mr. President: From the present reading of it, I believe the limitation of the amendment only applies to the House itself. That such a restriction, if adopted, should be equally the rule for the committee of the whole, will, I think, be apparent to every gentleman upon this floor.

I desire to say that I make very few speeches here; and those few are always brief. There are very few speeches made here that could not be made in ten minutes, although some of us may require twenty minutes. I believe every gentleman will agree with me, that short practical speeches are what we want. They accomplish all that can be hoped to be done on this floor, and beyond this we should desire nothing. This circumlocution, this beautiful language that we have had here at times, is what we do not want. We want every man to speak as a man of sense, speaking to men of sense. And I believe that debate ought to be restricted, because, without such a condition, we will not be able to finish our work in a short time, and submit to the people the result of our deliberations, for which they are looking.

MR. DUNNING. Mr. President: I do not propose to occupy many minutes upon this floor at this time—

MR. HAY. Mr. President: If the gentleman from Luzerne will allow me to interrupt him, I desire to offer an amendment, which will, perhaps, give him a better opportunity to discuss this question.

Mr. DUNNING. Mr. President: I prefer not to yield the floor for the introduction of another amendment.

It strikes me, that from the limited number of gentleman who have already spoken out of our whole number—one hundred and thirty-three—I believe it is, if the arithmetic of the gentleman from Crawford (Mr. Mantor) be correct; I have not gone into details myself to ascertain—very few gentlemen on this floor have spoken for more than twenty minutes in the discussion of any of the questions that have come before this body. There are, indeed, a very few gentlemen who have spoken here a much longer time, and, if I am not mistaken, the gentleman from Crawford, himself, occupied about an hour the other day at one time.

Mr. MANTOR. Mr. President: I desire to correct the gentleman. I have made no speech in this House to exceed ten minutes.

Mr. DUNNING. Mr. President: I was so pleased with the gentleman's remarks that I thought it was impossible that they could have been delivered in so short a space of time. I stand corrected.

I hope, if this resolution is to pass, that it will be so amended that a single objection may not prevent any gentleman that has in his possession certain important information that he desires to give the Convention from so doing. If it could be so modified, I would vote for the resolution cordially.

Mr. DARLINGTON: Mr. President: I hope this whole thing will be postponed, and I make that motion, to postpone it indefinitely. I make that motion because I do not think that setting a limit upon the discussion of questions before the Convention is comfortable with the dignity—

Mr. LILLY. Mr. President: Is this motion debatable?

The PRESIDENT. Certainly. It brings up the whole question.

Mr. DARLINGTON. Mr. President: I do not think that setting a limit upon the right of suffrage is consistent with the dignity and honor of this Convention. I think we were not sent here for the purpose of deciding these important questions that are to be considered here, upon five or ten minutes' argument or debate. Does any one suppose that the important subjects that are yet to come before this body,

touching the re-organization of the judiciary, of the legislative branch, of the Executive branch, and the proper limitations to be placed upon those who exercise the functions of these several branches, can be advantageously or adequately considered and decided by any gentleman here upon a five or ten minutes' argument? If there is any body ever convened which is entitled to the freest and fullest consideration upon every question which can be presented to them, it is a body organized for the purpose of deciding upon what shall be the fundamental law of the Commonwealth.

We have not all the faculty of condensation as my friend from Carbon (Mr. Lilly) and my friend from Delaware (Mr. Broomall) have. It does not lie within the compass of the human intellect to be all alike. We cannot all be alike condensing. Therefore it may take longer time for me and for other gentlemen to express such views as may occur to us, and which we have a right to present for the consideration of our fellows. I say we may not be able to present them in as concise and condensed a form as other gentlemen may. Shall it be said of a body such as this, composed of what are supposed to be, leaving out of consideration and observation all personal considerations, a body of men who are supposed, and justly supposed, to be the fair representatives of the intellect of the State, that they shall set bounds to our discussion upon the important subjects that are and will come before us? Will my friend from Philadelphia (Judge Woodward) undertake to make all the argument that is necessary upon the judiciary question in ten minutes? Will my friend from Lycoming (Mr. Armstrong) attempt to do it, or any other gentleman who is upon that committee or interested in that question? Will the friends or the opponents of any measure touching corporations, in this Convention, be satisfied with a five or a ten minutes' argument for or against it? I think, sir, you must leave something to the fair and reasonable judgment of each member, as to how long he ought to speak. You should leave something to the judgment of every gentleman upon this floor. It is not for me to set bounds to the argument of any other gentleman

who thinks he has that in him which he should submit to us, and it is not for others to set bounds to me. I do not suppose that I can do more to enlighten this body than any other man, nor near as much; but I do believe that what I have to say, by way of argument, to any gentleman of this Convention may require more than five or ten minutes to make myself fully understood.

Upon the ground, therefore, that this proposition is one which it is not fit for a body like this to impose upon itself, I will vote, and I hope the Convention will vote, in favor of its indefinite postponement.

Mr. HUNSICKER. Mr. President: I hope the motion to postpone indefinitely will not prevail. This Convention is as fit to-day to handle this question as it ever will be, and let me say here that we have now consumed six or seven days of session without having accomplished any practical good. We have discussed female suffrage. We have discussed the creation of the world. We have discussed every other question within the limit of discussion, and it does strike me that we have a right to presume that members of this Convention know something, and that a person is not to come into this body to make buncombe speeches. I do not mean to charge that any member has made buncombe speeches, but I do mean to assert, particularly, that any gentleman on this floor can condense all he has to say into at least a twenty minutes' speech. We do not care about his going off to the creation and then to come down to the question under consideration. Let each gentleman state his propositions clearly and distinctly, and if it should be discovered that he could not properly explain himself, and that the subject is too great for a twenty minutes' speech, then this Convention would unanimously extend the time. And when an important question comes before this body I have no doubt that the Convention will suspend the rules in the case of a particular member and allow him to go on. But this resolution springs up to-day before us, growing out of the necessities of our situation. We meet here at eleven o'clock and we adjourn at two. A member will get up to discuss a proposition, and all the other members will be reading or talking,

and not listening. But if you adopt this rule, and the same rule prevailed, I believe, in the Illinois Convention, where upon every question, either in committee or in the Convention, all speeches were limited to ten minutes; and a student can take up the book of those debates, and can read and understand clearly what was the point under consideration; but if we are to allow every member on this floor, the whole one hundred and thirty-three members, to speak more than twice upon every subject in the committee of the whole, and to speak as long as he can, and to speak once again in the Convention, we will get done about in time for the Centennial exposition if we have luck. I therefore trust that this Convention will to-day decide this question.

Mr. CORSON. Mr. President: I hope that the motion of the gentleman from Chester (Mr. Darlington) will not prevail. And I hope also that the motion of the gentleman from Carbon (Mr. Lilly) will not prevail. I have made a careful calculation how long it takes to make a speech in a Constitutional Convention. I have ciphered it out and am prepared to state, from a careful general average of all the speeches that have been made in the United States, that it takes just twenty minutes; five minutes to collect the afflatus or the "inspiration," as my distinguished friend from Montgomery (Mr. Boyd) would express it; five minutes for the hard logic of facts; five minutes for buncombe and for constituency, and five minutes for peroration for prosperity to read. [Laughter.] That is long enough. I go for twenty minutes.

Mr. WOODWARD. Mr. President: Although I am the longest member of this body, I believe I make shorter speeches than any one else. I do not believe that I have occupied twenty minutes of the time of this Convention since we met. I certainly have not in any one speech. But there will come a time, in our deliberations, when I shall be in favor of some such resolution as the gentleman from Crawford (Mr. Mantor) has offered. I think it is premature, and therefore I will vote for the motion to postpone. There are some subjects yet to come before this body vastly more important, much further reaching, than any that we have yet en-

tertained. Here is my friend on the left, the chairman of the Judiciary Committee, (Mr. Armstrong,) who is maturing a report upon that important subject, and I venture to affirm that, with all his powers of condensation—and I do not know any gentleman whose powers are greater—it will be impossible for him to present his views upon the amendments which he proposes to introduce in less than an hour; and if you limit and restrict him to twenty minutes you do great injustice to the subject, to him and to the public.

As to the suggestion which some gentleman has made, that there will be unanimous consent in such cases for gentlemen to speak for more than twenty minutes, I would simply say that it is not safe to commit the rights of any member to the fancies and caprices of a single member upon this floor. There will doubtless be plenty of gentlemen who will object to suspending the rules. And what will be the consequence? The ox that treadeth out the corn will be muzzled, and the intelligence of this Convention, of which the gentleman from Chester (Mr. Darlington) always boasts, will not be enlightened by such reflections and suggestions as gentlemen have prepared for the Convention, when they have an opportunity to submit them.

This miserable subject of woman's rights, that has been entertaining us for a week or ten days, is to pass away, I trust, and we will get at something that is more worthy of one hundred and thirty-three men to think and talk about. If you are going to muzzle my friend (Mr. Armstrong) and other gentlemen who will have to speak upon these subjects, great injustice will result therefrom. We have the subject of legislation in all its branches. We have the subject of corporations.

I wonder if the chairman of the Committee on Railroads will not want more than twenty minutes when he comes to discuss the railroads of Pennsylvania? Then there is the subject of private corporations, which will doubtless occupy some time in its consideration.

So you will see that to tie up this body at this time to twenty minutes upon these important subjects will have the effect to ignore them. It would be better to dissolve the Convention at once. But, as I before said, there may come a time, after

these subjects shall have been fully discussed, when it will be very proper and expedient to limit debate.

I once heard Speaker Colfax say, that when the revenue bills were under consideration in the House, where speeches were limited to five minutes, the best speeches that he had ever heard in that body were those five minute speeches. But they were upon revenue bills, containing a great variety of items, and a gentleman could utter all he had to say upon a single item in five minutes, and because he was limited to five minutes he would speak, as the gentleman from Carbon (Mr. Lilly) desires us all to speak, directly to the point. Therefore, five minutes upon such a bill was sufficient; but the man has never been born who can discuss the subjects of the judiciary or railroads of Pennsylvania in five, ten, fifteen or twenty minutes. He must have time; and therefore I trust this resolution will not be forced upon us at this time. I say there will come a time when I will vote for the limitation of debate; but at this time I think it will be premature, injudicious and unjust. I trust, therefore, the subject will be postponed.

MR. LILLY. Mr. Chairman: I merely desire to say that I think it only requires a majority of the Convention to allow a member to continue speaking after his time has expired. I do not know of any rule that says there must be unanimous consent given, but that a majority of the Convention can extend the time. I have no doubt, in cases where it would be expedient, the time would be extended. Any gentleman can speak beyond the rule by the consent of the majority. If such is not the rule I hope it will be made so, so that a majority may allow the members to proceed.

THE PRESIDENT *pro tem.* The question is upon the motion to indefinitely postpone.

The motion was not agreed to.

THE PRESIDENT *pro tem.* The question is upon the amendment to strike out "ten" and insert "twenty."

MR. LILLY. And also my amendment that it should apply to committee of the whole.

The PRESIDENT *pro tem.* The Clerk will read the resolution as amended and modified.

The CLERK read :

Resolved, That no member of this Convention be permitted to speak for a longer time than twenty minutes upon any question before the Convention or in committee of the whole.

MR. BROOMALL. Mr. President: I think with the aid of the previous question, there is no occasion whatever for the limitation of debate in Convention. The previous question can at any time cut off debate, and if the majority says it should be cut off, it ought to be done. So far as the rule proposed relates to committee of the whole I think it is too broad. I think the rule should be something like this, that it should be competent for the Convention at any time, by resolution, to limit debate upon any article pending in the committee of the whole at the time, so that this morning if we choose, we can move to limit the debate to five minutes when we get into committee of the whole, and it would be so limited. That would remove the objection of the gentleman from Philadelphia (Mr. Woodward) to the resolution, and his objection is very forcible in my mind. There are questions that, even in committee of the whole, must be debated at greater length than others, and I would suggest that this amendment be voted down and that the resolution be amended so as to empower the Convention, at any time, to limit debate in committee of the whole upon a pending matter in committee of the whole.

MR. BUCKALEW. Mr. President: The Convention has that power now. I offer the following as a substitute:

The CLERK read:

Strike out all after the word "resolved," and insert: "That no member shall be permitted, without leave, to speak more than twenty minutes at any one time in committee of the whole."

MR. BUCKALEW. Mr. President: I am willing to vote for a reasonable limitation of debate in committee of the whole, because I am convinced that we require such limitation in view of what has already occurred; and as members can speak more than once, certainly this limitation will be reasonable, and, as has been already remarked, we require no rule of

limitation in Convention. In fact we will not have debates upon second reading in Convention for a long time to come upon propositions from committees. "Sufficient for the day is the evil thereof." Let us provide a reasonable limitation upon the unlimited right of debate in committee of the whole, and then hereafter, as our experience points the way, we may extend the limitation to the Convention.

MR. COCHRAN. Mr. President: In the first place I think the limitation of twenty minutes is an unreasonable limitation. I think if this Convention is determined to limit, it should limit to not less than thirty minutes. That will give a reasonable time for gentlemen to express their views; and I would therefore, if in order, move to strike out "twenty" and insert "thirty."

The PRESIDENT *pro tem.* It is not now in order.

MR. COCHRAN. In addition to that I have another strong objection to the other proposition as a substitute, and that is this: That the right of any member of the Convention is to be left dependent upon the caprice, or upon the favor of one or two, or a portion of the members. There may be gentlemen here who are such favorites that they may be able to obtain a hearing at all times, simply because they are such and such gentlemen, who, by position, character, ability, or other circumstances, may be supposed to be entitled to a preference. I think that all the members upon this floor ought to be entitled to equal rights and equal time when they undertake to discuss a proposition; and therefore I think it is injudicious to leave it as a question of favoritism whether any gentleman shall have more than the time allowed his fellows.

I think, therefore, it would be well to adopt, as the first limitation, thirty minutes in committee of the whole, without any exception as to favoritism towards individuals; and try that, and if it were found not to work well, we can afterwards substitute a shorter time. I object to adopting the substitute, in the form it has assumed, for the original resolution.

The PRESIDENT *pro tem.* The question is upon the substitute offered by the gentleman from Columbia (Mr. Buckalew.)

Mr. CUYLER. Mr. President: Addicted to public as I am, in exercise of my profession, I have gained a reputation for making short speeches, which I do not mean to imperil, in any instance, during my life in this Convention.

I think the trouble that afflicts the Convention lies behind all this matter. It exists in the fact that the Convention sits during the morning hours, and thus depriving the committees of the time that ought to be devoted to their duties. As a practical result of this, the committees' work is brought into the Convention in a very crude and imperfect state, which necessitates lengthened debates after it is here. The committees' report slowly, and the Convention has little solid matter to spend its time upon, and engages in such preposterous discussions as those upon which we have been engaged during the last week.

I think if the Convention would assemble at twelve o'clock, instead of eleven, and require its committees to hold morning sessions, we would get on much more rapidly, and have far better matured reports. I refer to the report of the Committee on the Legislature, which occupied so much time in discussion here. I think that report—I speak it with great respect for that committee—had not received in the committee the thoughtful consideration it should have received before it came into the Convention, and I think the apology is to be found in the fact that the Convention afforded the committee no time to sit.

If, therefore, we would postpone our own hour of meeting until twelve o'clock, and would require our committees to meet each morning at ten, the practical result would be that in a short time we would have, not crude, but carefully digested reports, so that less discussion would take place here, and there would be less necessity for amendments, and we would get on with some rapidity. I am opposed to restrictions of debate. It is distressing to me to listen to long speeches that amount to nothing, but at the same time I do not think we should abridge the liberty of full debate. I am, therefore, opposed to any limitation.

Mr. SIMPSON. Mr. President: My experience has not tallied with that of the distinguished gentleman who has just taken his seat. The first report of any

committee of this body was the report of the Committee on Suffrage, and that report was considered in committee for not less than seven different sessions, occupying very many hours. It was brought into this body and was discussed for nearly two weeks before it was finally passed. My experience is, that no matter how well the report may be, gentlemen who differ from the committee are bound to present their views to the Convention, and are bound to express them upon this floor, and they will take any time that you will give them.

I shall vote for the limitation. Although I have not myself inflicted a speech of even twenty minutes upon the Convention, yet if some limitation be not set shortly I might be tempted to do it. [Laughter.]

Mr. LILLY. Mr. Chairman: I will withdraw my amendment to the amendment, as I am willing to try the amendment for a few weeks.

The question being upon the amendment of Mr. Buckalew, the yeas and nays were required by Mr. Cochran and Mr. Lilly, and were as follow, viz:

Y E A S.

Messrs. Achenbach, Addicks, Armstrong, Baer, Bailly, (Perry,) Bailey, (Huntington,) Baker, Barclay, Bartholomew, Black, Charles A., Bowman, Boyd, Brodhead, Broomall, Brown, Buckalew, Carey, Carter, Church, Clark, Collins, Corbett, Corson, Cronmiller, Curry, Cuyler, Davis, De France, Dodd, Dunning, Edwards, Elliott, Ellis, Ewing, Finney, Fulton, Funck, Gilpin, Guthrie, Hall, Hanna, Hay, Hazzard, Hemphill, Hopkins, Horton, Howard, Hunsicker, Kaine, Knight, Lamberton, Landis, Lawrence, Lilly, Long, M'Allister, M'Connell, M'Culloch, Mann, Mantor, Minor, Mott, Niles, Palmer, G. W., Parsons, Patterson, T. H. B., Patton, Porter, Purviance, Samuel A., Reed, Andrew, Reynolds, James L., Reynolds, S. H., Rooke, Russell, Sharpe, Simpson, Smith, H. G., Struthers, Temple, Turrell, Walker, Wetherill, John Price, Wherry, White, David N., White, J. W. F., Woodward, Worrell and Wright—88.

N A Y S.

Messrs. Campbell, Cochran, Craig, Dallas, Darlington and Patterson, D. W.—6.
So the amendment was agreed to.

ABSENT OR NOT VOTING.—Messrs. Ainey, Alricks, Andrews, Bannan, Bardsley, Beebe, Biddle, Black, J. S., Cassidy, Curtin, Dimmick, Fell, Gibson, Gowen, Harvey, Heverin, Lear, Littleton, M'Camant, M'Clean, M'Murray, Mac Veagh, Metzger, Newlin, Palmer, H. W., Pughe, Purman, Purviance, John N., Read, John R., Ross, Runk, Smith, Henry W., Smith, W. H., Stanton, Stewart, Van Reed, Wetherill, J. M., White, Harry and Meredith, *President*—39.

ADJOURNMENT.

Mr. HOPKINS. I now move the second reading and consideration of the resolution sometime ago offered by me, relating to the final adjournment of this Convention.

The resolution was read, as follows :

Resolved, That this Convention will adjourn, *sine die* on Thursday the 27th day of March.

The question being, shall the House proceed to the second reading and consideration, it was not agreed to.

SUFFRAGE AND ELECTIONS.

The *PRESIDENT pro tem*. The next business in order is the consideration, in committee of the whole, of the article reported by the Committee on Suffrage.

The Convention then, as in committee of the whole, Mr. Lawrence in the chair, proceeded to the further consideration of the article reported by the Committee on Suffrage, Election and Representation.

Mr. DALLAS. Mr. Chairman : At the time the Committee rose yesterday I had obtained the floor for the purpose of considering the amendment offered by myself to the first section now under consideration.

I desire at the outset to call the attention of this committee to the amendment to the amendment offered by my friend from Tioga (Mr. Niles.) By that amendment, as I understand it, he proposes to make more distinct the application of that portion of the section which requires one year's residence in the State and two months' in the election district to citizens of foreign birth, and then proposes to retain the one month restriction upon foreign citizens, and which applies only to them.

So much of this amendment to the amendment as has for its purpose the ren-

dering more distinct the application to foreign citizens of the uniform prerequisites to the exercise of the privilege of the franchise I think entirely unnecessary. The section as it reads is sufficiently clear in making the necessity for one year's residence in the State and two months' in the district applicable to *all* citizens alike; but the amendment to the amendment, in seeking to retain the proviso that no naturalized citizen shall vote for one month after he shall have become a citizen, is precisely the same as the proposition which it seeks to amend; and it is to that subject I desire to direct the attention of the committee, namely : Whether after providing, as the Committee on Suffrage has, that every male citizen of the United States, upon certain general conditions, shall have the right to vote, it is then proper to add, in effect, "except naturalized citizens, as to whom there shall be a further condition."

The Constitution of the United States provides, that in Congress shall be vested the power to establish a uniform rule of naturalization throughout the United States. That power has been exercised by Congress, and the general scope of the act is known to probably every member upon this floor. That power, sir, when exercised, is exclusive of any action by the respective States upon the same subject.

When a man, born abroad, comes to this country, renounces his allegiance to a foreign potentate, formally expresses his desire to become a citizen of and swears his allegiance to the United States, he becomes as much a citizen as any man upon this floor, whose father's father, to the farthest generation, has been born upon this soil. He is a citizen of this State. He is such by virtue of the paramount law, and the act of Congress made in conformity with it; and if it is competent for this State to provide that such a citizen shall not be allowed to vote for one month after acquiring citizenship, it certainly is equally competent for the State to say that he shall not be allowed to vote for one year, or even for twenty years. If it is proper for the State to make this peculiar provision applicable to one class of our citizens only, it would be, in principle, no worse to go still farther, and impose upon naturalized citizens special re-

strictions upon the enjoyment of property. The Legislature of the State might, with equal propriety, enact laws which would prevent naturalized citizens from holding any real estate, or limit, in value, the estate of which they may become possessed; and thus say to a large class of our citizens, that they shall not only be denied the right of franchise, but also the privilege of acquiring and holding property in this Commonwealth. Thus it might occur that while the Constitution of the United States has conferred upon them the *rights* of citizens, the Commonwealth of Pennsylvania would say that they should be citizens only in name. If there were any doubt of this proposition, under the general provision of the Constitution to which I have referred, it would be profitable to examine the fourteenth amendment.—That amendment provides, that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.—Now, pausing here for one moment, we find that, under this constitutional provision, these citizens, naturalized under the United States laws, are not only citizens of the United States but of the State, and therefore, if the answer should be made to the argument which I have advanced, that they may remain citizens of the United States, and be entitled to the protection of the general government, but that still this State has the power of restraining them in the exercise of the equal rights of citizenship, I answer that the fourteenth amendment to the Constitution of the United States itself provides explicitly that they shall not only be citizens of the United States, but citizens of that State in which they reside; and I assume that the Constitution means not to give the empty name of citizen merely, and that therefore the State of Pennsylvania should not deprive this class of citizens of all the highest attributes of citizenship.

I call the attention of the committee to the fact that the section, as reported, reads that every male citizen of the United States, of the age of twenty-one years, having resided as provided, shall be entitled to vote, excepting only this one particular class of citizens. Whether I shall be able to induce the committee

to concur in the views I have expressed, I know not; but I submit that even if the considerations which I have already suggested did not enter into this question, still no such proviso as this should be inserted in our organic law. I have already said, if it is competent and proper for the Convention to make this provision for a period of one month, why not for a year or for a term of years, and so practically wholly exclude this entire class of our citizens from the exercise of the franchise. But it is an act of injustice to make *any* discrimination between equal citizens. We might, with equal justice, go further, and not only make this proviso apply to citizens of foreign birth, but discriminate amongst them; and, should our prejudices so lead us, we might next annul that provision in the Constitution which protects us all against proscription because of our religious opinions, and say that no man who is a Jew, a Roman Catholic or a Protestant, (as the case might be,) should have the right to vote, although otherwise qualified. It is because, in principal, this proviso is wrong, that I object to it, and it is for this reason that I have asked myself what good ground could be assigned for placing it in the Constitution. It was not in the Constitution of 1790, nor is it in the Constitution of 1838, and, as far as my knowledge extends, it has not been placed in any Constitution of any State. Why then should we incorporate it in the Constitution we are now framing? In asking myself this question, the only answer I have been able to imagine is that it has been designed to defeat fraud in naturalization papers. I have had the misfortune to know something of these matters, and in the course of my examinations I have discovered only two kinds of frauds resulting from this character of voting: First, in the fraudulent issue of naturalization papers; and, second, in the fraudulent use of them. If a man having possession of the seal of the court and the power to sign his name, as a representative of the court, proposes to issue to any man a fraudulent paper, how will this proviso prevent him from issuing as many as he may desire, or afford the means of detection when such fraudulent papers shall have been issued? It is only necessary that he should date the paper one month

before the election in order that it may conform with the time prescribed by law as the interim which shall occur between the date of naturalization and the date of election; and experience in such matters has taught us that a man who proposes to issue a fraudulent naturalization paper will not pause because of the necessity that it should be ante-dated as of one month prior to the election. There is, therefore, no fraud in the *issue* of naturalization papers which can be prevented by a provision of this kind. Fraud in the *use* of them has consisted only in this: Either a man has borrowed a naturalization paper or he has bought it. Why, sir, the only effect of this provision upon such frauds will be to make a man scrutinize the date of a naturalization paper before he buys or borrows it, and as far as any practical results upon this point can be attained by this provision, I feel confident that it will be futile. Therefore, Mr. Chairman, I can see no good reason why this provision should be adopted. I believe if the proviso is sustained it will be an act of injustice to a large number of our citizens, and I have no hesitation in saying that, even if I did perceive its importance, I would still be unwilling that the Convention should commit itself and the fundamental law of the State, to any proscriptive school of politics; and I must say that my experience is that the class of citizens who have held these naturalization papers have been more sinned against than sinning. Although it is true that votes have been polled by means of fraudulent naturalization papers, the greater wrong has been that people holding perfectly valid and honest certificates have oftentimes, upon one pretence or another, been denied the right to vote. This is the belief of many of us, and I, for one, will not vote that any provision shall be incorporated in the fundamental law of the State of Pennsylvania which will give its high sanction to discriminations against foreign-born, but still our equal fellow-citizens.

MR. LILLY. Mr. Chairman: I have given this subject a great deal of attention, and perhaps it was by my own motion that this provision has been suggested. I reside in the county of Carbon, on the skirts of the great mining district of Luzerne and Schuylkill, and in that cen-

tral situation I have had considerable opportunities of observing the manner in which these naturalization papers are granted, not, perhaps, granted fraudulently, but the manner in which they are granted; ninety-nine out of every one hundred papers that are made out and certificates issued are done just on the eve of an election. The men who are to be naturalized come into court in such a manner and in such a way that there is an immense amount of perjury perpetrated—an immense amount of it. Some of it is unintentional on the part of the men that do it, and some of it is intentional.

As I said before, it was my purpose to try and prevent that. My original motion on this subject was in the committee, when I offered a proviso that naturalized citizens could not vote until they had had their papers six months. That was in order to put it away—to put it before or behind the excitement of an election campaign. That was voted down in the committee, and this was the best thing I could get out of it. I would prefer to have the time increased to sixty days, and will probably make such a motion, if this present measure is not voted down in the committee of the whole.

I have resided in that section thirty-five years, and during the whole time have been conversant with the manner of granting these naturalization papers. I have always found that on the eve of an election of interest, a gubernatorial election or presidential election, the whippers-in and politicians of both parties go around amongst these people and try to get them to be naturalized. They make the best bargain with them that they can, then take them to the county seat, and they are all put through in a flock. I will simply give the experience of the last year as an example. On Monday, a week before the election of October, the associate judges of our county held an adjourned court, for the purpose of granting naturalization papers. I just cite this one year, but it is the usual practice every three or four years for the politicians to go through the lower end of Luzerne, and through our county, and drum up everybody they can get to agree to swear or to be sworn for, in order to obtain naturalization papers. The court was called at twelve o'clock.

They sat until one, adjourned until two, and sat from that time until four, and during that time they granted four hundred and seventy-eight naturalization papers—four hundred and seventy-eight! They ignored the law requiring that they should see the parties claiming naturalization, because the law states that it shall be done in open court, and I take it that that means before the judge; the judges shall be cognizant of it, but I am sure that these two associate judges of our court did not see one in ten of these men who were naturalized. Of these papers so passed, perhaps two-thirds of them, were passed by men swearing they came in under age. In one precinct in Luzerne county, after this naturalization farce had been gone through with, the judges of the election, against what lawyers will say is their right, went behind the seal of the court, and when every naturalization paper was presented at that poll, it was examined, and if it was granted at Mauch Chunk, on the Monday week before the election, the voter was challenged, brought in and sworn. And at that one single poll they rejected thirty votes. Thirty sets of naturalization papers were marked "fraudulent" across them, that had gone through regularly, and had the seal of the court attached, and everything proper.

The specimens of the swearing were about like this: A man would be brought within the election room and challenged.

"What is your name?"

"John Ward."

"How long have you resided in the country?"

"I have been here two years and eleven months."

"How old was you when you came into the country?"

"Between twenty-four and twenty-five years, sir."

"Do you know that this naturalization paper that you have here, under the seal of the court of Carbon county, says that you and your witnesses swore that you came into this country under eighteen years of age, and that you had lived here fully five years?"

"I do not, sir; I did not swear to any such thing."

"What did you swear to?"

"The devil a know, do I know what I swore to at all. There was a lawyer there

a'numblin' something, and he put a book in my hands and I kissed it, and that's all I know."

Now, Mr. Chairman, that is the way four hundred and seventy-eight papers were granted at this court, and that is the way that it has been done every three or four years since Carbon county has been a county. It is for the purpose of stopping this sort of farce that I want this provision put in the Constitution, and want it extended to sixty days.

Mr. HAY. Mr. Chairman: Will the gentleman permit me to ask him a question?

Mr. LILLY. Certainly.

Mr. HAY. Mr. Chairman: I desire to ask him whether, in his opinion, the proviso, that no naturalized citizen shall enjoy the rights of an elector until one month shall have elapsed from the time he becomes a citizen, is or is not in contravention of the second clause of article fourteen of the Constitution of the United States, which provides that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

Mr. LILLY. Mr. President: I am not a constitutional lawyer, nor am I lawyer at all, and I will not commence the discussion of any constitutional argument. But I say that common sense shows that we ought to prevent this kind of false swearing, and I know that there are other gentlemen here in this Convention that, if they will tell their experience in this matter, will bear me out in every thing that I have said. Aye, furthermore, one of the very associate judges of that court, one who held that court that granted four hundred and seventy-eight naturalization papers in one day, resigned the next day afterward. Why? Because he said that it was such a farce that he would never allow himself to sit there again in that way. It was impossible for him to stop or check it. Some seven hundred or eight hundred of these men came there and filled the room as full as it could be. Before they came there the politicians had filled them with rum, and it was a riot. It was as much as the judges' lives were worth to hold that court. They tried once or twice to stop the machine altogether, but they soon found that they could not prevent it, and it went on. It is for the purpose of preventing such a state of things as

this that I am in favor of this proposition. I have said I was originally in favor of six months, to put the subject beyond the reach of political excitement, to put it away from the politicians, and to keep them from going around the country and hunting up these men and driving them into court in a flock to swear falsely and be fraudulently naturalized.

I could tell this Convention the way this matter was done in the part of the district where these four hundred men were brought in. One party went round to these people and offered—it is not confined to any one party—but one party went to these men in this district and offered to pay for their papers. The next party offered, if they would vote their ticket, to pay for their papers and pay their transportation into the town and home again. The first party, following on, offered to pay for the papers, pay their fares and give them a good dinner, when the other party said they would pay for the papers, pay for the fares, pay for the dinners, and give them all the whisky they could drink. That is the way this is carried out. It is the utterest farce possible. I am free to say that I believe two hundred and fifty of those papers, granted at that court at that time, were granted by square out and out false swearing, and I hope this Convention will put some safe guard around this matter and stop this wholesale perjury.

Mr. J. W. F. WHITE. Mr. Chairman: There is some force in the position taken by the gentleman from Philadelphia (Mr. Dallas.) In the form in which this section has been reported, I think we have no right, no constitutional right, to prescribe a qualification that shall particularly apply only to one class of voters. I think we have no right precisely to say that a certain qualification shall apply to naturalized citizens, and not apply to other citizens. I have felt, all along, that the form in which this was reported by the committee might be rather objectionable on that ground, as well as obnoxious, because it particularly pointed out naturalized citizens.

But I will call the attention of members of the Convention to another aspect of this question, and particularly the attention of the gentleman from Philadelphia, (Mr. Dallas,) who has raised this point. The

section reads, "every male citizen of the United States, of the age of twenty-one years, having resided in the State one year, and in the election district where he offers to vote, two months," and so on. Does that not require that he shall be a citizen one year in the State, and two months in the election district? This is the first part of this very section. But suppose we strike out this concluding proviso of the section, will it not then require that he shall be a citizen of the State one year, and a citizen of the district two months before he be entitled to vote? At least it may raise that question.

That objection also is raised in this proviso, and I prefer the form as given in the minority report of the committee. If the members of the Convention will turn to the Journal, on page 274, they will find the third section reads thus:

"Every person possessing the following qualifications shall be an elector, and be entitled to vote at all elections:

"1st. Any male citizen twenty-one years of age.

"2d. Who shall have been a citizen of the United States one month.

"3d. Who shall have resided in the State one year, or, if he had previously been an elector of the State, and removed therefrom and returned, six months immediately preceding the election.

"4th. Who shall have resided in the election district where he offers to vote two months immediately preceding the election."

These all meet the amendment made yesterday, and I will suggest a fifth qualification:

5th. And if twenty-two years of age, or upwards, who shall have paid within two years a State or county tax, that has been assessed at least two months, or at least one month, before the election.

Now that form of stating the qualifications of an elector seems to me to be more clear, brief and specific than the section reported, especially after you add the amendments made yesterday. I think, sir, it has this advantage, too, over the point now before the committee. The proviso in the section reported is, I have said, specifically pointed at naturalized citizens, and is objectionable on that ground, as well as apparently pointing out a qualification particularly applicable

to them. In the section modified as I propose, making the second qualification, "that he shall have been a citizen of the United States at least one month," it makes the qualification apply to all voters, and not to one class. Not to one class of voters, but to all, and I think in that form, perhaps, it would not be obnoxious, on the ground that it is in conflict with the thirteenth or fourteenth amendments to the Constitution of the United States.

Now, sir, I am in favor of retaining that provision as a qualification of an elector, not because I wish to deprive any of our naturalized citizens of any right or privilege granted to or enjoyed by the native born citizen. That is not the object. No person, I presume, would oppose this provision on that ground, but we all know that there are a great many frauds perpetrated, just immediately preceding our elections, in the naturalization of foreigners. Every person knows that there is a great rush in our courts a few days preceding an election for the naturalization of foreigners. Now no one would object to the naturalization of those who are properly entitled to be naturalized, but we all know that in the heat of political excitement, just immediately preceding an election, when there is so much anxiety on the part of different candidates and parties to secure votes, that a great many persons obtain naturalization papers who are not entitled to them. And often it happens that the courts cannot properly discharge their duties in putting through, as they often have to do, one hundred, two hundred or three hundred voters in naturalized citizens in one day, that the rush and crowd before them is so great that many judges are compelled to let them be put through, as a kind of matter of course, by the clerk of the court, without the proper examination and without hearing, themselves, the testimony in the cases.

This is no deprivation of the right of any naturalized citizen. It simply requires that he shall be a citizen one month before he shall exercise the right of suffrage, and I apprehend, in point of fact, it will be limited to a very few foreigners in our country.

If they apply as soon as the law authorized them to, for their first paper, as it is called, and at the end of five years go

into court and obtain their naturalizations, the limitation of one month will only apply to a few persons who have come into the country within that one month, and I apprehend, in point of fact, it will apply to a very few. Now the question, before us is, shall we, for the sake of giving this right of suffrage to a few persons, perhaps not twenty, or a hundred, at most, in the State of Pennsylvania, who will come in during that time, continue those frauds and impositions that have been practiced, as we all know, for many years past. Besides, sir, the naturalized citizen has to undergo no more injury than we impose upon the native born in order to preserve our elections pure. Our native born citizens who move from one county to another, within two months preceding the election, are not entitled to vote, according to the section as we have already passed it in committee, and as it is according to the present Constitution.

Mr. CAMPBELL. May I ask the gentleman a question?

Mr. J. W. F. WHITE. Yes, sir.

Mr. CAMPBELL. Is not a naturalized citizen subject to the same restriction if he moves within two months?

Mr. J. W. F. WHITE. Certainly.

Mr. CAMPBELL. Does he not stand upon an equality in that respect?

Mr. J. W. F. WHITE. Certainly. The argument is that when he becomes a citizen, that therefore he is entitled, at once, to the right of voting.

Now I say, for the sake of preserving the purity of our elections, we have to have plenty of these guards and checks upon the exercise of that right; and one of those checks and guards is, that the citizen shall reside in the district two months before he is entitled to vote. That applies to naturalized citizens as well as native born citizens. So he must have resided in the State a year before he is entitled to vote. A citizen of New York or Ohio, coming into our State, must reside here a year before he can vote. Why? He is deprived, you may say, of this right of suffrage; but upon what principle do we base all of these restrictions and qualifications? They are to enable us to preserve the purity of our elections, to guard against fraud and against abuses. If we believe that it is better to have no naturali-

zation papers issued within a month of an election, in order to guard against fraud at elections, does it not rest upon precisely the same footing, and upon the same ground, that we say a citizen must reside in the district two months before he can exercise the right of suffrage?

Upon that ground alone, Mr. Chairman, for one, I favor retaining in our Constitution this qualification; and in order to guard against the misconstruction of it, I prefer the mode of stating it that I have suggested here.

MR. NILES. Mr. Chairman: I have but a few words to say in reference to this matter. The first question that suggests itself to my mind is whether we have the power to make the amendment proposed by this report of the Committee on Suffrage and Representation. The question, as raised by the gentleman from Philadelphia, (Mr. Dallas,) and as suggested by the gentleman from Allegheny, (Mr. Hay,) is answered in the second clause of the fourteenth amendment of the Constitution of the United States, passed in 1865, which seems to have provided for just such cases as this: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." That is the question, as I understand, that was asked the delegate from Carbon (Mr. Lilly) by the gentleman from Allegheny (Mr. Hay.) Now I undertake to say that, in the light of the succeeding portion of this amendment, the right to vote was not the question in the view of Congress when these words were written. I read, "whenever the right to vote at any election for electors for President and Vice President of the United States, representatives in Congress, Executive and judicial officers, or the members of the Legislature, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, of such State." Therefore, Mr. Chairman, if the people of this State, in Convention assembled, abridge or impair the right of any citizen of the United States to vote, except inhabitants who may have

been convicted of crime, or participated in the late rebellion, we will be cut down in proportion to the whole number; and I undertake to say, therefore, that we have the right and the constitutional power to do it; and we are not prohibited by any clause in the Constitution of the United States from doing just what we propose to do by the report of the Committee on Suffrage.

So far as I am concerned, I will say that it is from no prejudice against the foreigner that I offer this amendment, which is but a reiteration of the report of the committee, in fuller language. I admit, with the gentleman from Philadelphia, (Mr. Dallas,) that this country is the home of the oppressed of the whole world; that we have opened our doors for emigration, and have not only done that, but we have thrown away the key, and everybody comes here and we welcome them; but we have the right to throw such guards around the elective franchise that it may be protected. One of the causes of the calling of this Constitutional Convention, one of the reasons why you and I are here to day, exercising the rights of members, is the pollution of the elective franchise in various ways, and one of those ways has been by fraudulent naturalization papers, which have been issued upon the eve of election. Have we not this right? Are we imposing any unnecessary restrictions or hardships upon the foreigners?

Why, sir, a man living just across the Delaware, in New Jersey, for twenty-one years, born upon this soil, if he remove into this State, must live here one year before he can vote; and have we not the right to say to the foreigner, the man who comes from abroad, that he must be a citizen of this country for one month, that there must be some record evidence upon file in the proper court, where it can be shown that he has renounced allegiance to the mother country before he shall step full grown, to the ballot box, and exercise the rights of a native born citizen? In Great Britain, the home of the man that we welcome here, as Blackstone says, nothing but the "transcendent power of an act of Parliament" can give them this right and the power of transmitting real estate. But we do not say that—we only say to these men whom we call to our shores, to go to our Congress and to our

State Legislatures, that it must appear of record that they are citizens of this country, and have fully renounced their allegiance to the home powers. They come, and we are glad they do come; they are an important part in the great industrial interests of this country; but if there is one thing patent in this country to day, it is the corruption of the ballot box and the pollution of the elective franchise, and almost in fact destroyed; and you, sir, and I, know that one of the great grievances that has come up from every section of this State is that naturalization papers, colored and uncolored, have been used unscrupulously by both of the great political parties of this country; and have we not the right, representing, as we do, the people of this State, to redress this wrong, and say to these people, "you shall tarry at Jericho for a little while before you exercise the rights of voters."

Therefore, it seems to me, sir, that by every consideration of duty, and with no disrespect to our foreign born citizens, that we should adopt the report of the committee in this instance.

Mr. MANN. Mr. Chairman: I am not a constitutional lawyer, but I do not think it would require a lawyer of any kind to answer the constitutional arguments which have been made in regard to the question under discussion. The provision of the fourteenth amendment of the Constitution of the United States proves entirely too much for this Convention, if it proves anything at all, for it provides that "*all persons* born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens." All the women of the United States, born here or naturalized, are citizens; all the children of Pennsylvania are citizens, according to the very section quoted. *All persons*—not all *male* persons, as we have it in this section, but all the children and all the women of Pennsylvania, who were born in the United States, or who have been naturalized by the naturalization of their husbands, are citizens.

Now, then, what point is there in the question asked by the gentleman from Allegheny (Mr. Hay) as to the meaning of the provision of the Constitution, that "No State shall make or enforce any law which shall abridge the privileges of, or immunities of, any citizen of the United

States." If privilege in this section means the right to vote, then we propose to abridge the privileges of four-fifths of the citizens of Pennsylvania, for we commence at the very first line of this section by abridging the privileges of one-fourth of them, by saying "all male citizens," and then we go on and say that they shall be of the age of twenty-one, and that excludes another half, the balance, so that we do abridge, by the very section under consideration, before we come to the amendment proposed by the gentleman from Tioga (Mr. Niles) the rights of four-fifths of the citizens of Pennsylvania, if this provision in the Constitution refers to the electoral privilege; but clearly, for the reasons given by my colleague, (Mr. Niles,) it does not. Voting was no part of the privileges referred to in this constitutional amendment. If it was, we have been boldly violating it from the time of its passage down to the present day. There is no shadow of force to the argument advanced here against the provision in relation to naturalization growing out of any provision of the Constitution. The privileges here referred to cannot, by any possibility, refer to voting; and no man in Pennsylvania has ever so understood it.

There is, therefore, no constitutional objection whatever to this proviso, which restrains a naturalized citizen from voting for one month after he becomes a citizen.

The argument of the gentleman from Pittsburg, (Mr. J. W. F. White,) that it would be in better form to adopt the language of the minority report has force in it, but it is a mere matter of taste—a mere question of language—nothing more.

Then the simple question is, is there anything surrounding this question of naturalization that requires or calls for this limitation upon the rights of naturalized citizens? That question has been so clearly and effectually answered that perhaps it would be waste of time to further enlarge upon the subject.

But a short time ago the entire time of this Convention was taken up in denouncing frauds at the elections and the corruptions that surrounded the elective franchise. I suppose there was some reason for it, and some truth in the statements made; but I undertake to say that it was within the personal knowledge

of every delegate here, that a large share of these frauds originate and come from this very question of naturalization. Now then, when we approach a position where there is an opportunity to put some check upon fraud there is a shrinking back. It is always so. We are perfectly willing—all of us, to denounce sin in the abstract, but when it comes down to particulars, and we, ourselves, become a little connected with it, and have the opportunity to put a check on it, we shrink back. We are, all of us, in the position of the down easter, who was heartily in favor of the Maine law, but strongly opposed to its enforcement. [Laughter.] Those gentlemen who, early in the session, cried out against fraud and corruption at elections, are a little sensitive when it comes down to an opportunity to lay their hands upon corruption, as in this section.

A few years ago I had the fortune or misfortune, which ever it may have been, to be appointed on a committee to investigate some election frauds in Philadelphia. My friend sitting here near me (Mr. Simpson) will remember something about it; and there is another delegate present who also knows something about it. The facts of the case are these: The sitting member, who was returned as having been elected, was in rather a questionable condition. It was doubtful whether he was a citizen of the United States or not. His seat was contested on the ground that he was not a citizen. To make out the fact that he was a citizen, he undertook to prove that his father was naturalized while he (the member) was a minor. To rebut that proof, the contestant showed that the naturalization paper issued to him was a fraudulent one; and in order to make that clear, he proved that there was any quantity of fraudulent naturalization papers issued just at that time—that is to say, immediately preceding the election; that any emigrant in Philadelphia, who would pay fifty cents for it, could get one. That fact was proved before the committee, and I presume the same fact has been proved over and over again. I have heard of similar facts having been proved before other committees. It was proved, too, that there was a committee here whose whole business was to distribute fraudulent naturalization pa-

pers. Then, in order to save his seat, this member's counsel shifted his defense, and proved that he had not been born in Ireland, but in the United States.

That is only one instance out of many occurring at every election. It has been proved, beyond a shadow of doubt, that this "mill" is grinding out fraudulent papers of this sort at every election.

It is asked by the gentleman from Philadelphia: "What safeguard, what check, will this provision be upon this system of fraud?" I answer that the inducement to fraud is always greatest immediately preceding an election. This is amply proven by the fact that these fraudulent and corrupt transactions take place immediately preceding an election; and if we insert a provision here that they shall be obliged to have their naturalization papers two months before the election, we shall have put upon this business of fraud a very great check. Thirty days will be something of a check, but two months will be a very much greater and better one, because it is only upon the heels of an exciting election that the inducement to commit fraud is great enough to make men risk the chances of a committal to the penitentiary. That is the history of all the fraudulent issues of naturalization papers that have come to light in Pennsylvania—that they occur just before an exciting election.

To prohibit the exercise of the right of suffrage for thirty days is, in my opinion, a very great prevention of fraud, and every delegate on this floor who is honestly and earnestly in favor of putting a stop to corruptions and fraudulent elections will, I hope, vote for this proposition.

Mr. BROOMALL. Mr. Chairman: I do not desire to say anything as to the merits of the proposition, but having a clear conception in my own mind of the law of the question raised by the gentleman from Philadelphia, (Mr. Dallas,) I desire to express it.

The fourteenth amendment to the Constitution of the United States was not intended to have any effect upon the political rights of anybody. Its object was to protect the civil rights of the blacks in the south. It had no other function whatever; I mean taking the whole thing together. But, in order to induce the south to grant the right of suffrage to the blacks,

the second section of that amendment was put in, the effect of which is, that if the States do not let the adult males of a certain class of citizens of the United States residing in them vote, that class should not be counted in the basis of representation. Now if you will bear that in mind you will find that there is no difficulty in construing this amendment and getting rid of the difficulty raised by the gentleman from Philadelphia (Mr. Dallas,) "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." If that could have been held to apply to political rights, and to give the blacks the right of voting, there would have been no necessity for the fifteenth amendment, which was passed a year afterwards, expressly giving them the right to vote.

The fourteenth amendment left open the question of political rights altogether, and only protected the civil rights of the blacks. The people of the United States were not ready for negro voting at the time of the adoption of the fourteenth amendment—just as the people of Pennsylvania, according to the notion of the gentleman in the chair, (Mr. Lawrence,) are not yet ripe for universal suffrage. There are, I think, four of us, delegates on this floor, who took part in concocting and passing this fourteenth amendment, and the other three gentlemen will bear me out when I say that if there had been the least hint of negro voting in that first section, it would not only not have passed Congress, but at that early day it would have hardly passed a single committee of either body.

Hence I say that if the fourteenth amendment had stood alone, we might now disfranchise the blacks in Pennsylvania, notwithstanding that they are citizens of the United States. It was so understood then, and it was so understood the subsequent year, when the fifteenth amendment was passed to give political rights without regard to race. The amendment itself will bear no other construction than that. It referred singly and alone to civil rights, and not to political ones. The only consequence of restraining the political rights of any class of persons, as we do the political rights of women, who are citizens of the United States, is that the State doing it shall not count

that class in the basis of representation. If we should allow suffrage to be *universal*, without regard to sex, one result would be, that under the fourteenth amendment Pennsylvania would have double her present representation in Congress, and would thus have the advantage of the other States, until they do the same thing.

The point, in my mind, is very clear: That this has no reference to political rights at all, and refers only to civil rights.

Mr. HUNSICKER. Mr. Chairman: I can see a way out of this complication without embarrassment to either side of the question.

I confess that point started by the gentleman from Philadelphia is entitled to much respect and consideration, but it does seem to me that the report of the minority of the committee upon this question, which will be found upon page 275 of the Journal, would remove this complication. It says that every person possessing the following qualifications shall be electors and be entitled to vote at all elections, viz: First, a male person twenty-one years of age; second, he shall have been a citizen of the United States one month. That creates no distinction between native and foreign born citizens. That, I think, removes the objection referred to by the gentleman from Philadelphia (Mr. Dallas.) Whoever offers to vote shall have been a citizen one month before being allowed to exercise that privilege. The way to reach that, I think, will be to vote down the pending amendment and then move this minority section as a substitute for the section under consideration.

Mr. DALLAS. Mr. Chairman: While I am anxious to answer the arguments thus far made against the amendment I offered, I do not desire to do so now, to the exclusion of other gentlemen. I should, however, like to have an opportunity, at another time, to reply to all those who have objections to make to it.

Mr. HOWARD. Mr. Chairman: I desire to be very brief in the remarks I shall make in regard to this question. I listened with attention to the arguments of the gentleman from Philadelphia, (Mr. Dallas,) and if I understood his remarks aright he said that if it was not competent

for the Convention to insert a provision like this into the Constitution we could as lawfully insert a provision by which a naturalized Irishman or German would have to remain in probation before he was allowed to vote. I believe the gentleman from Philadelphia made use of this language.

Mr. DALLAS. Language equivalent to that.

Mr. HOWARD. There is nothing in the matter under consideration, nor is there in the law, that would warrant us in making any such discrimination. The fifteenth amendment to the Constitution of the United States expressly prohibits any discrimination being made on account of race, color or previous condition. The gentleman's argument therefore avails but little. This general provision is applicable to all naturalized citizens. I understood the delegate from Pittsburg (Mr. Hay) to ask the question whether this provision, if adopted, would not be in conflict with another provision of the Constitution of the United States, which says that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the United States in the several States. I do not conceive that this provision has any application at all to the one under consideration, because a man may be a citizen and be entitled to all the privileges and all the immunities of citizens, and yet he may not be an elector. The fourteenth amendment to the Constitution of the United States conferred no civil rights whatever upon any person in the United States except slaves. Before its adoption every native born man, woman and child in the United States, excepting slaves, were citizens; and they were possessed of full civil rights. This declaration in the Constitution of the United States did not confer the rights of citizenship upon me and my children. We were citizens before the amendment was adopted, and it did not confer citizenship upon any person at all, excepting slaves, for whose benefit it was alone designed and framed. These slaves had been excluded from all enjoyment of the rights of citizenship by the laws of all the southern States. They had been excluded by the decision of the Supreme Court of the United States, which had declared that they were not citizens, but who ever

doubted at any time that the men, women and children, born here upon our soil, or naturalized, were citizens of the State of Pennsylvania before the adoption of the fourteenth amendment. There can be no doubt that citizens have a right to participate in all civil rights everywhere; and if this question is to be discussed intelligently this distinction must be always borne in mind. I maintain that the civil rights of citizens of the United States, men, women and children, are equal, but they have not the same political rights, and voting is a political right. When the citizen comes to participate in the government itself, in the framing of its laws, or in voting for the men that shall make its laws, he has risen to the stature of an elector. He is a citizen, it is true, and he has all the civil rights of a citizen, and he has also the privileges and political rights of an elector. There can be no question, whatever, that we have a right to make a general law applicable to the foreigner as well as to the native born citizen. We are compelled to make these laws for the protection of the ballot box, and we make them for the same reason that we say that the native born citizen shall be a resident of the State for one whole year prior to casting his vote, and if he moves just over the line of the ward or the township in which he lives he shall reside in that district two months before he shall have a right to cast his vote. He is nevertheless a citizen all this time. He is a citizen while he waits one year in probation in the State, and while he waits two months in probation in the district. He is as much a citizen, and has all the rights that could possibly be conferred by his certificate of naturalization, and yet it is not at all in conflict with the Constitution of the United States because that instrument does not provide for the qualifications of electors. That is left to the States alone. It has been urged that such a provision as this will have a tendency to diminish the proportion of the representation of the State in Congress. This question has been discussed, and reference made to the second section of the fourteenth article.

This section provides that when the right to vote shall be denied to any of the male inhabitants * * * the basis of representation shall be reduced in proportion. We do not deny the right of a nat-

uralized citizen to vote, but for the purpose of preventing frauds upon the ballot-box, and for reasons that are apparent and transparent to all, we propose to establish this provision the same as we would establish a police regulation for the protection of ourselves and for the protection of society. We say that while the naturalization certificate confers all the rights of citizenship and civil rights, it does not confer the right of an elector until the citizen shall have been possessed of these rights one month prior to the right to vote at an election. It is perfectly lawful, and it is entirely consistent with every provision of the Constitution of the United States and with the practice of this government from the earliest day down to the present.

Mr. BUCKALEW. Mr. Chairman: I desire to say that I agree entirely with the arguments of the gentleman from Delaware (Mr. Broomall.) I also have some personal knowledge of the proceedings in Congress when the fourteenth and fifteenth amendments to the Constitution of the United States were proposed, and I think it clear that both the letter of those amendments, and the debates and proceedings which accompanied their passage in Congress, establish the proposition that there is no inhibition upon this Convention or the people of this State respecting the insertion of the proposed amendment in our Constitution. It will be observed that, if this amendment shall be adopted, persons may be naturalized, so as to secure the right to vote, as late in the year as under the present Constitution. All naturalizations before a date earlier than October will still be good at the general election, for we have postponed that election one month. It will hereafter be held in the month of November, and all persons who shall desire to be naturalized will have as late a day in the year to perfect their naturalization, hereafter, as they have hitherto had.

I have but a few words to say in regard to this limitation of one month, and then I shall leave the question to the decision of the Convention. I think it very important that fraudulent naturalizations in federal and State courts shall be detected before the fraud shall be consummated at the elections. The important inquiry is whether thirty days is an adequate inter-

val of time between the time of naturalization and the election for the detection of fraud. This is the only question, in my judgment, which we are called to decide. Inasmuch as these naturalization papers are perfected in open court, I think fraud, based upon false papers, could be easily detected or prevented if each of our great political parties had lists of those naturalized made out from the official records of the courts, and instituted proper inquiries in the several election districts where the naturalized persons may reside. In this manner it would be perfectly convenient and feasible to defeat the polling of fraudulent votes. If the men holding such papers shall be told that they will be prosecuted for perjury, either under the United States or the State laws, the attempts at fraudulent voting will be stopped. In this way false voters can be threatened in a proper manner before the election, and even upon the ground, when they are brought there for the purpose of polluting the ballot-boxes of the people. In addition to this, due process of law may be devised, if it does not already exist, to enable the courts from which they issue, to re-call all such false naturalization papers. If the laws of the State or of the United States do not already provide a sufficient remedy in this direction the necessary provision can be easily made, and I submit that upon the eve of an election, when every one is upon the alert, and two great political parties are keenly watching each other, there will be no difficulty, within one month, of stopping all fraud based upon naturalization papers not properly issued. I am adverse to extending the period to a greater length of time than one month, because in this case we will have to limit upon a principle of necessity, the exercise of the privileges of citizens of the United States. When we invite those who come to our shores to obtain in courts of justice equal privileges with ourselves, I would give them the whole advantage of all the rights which our Constitution and laws confer on them, subject only to such limitations as stringent necessity shall demand to protect our elections from fraud. Inasmuch as I believe that the period of thirty days is necessary, and at the same time adequate, for this purpose of protection, I shall vote for the proposition as it came from the

committee, and against the pending amendment, and all other amendments which shall change its character.

Mr. GOWEN. Mr. Chairman: I understand the question now before the committee is on the amendment to the amendment and that the amendment offered by the gentleman from Philadelphia (Mr. Dallas) is to strike out the proviso in the first section of the article on suffrage, election and representation as it came from the committee. I am opposed to the amendment to the amendment, and in favor of the amendment as offered by the gentleman from Philadelphia (Mr. Dallas.) It seems to me that whatever question may arise upon the fourteenth amendment to the Constitution of the United States, there can be little question as to the meaning of the fifteenth amendment, which says that "the right of citizens of the United States to vote shall not be denied or abridged by any State on account of race, color or previous condition of servitude." As I understand this section as it is reported by the committee, a naturalized citizen of the United States, who has been a citizen twenty-five days, is to be denied the right to vote, for no other reason whatever than that he is a foreigner and was not born in this country. The moment a foreigner is naturalized, the moment the certificate of his naturalization is handed to him by the court, he becomes a citizen of the United States, and I take it that it is not in the power of any State to deprive a single naturalized citizen of the right to vote even for one day or one instant for a reason which does not apply to native born citizens.

Certainly if this Convention has the right to deprive naturalized citizens of the right of suffrage for one month it has the right to deprive them of it for one year or for ten years. It cannot be denied, and I apprehend that no good lawyer will assert that this Convention has any more power to conflict with or impair the Constitution of the United States than our State Legislature has. If, therefore, the Constitution of the United States, which is the supreme law of the land, declares that a State shall not abridge the right of any citizen of the United States to vote on account of race, if this Convention undertakes to put in the Constitution of this State a clause, the only object of which is

to abridge that right simply on account of race, it is a violation of the Constitution of the United States.

I understand that the object of this proviso is to prevent the hurry and scramble for naturalization papers which generally takes place in our courts immediately before the election. But, Mr. Chairman, we simply put forward the time one month. If the foreigners who wait until the last day, and then rush into the courts to be naturalized, with the knowledge that the leaders of one political party or another will pay for their naturalization papers, find out that they will have to obtain their papers one month before the election, it simply makes the rush take place at an earlier date.

Mr. MANN. Mr. Chairman: If the gentleman from Philadelphia will permit the interruption, I desire to understand how the term "foreigners" designates a race any more than the term "woman."

Mr. GOWEN. Mr. Chairman: Why sex, I suppose, is the designation that would be used in the Constitution of the United States if it referred to the difference between the sexes. Certainly the word race does not distinguish the difference between the sexes. But there is the Celtic race; there is the Teutonic race. There are five great races of men, and each of these races has certain sub-divisions.

Mr. MANN. Mr. Chairman: I ask the gentleman from Philadelphia how the term "foreigner" designated a race in the way that he mentions.

Mr. GOWEN. Mr. Chairman: The "foreigner" is a different race of man from the American born citizen.

["No!" "No!" "No!" "No!"]

Mr. GOWEN. I do not agree with my friends on this subject. It seems to me that the majority is against me upon that proposition, but I apprehend that if you exclude a man from voting after he has been naturalized, on account of his nativity, you exclude him on account of race. It seems to me, further, that if this Convention has the right to exclude him for one month it has the right to exclude him for ten years.

There is another consideration of vastly more importance to the State of Pennsylvania, and stronger than any of those technical objections which I have urged, in favor of the amendment. The State of

Pennsylvania is peculiarly a State in which we want all the people we can get, no matter where they come from, to help us develop our material interests. The State of Pennsylvania is about the same size as England, which supports a population of nearly twenty millions of people. The State of Pennsylvania is peculiarly a State rich in mineral products; the great wealth of our Commonwealth is due to those mineral products. For the development of these interests, of our iron, our coal and our oil, we want people to come into this State, no matter from where they come. I apprehend that the American nation is the only country in the world that, among its imports, shows millions and millions of dollars' worth of material wealth and prosperity imported in the shape of laboring men. We want them to come into this State. We do not want to put upon our Constitution a clause which shall draw any invidious distinction against the foreigner after he shall have become a naturalized citizen. If it is understood abroad that the State of Pennsylvania is one of the first to make that invidious distinction, that a foreigner in Pennsylvania does not, *ipso facto*, by the mere act of naturalization, acquire all the rights which he acquires in other States, what effect is it going to have on emigration?

If this amendment is simply for the purpose of preventing this scramble in the courts, as I said before, it only brings that scramble forward a month earlier, and while it does not accomplish what is desired, it stands upon the records of our State as a peculiarity, as something that prevents a foreigner exercising in this State the powers which he can exercise in any other immediately upon the act of naturalization, and it will prevent them from coming here. Now we do want them to come here. Gentlemen in this convention may claim that a great many evils during election times come from the voting of foreigners who have not been naturalized. Let us purify our election system to cure this. I do not care how many foreigners vote if each of them will agree that he will only vote once on any election day. But we do want the material interests of this State improved enlarged and increased by all the population that can be brought into

it, and in consequence of the peculiar condition of those material interests it is necessary that a large proportion of that population always will be foreign-born. I am opposed, Mr. Chairman, to putting anything in the Constitution that will make the residence of a foreigner in the State of Pennsylvania any more objectionable than it is in any other State.

First, for the reason that it will accomplish no good in curing the particular evil which the committee hoped to remedy; and, second, because great evil will result from it by keeping foreigners from coming into the State.

Mr. DALLAS. Mr. Chairman: I know not what view the Convention will take of the proposition of the able gentleman from Philadelphia (Mr. Gowen.) I am sure that whatever view the Convention may take of his position in that matter, I am very grateful to him for having assumed it. I commenced to feel strongly the necessity of reinforcement, and I am glad to have received it from so able a source; and whether the position of the gentleman as to the meaning of the word race, in the fifteenth amendment, be correct or not, I can only say of him what he said of an equally distinguished gentleman the other day: "He is amply able to take care of himself." At the same time it occurs to me that if the word race here does not have the construction which he has sought to put upon it, then it applies only to men of different races and not of different nationality, and the consequence is that a gentleman who may have been born in the interior of Ethiopia has a peculiar privilege because of that fact, and a man born in England, because he is of the same race as many of us, must do without this special protection, whereas a man from the centre of Africa is entitled to it. I do not propose, for it is not necessary to the question I am considering, to raise any discussion as to the propriety or the impropriety of any such result, but I say that that result inevitably follows and it is a consequence of any construction of that word race other than that which the gentleman from Philadelphia has placed upon it.

But, Mr. Chairman, at the beginning of this discussion I presented three matters for the consideration of this committee. It was impossible for me to state, for I did

not know, the grounds which induced the Committee on Suffrage to insert this peculiar proviso in the section under our consideration. It did appear to me that it was objectionable—

First. As in conflict with the spirit of the Constitution of the United States—not only with recent amendments, but with the spirit of the entire instrument.

Second. I thought that even if there were no restriction upon our powers, that that restraint which should be ever present with us was important here—the restriction of sound principle; and that it would be contrary to principle to incorporate such a proviso as this into any section of our Constitution; and

Third. That it was a novelty; that it was something entirely new to our fundamental law, something entirely new to the fundamental law of the United States and of every State that composes it, and that therefore some very good reason should be assigned for its introduction.

Now, sir, I have patiently waited, and have listened with attention and great respect to the answers that have been made by gentlemen on this floor to these propositions. Without attempting to go over in detail what each of them has said in opposition to the position I have taken, I propose to consider, in mass, what all of them have said upon each of these propositions.

We have had a construction given to this fourteenth section by the able delegate from Delaware, (Mr. Broomall,) who, at the time of the passage of this article in Congress, had the honor to represent his district in that body, and we have had the construction of the distinguished member from Columbia, (Mr. Buckalew,) based upon the same fact. But both of these gentlemen well know that the construction which honorable members may have had in their own minds at the time the article was framed never controls any man in the proper construction of the language used. There is, sir, no more dangerous method of construction than that of asking the law-maker what construction he puts on his own work. He has no right to say to us, if he has used equivocal or doubtful language, "*I meant to say such and such.*" If that were so, in every cause tried in our courts where the construction of a law or a constitution

is in question, the law-maker himself would be called as a witness to instruct the courts as to what he intended.

Now the fact is that it is not what the law-maker intended, but what the language he has seen fit to use, intends that controls this question, and I respectfully contend that the Convention should, as I think they will, put from their minds all that the distinguished delegates have said as being their private view and consider for themselves what this language means.

Now, Mr. Chairman, the language of the first section of article fourteen is: "All persons born or naturalized in the United States are citizens of the United States, and of the State where they reside." Will the gentleman tell us that this was intended to apply only to our colored citizens? Who does not know that colored citizens are not naturalized? Now it has been incorporated into the fundamental law of the land that every "naturalized citizen," and it is impossible, by construction, to remove the plain meaning of those two words, is a citizen of the State where-in he resides.

I appeal to every lawyer upon this floor, for his professional opinion, and I appeal to every gentleman who is not a lawyer, for the opinion of his common sense, as to whether you can say, by your paramount law, that every naturalized foreigner shall be a citizen, and then say, by some other law, that he shall have none of the rights of citizenship? Clearly that cannot be. Therefore it follows that if you cannot stand upon that general proposition, you cannot fritter away men's rights in detail. If the naturalized citizen, the moment he receives his papers, becomes a citizen as good as any of us, you cannot take away the rights that flow from that position, little by little, any more than you could do the same thing at one fell swoop. You cannot justly say to him, you may hold property like a citizen, but you shall not vote like a citizen for one month to come. You are now, upon this instant of time, as much a citizen as I am, or as any man in the Commonwealth of Pennsylvania is; the paramount law of the land says so, but for one month you shall not enjoy the rights of citizenship, but the most important right which is accorded to every other male citizen, having a residence for two months in his dis-

trict, and one year in the State, shall be denied to you. I say that, in justice, this cannot be, because if you can take away one, you take away every right of citizenship, and leave him but the name; and constitutional provisions are not made for the purpose of securing names to people, but for the purpose of securing their political rights. But, it has been said, this proviso deprives men of no political rights, that "it is necessary and proper that we should *restrict* this right within certain limits for the protection, of its purity," and "do we not restrict native born citizens?" Aye, you do, but by *general* rules, and by provisions of *general* application, and so far there is no doubt of your power and of the justice of its exercise. You have a right to say to every citizen of this Commonwealth. You shall reside in the State for one year, and in your election division for two months. That is perfectly proper, but if you select one class of citizens, as good as any other class, as thoroughly citizens as any other class, and say to them, you shall remain one year and two months, and one month besides, then I say you have made an unjust and unreasonable discrimination.

The fourteenth amendment, in its first section, goes farther: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of law."

Here are we engaged in framing, for submission to the people, the highest law of this Commonwealth. Here are we at the highest part of the performance of our duty, at the consideration of the very foundation of our government, for we are deciding now who shall constitute the sovereigns of this State, and how sovereign power shall be exercised; and yet, sir, in the face of the constitutional provision that all citizens shall be entitled to the equal protection of the law, we are asked to insert a provision here in the section intended to protect the right of franchise—the highest right that a citizen can have! Which shall say to some of our citizens that for one month they shall not

be included in that protection. It is no answer to this to say that we also put some restrictions upon native born citizens, so long as the fact remains that we do not put upon them the *same* restrictions.

It has been said that if my views upon this first section of the fourteenth amendment are correct, that still I am wrong, because, in its second section, it impliedly grants the power that we propose to exercise if we adopt the report of the committee. In the first place we can have no power by implication, as against the use of express language depriving us of it; but, in the second place, let me call the attention of gentlemen to the fact, that the second section of the fourteenth amendment is but the sanction to the first section. It does not assume, nor was it placed there for the purpose of granting power, but on the contrary it distinctly provides that if we violate the first section we shall lose a proportion of our representation in the United States Congress. I did not refer to it at the opening of my remarks upon this subject, because I did not conceive that it could be necessary to do so. That any gentleman would stand upon this floor and contend that we may properly violate the first section of that amendment, because the second prescribes the punishment for doing so, I never presumed to be possible. The second section provides what the punishment for violating the section shall be, but it does not say that our action in violating it would be right, because we choose to submit to such a forfeiture of our proportionate participation in national affairs. It is a principle of law, that few gentlemen in this Convention need to be reminded of, that the fact that a penalty is prescribed for doing the act, of itself, makes the act unlawful.

But, sir, I do not rest, as I said a moment ago, exclusively upon the fourteenth section, but also upon the Constitution as it stood before these recent amendments were made to it.

Mr. BROOMALL. If the gentleman will suspend his remarks I will move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole have had again under consideration the article with reference to suffrage and election, and have instructed their chairman to report progress and ask leave to sit again.

Leave was granted to the committee to sit to-morrow.

Mr. COLLINS. Mr. President: I move that the Convention do now adjourn.

The motion was agreed to.

So the Convention, at one o'clock and fifty-five minutes, adjourned.

FORTY-FIRST DAY.

WEDNESDAY, *February 12, 1873.*

The Convention met at eleven o'clock A. M., Mr. Walker in the chair. Prayer was offered by the Rev. David S. Monroe, D. D., of York, Pennsylvania.

APPROVING THE JOURNAL.

The Journal of yesterday was then read and approved.

REPORTS OF PROTHONOTARIES.

The PRESIDENT laid before the Convention the reports of the prothonotaries of Fayette and Carbon counties, relative to the number of civil causes upon their respective dockets.

PHILADELPHIA BOARD OF EDUCATION.

The PRESIDENT *pro tem* laid before the Convention the following communication from the Philadelphia board of education :

BOARD OF PUBLIC EDUCATION,
FIRST DISTRICT OF PENNSYLVANIA, }
PHILADELPHIA, *Feb. 12, 1873.*

To the Constitutional Convention :

At a meeting of the board of public education of the First district of Pennsylvania, held at their chamber, on Tuesday, February eleventh, 1873, the following resolution was adopted :

Resolved, That the thanks of this board be and are hereby tendered to the Constitutional Convention for the use of the hall occupied by them for a meeting of the board.

From the minutes.

H. W. HALLOWELL,
Secretary.

INTOXICATING LIQUORS.

Mr. WRIGHT presented the petition of one hundred and sixty workingmen and two hundred and thirty-seven citizens of Luzerne county, praying for a prohibitory clause in the Constitution against the sale of intoxicating liquors, which was referred to the Committee on Legislation.

Mr. DARLINGTON presented the petition of one hundred and sixty citizens of West Chester, in favor of the same provision in

the Constitution, which was referred to the Committee on Legislation.

Mr. PARSONS presented the petition of the citizens of Lycoming county, praying for the same provision in the Constitution, which was referred to the Committee on Legislation.

REFERENCE OF RESOLUTION.

Mr. ARMSTRONG. Mr. President : Some time ago a resolution was referred to the Committee on the Judiciary, relative to the rights of married women over the acquisition, control or disposition of their separate property, real or personal, and also another in regard to the chartered privileges of existing corporations. I ask that the Committee on the Judiciary be relieved from the further consideration of these two resolutions, and that they may be respectively referred to the Committee on the Declaration of Rights and the Committee on Railroads.

CORPORATION PRIVILEGES.

Mr. COCHRAN. I call for the reading of the resolution, which is proposed to be referred to the Committee on Railroads.

The PRESIDENT *pro tem*. The Clerk will read the resolution.

The CLERK read as follows :

Resolved, That the Committee upon Railroad Corporations be instructed to, report how far the chartered privileges of existing corporations are in the nature of contracts with the State, and as such not subject to the provision upon the subject of corporations which may be incorporated in the Constitution.

Mr. COCHRAN. Mr. President : I desire to say in regard to this resolution, that it was acted upon somewhat hastily at the close of the session day before yesterday. I think it will be apparent to every member of the Convention that this resolution is not one of those which are referred as a matter of course to any committee. The rule of the body requires that all resolutions proposing amendments to the Constitution shall be referred to the several committees having those matters in charge. The wording of this resolution,

it will be seen, does not propose any specific amendment to the Constitution. It simply proposes that a committee of this body shall give an opinion or make a report containing an opinion on a question of law—a question which may or may not arise hereafter. This resolution can only be properly disposed of by taking it up and moving to proceed to its second reading and consideration. This is the only way by which it can be brought before the Convention in order to determine whether or not any committee of this body shall be required to report upon an abstract proposition. I do not object at all to the motion of the gentleman from Lycoming, (Mr. Armstrong,) that the Committee on the Judiciary be discharged, because I think it is entirely proper, but I object to have the resolution referred to the Committee on Railroads before it passes through a regular consideration of a committee of a Convention and thus come under the rule.

The PRESIDENT *pro tem.* The Committee on the Judiciary is discharged from the consideration of the resolution. The question is upon the reference of the resolution to the Committee on Railroads.

Mr. COCHRAN. I move to lay the resolution on the table.

Mr. KANE. I call for the reading of the resolution.

The resolution was again read.

The motion to lay on the table was agreed to.

HOOR OF MEETING.

Mr. BROOMALL. Mr. President: I offer the following resolution:

Resolved, That hereafter the sessions of the Convention shall begin at ten o'clock A. M.

The resolution was read a second time.

Mr. HOPKINS. Mr. President: I move to amend that resolution, by inserting the words, at the end of the resolution, "and adjourn at one o'clock, and meet at three P. M. and adjourn at five."

Mr. KANE. Mr. President: I ask whether the resolution is before the Convention.

The PRESIDENT. The resolution is before the Convention. It has been twice read. The gentleman from Washington (Mr. Hopkins) moved to amend, by adding thereto that the Convention "adjourn at one, and meet at three and adjourn at five." The question is on the amendment.

Mr. COCHRAN. Mr. President: I think there is no member of the Convention that is more desirous, personally, than myself to contribute to the dispatch of its business, or as little disposed to interfere with any propositions that are made to effect that end. But I beg now to state with regard to this resolution, that I think it is too soon to make this arrangement. I want to state one fact, and ask gentlemen simply to consider that fact when they vote. The committee, of which I have the troublesome distinction to be the chairman, is in the habit of meeting nearly every morning in the week at nine o'clock, and sitting until this Convention assembles. We suppose, I do not know whether rightfully or not, that the work confided to us is a work of some importance. Now of that committee four, or five, or six, I don't know how many, gentlemen are members of other committees, and those important committees. I believe we have some gentlemen on that committee who are members of the Judiciary Committee, which is in the habit of meeting in the afternoon. I think we also have some members of the Committee on Legislature, which also meets at different times, and in that way a number of the members of our committee are duplicated in their work. One of them is chairman of the Committee on the Executive department.

Now the work of all these committees is going on, and I hope is approaching completion. If the Convention will only have patience for a few days, and let our sessions remain at eleven o'clock, then the Committee on Railroads can meet in the morning, and sit two hours and do its work, and the members of it who are on other committees will have the afternoon for meeting those other committees. Our Committee on Railroads have fixed upon the morning, a very inconvenient hour to many of our members, at nine o'clock, just for the purpose of enabling our members to attend our meetings without interfering with their duties on other committees. Therefore I hope that the Convention will not, this morning, pass either the resolution or the amendment. I do not think there will be anything gained by forcing the passage of the resolution requiring us to meet at ten o'clock. Let us wait a little while longer, and let these committees have time to do their work, and then meet, if you please, at nine o'clock. I will be ready.

Mr. M'ALLISTER Mr. Chairman: I agree with the gentleman from York (Mr. Cochran) in the remarks he has just made. I am a member of the committee of which he is chairman. We meet every day at nine o'clock and sit, as he has said, for the two hours that intervene before the meeting of the Convention. The committee of which I am chairman meets every day at four o'clock in the afternoon, and has so met from three days before the organization of the Convention in this city. There are three members of the Committee on Suffrage, Election and Representation who are members of the committee of which the gentleman from York is chairman. We work hard—

Mr. BROOMALL Mr. President: I prefer to withdraw my resolution rather than have it debated at any further length.

Mr. M'ALLISTER Mr. President: I will then state, whilst I am up, that the best possible arrangement that we could have is that which we have now, for meeting at eleven o'clock and adjourning at two. It affords proper time for getting dinner and for meetings, both in the morning and in the afternoon. I hope the end of committee work is coming, though we scarcely yet see the end. I hope the day is coming when the committees will have completed their labors, and we will be ready for general work in the Convention.

Mr. BROOMALL Mr. President: Rather than waste the session in debate I will withdraw the resolution.

The PRESIDENT. It is not in the power of the gentleman from Delaware to withdraw it, inasmuch as it has been read a second time.

Mr. BROOMALL Mr. President: Then I move that it be postponed for the present, in order to stop this debate.

The motion was agreed to.

PROCURING PURDON'S DIGEST.

Mr. ARMSTRONG Mr. President: I offer the following resolution:

Resolved, That the Clerk procure, for the use of the Convention, five copies of the new edition of Purdon's Digest, which shall not be removed from the building.

Mr. ARMSTRONG Mr. President: We have suffered great inconvenience for the want of Purdon's Digest. It is a book which is constantly inquired for upon the floor, and which would be exceedingly valuable in the debate which is now progressing on the question of the rights of naturalized citizens. I have

offered this resolution in accordance with the expressed wishes of quite a number of gentlemen in the Convention; and I can speak for the Judiciary Committee, that they have very sensibly felt the necessity of the book. A new edition of Purdon's Digest has been published, and, I believe, issued upon Monday of this week. It can now be procured at a cost of fifteen dollars a set, and the five copies will cost this Convention seventy-five dollars, unless they can be procured at a less expense by taking several copies.

Mr. CORSON. Twelve dollars and a half.

Mr. ARMSTRONG Mr. President: I am glad to be so informed, but the retail price is fifteen dollars. I hope this Convention will not longer delay the business of the committees or of the House for want of so small an expense.

The resolution was agreed to.

POSTAGE ON DEBATES.

Mr. HARRY WHITE Mr. President: I offer the following resolution:

Resolved, That the Committee on Printing be and is hereby instructed to confer, at the earliest possible moment, with the Postoffice department at Washington, and procure, if possible, an arrangement for forwarding the copies of the Debates of this Convention by the State Printer to the different newspapers of the State, at newspaper rates, paid quarterly, in advance, and to make report thereof to the Convention.

Mr. HARRY WHITE Mr. President: One word of explanation as to this resolution. Sometime since the Convention passed a resolution authorizing the State Printer to forward copies of the Debates to the different newspapers of the State. I conferred with the State Printer the other day, in connection with the chairman of the Committee on Printing. The question naturally arose how these Debates were to be forwarded, and how the postage was to be paid. The Convention will observe that unless there is some special arrangement made with the Postoffice department, one cent—the newspaper postage—will have to be pre-paid for every single copy of the Debates sent to the different papers. I have no idea exactly what number of newspapers are published in the State. Other gentlemen may have more correct ideas; but, at all events, if we are to pay one cent postage upon every single copy forwarded, the postage will be very considerable. The Legislative Journal Debates, the daily debates of the Legisla-

ture, are forwarded, according to an arrangement made with the Postoffice department in Washington, by paying the postage quarterly in advance. I am satisfied that the Committee on Printing can secure an arrangement of this kind, and it will effect a great saving to the Commonwealth, and will be a very great convenience to the State Printer.

Mr. NEWLIN. Mr. President: I will state, in answer to what has just been said by the gentleman from Indiana, (Mr. Harry White,) that the Committee on Printing had a meeting a day or two ago, and they have directed me to make a report, which is embodied in the resolution which I now hold in my hand. If the gentleman from Indiana will, for the present, withdraw his resolution I will offer this as a report from the committee, and the Convention can take whatever action seems wise in the premises.

Mr. HARRY WHITE. Mr. President: Let the gentleman from Philadelphia make his report, and if it answers the purpose I will, of course, withdraw the resolution.

REPORT OF THE COMMITTEE ON PRINTING.

Mr. NEWLIN. Mr. President: The Committee on Printing would respectfully report:

That Mr. Benjamin Singerly, the printer of the Convention, has been ready to send one copy of the Debates, ordered to be transmitted to the various newspapers and publishers in the State, and others entitled to receive them, by mail, but he has been unable to do so because payment of postage thereon is required to be made in advance. In order to obviate that difficulty the committee submit the follow resolution:

Resolved, That Mr. Singerly be requested and authorized to pay the postage necessary for the purpose of sending the copies of the Debates of this body, ordered to be transmitted to the several newspapers of the State, and others entitled to receive them, by mail, and that he furnish his account for the same, duly authenticated, to the Committee on Accounts of this Convention.

Mr. NEWLIN. Mr. President: I submit that the resolution which is now before the Convention meets the purpose intended by the gentleman from Indiana (Mr. Harry White.) It is immaterial how often postage bills are paid, provided they are not paid every day, as the trouble and

annoyance of paying postage bills every day is considerable, and this course proposed by the Committee on Printing obviates it. The printer may present his bill monthly or quarterly, or at any other regular time that he sees fit. The money has to be paid, and provided it is paid in such manner as is as little trouble as possible to the Convention, the purpose is fully met by the resolution I present on behalf of the committee. However, if any other or better mode can be suggested, I have no preference.

Mr. HARRY WHITE. Mr. President: With all due deference to the chairman of the Committee on Printing, his resolution does not meet the purpose I had in view, at all; and for the purpose of testing the sense of the Convention, I move to strike out all after the word "resolved," and insert as follows:

"That the Committee on Printing be and is hereby instructed to confer, at the earliest practicable moment, with the Postoffice department at Washington, to secure, if possible, an arrangement for forwarding the copies of the Debates, by the State printer, to the different newspapers of the State, at newspaper rates, paid quarterly, in advance, and to make report thereof to this Convention."

The PRESIDENT *pro tem*. The amendment is before the Convention.

Mr. HARRY WHITE. Mr. President: The Convention will observe that the resolution offered in connection with the report of the Committee on Printing merely contemplates authorizing the State printer to pay in advance the postage upon the debates, at usual current rates for such matter. This will swell the volume of postage largely beyond what it will be if these debates are forwarded at newspaper rates. The purpose of the resolution I offer is to authorize the committee to confer with the Post office department at Washington, to secure an arrangement by which these Debates can be forwarded at newspaper rates. This course will, as I have said, largely decrease the volume of postage to be paid. I hope my amendment will be adopted.

Mr. NEWLIN. Mr. President: I will say but another word on this subject. The resolution which I have had the honor to present from the committee today, is one which was adopted some days ago and handed to me yesterday. After the explanation of the gentleman from Indiana, (Mr. Harry White,) I am satisfied that his resolution is better than that

reported from the Committee on Printing.

The PRESIDENT *pro tem.* Does the gentleman (Mr. Newlin) accept the amendment?

Mr. NEWLIN. I cannot do so, sir, as my resolution is part of the report from the committee.

Mr. COCHRAN. Mr. President: I would like to inquire, for information, whether it is not true that for one cent you can send a half ounce of printed matter, paid in advance? Is not that the postoffice law?

Is it true that you have to pay one cent for every separate piece of paper—every separate publication, or cannot you send three or four together, provided they do not amount to more than a half ounce? If that is so the printer would get all the advantage of the reduction by simply sending three or four days Debates at a time.

Mr. DODD. Mr. President: I would like to ask the gentleman from Indiana (Mr. Harry White) whether the postoffice department has a right to make any alteration in the law in relation to postage; whether it would not be necessary to have an act of Congress in relation to this matter?

Mr. HARRY WHITE. Mr. President: In answer to the inquiry of the gentleman from Venango, (Mr. Dodd,) I would say that the postoffice department can decide what should come within newspaper postage and what should not. They have done it in the case of the daily Journal of the Legislature at Harrisburg. This question was fully discussed at the time the proposition was made in that case. The postmaster at Harrisburg had theretofore charged one cent for each separate document, and a very considerable saving was effected by the new arrangement—the exact amount of money which was saved. A very large saving would certainly be effected in this instance also.

Mr. HAY. Mr. President: I would like to ask the gentleman from Indiana (Mr. Harry White) whether, in considering this subject, he has made any calculation as to the amount of expense which this transmission of Debates involves for postage?

Mr. HARRY WHITE. I have not. The matter was talked of when the Convention passed the resolution directing the printer to transmit these Debates. The question now is, how the postage can be paid most economically.

Mr. PORTER. Mr. President: I do hope the report of the committee will prevail in this matter. There is a great deal of complaint all through the State on account of the proceedings not being received by the country papers. The resolution of the committee will obviate that difficulty. They will get the advantage as quickly as possible of our proceedings here; and if this amendment is to be adopted it will only delay this desirable consummation. I trust the report of the Committee on Printing will be adopted.

Mr. BROOMALL. Mr. President: I just wish to ask the gentleman who has taken his seat whether he supposes the newspapers will get the Debates any quicker than we will. We get them nearly a month after their proper date, when they are of no possible use to us. They will, therefore, be of no possible use to the newspapers at this time. If there is any newspaper in this Commonwealth that has any use for a paper that is three weeks old, I would very much like to see the editor.

Mr. H. G. SMITH. Mr. President: I hope the Convention will pass the amendment of the gentleman from Indiana. I am not sure but what the original resolution passed by the Convention, directing that copies of the Debates be sent to all the newspapers in the State, was too broad and too comprehensive for usefulness. If you count up the periodicals published in this Commonwealth, you will find that there are publications coming within the definition of "newspapers," numbering something like six hundred. I do not think it will fall at all short of that number—six hundred and fourteen, a gentleman near me states.

Many of these are not of such a character as could have been in the contemplation of this body when the original resolution was passed. However that may be, if this matter of postage should be referred to the Postmaster General at Washington, we can ascertain exactly what can be done, and whether some favorable arrangement can not be made in regard to it.

It occurs to me, sir, that if the postage on these Debates were paid by the proprietors of the newspapers receiving them a considerable saving to the State might be effected. Newspaper men getting the Debates ought certainly to be willing to to pay the postage themselves, and in my opinion they should not be sent to any newspaper whose proprietors are not willing to pay the postage. If that arrange-

ment could be carried into effect it would be very much the better plan. Let the printer promptly cut off from the list any newspaper which neglects to pay the postage. As a newspaper man myself, I am in favor of pursuing such a plan, and I do not think there is a respectable newspaper in the Commonwealth that would not be willing to do so. To make this inquiry will only take a day or two, and I think it ought to be made.

MR. HARRY WHITE. Mr. President: If we could get an arrangement made by which these Debates could be sent for twenty cents a quarter, and supposing there are, say two hundred copies to go out, that will make forty dollars a quarter.

[Several Delegates. There are six hundred copies.]

MR. HARRY WHITE. Well, of course, that would make it proportionally more for postage. Now, supposing that each copy costs a cent a piece to transmit, and assuming that there would be ninety for a quarter, the cost of the two hundred would be \$180.

The question being upon the amendment of Mr. Harry White, it was agreed to.

The question then recurring upon the resolution as amended, it was agreed to.

COUNTY ADVERTISING.

MR. PATTON offered the following preamble and resolution, which were referred to the Committee on Counties, Townships and Boroughs:

WHEREAS, Under the present practice regulating the publication of legal notices, sheriffs' sales, &c., such publication now generally reaches the attention of but a portion of the citizens of each county, in consequence of said publication being committed to newspapers circulating exclusively among the citizens belonging to one political party, whereby nearly one half of the citizens, in many instances, are deprived of information seriously affecting their interests:

And whereas, This system of partial publication is the continual cause of dissatisfaction, and operates greatly to the inconvenience and injustice of a great portion of the people:

And whereas, It is eminently proper that the largest publicity should be given to official notices of a public character, and that the fullest opportunity be given the citizen to have information of all process or proceedings affecting his property, rights or interests; therefore,

Be it resolved, That the Committee on Counties, Townships and Boroughs is hereby requested to inquire into the propriety and justice of reporting to this Convention, for its consideration, an amendment to the Constitution providing that all notices emanating from the courts and public offices in the respective counties of this Commonwealth, now or hereafter required to be published for public or private information, shall be published in the two newspapers, issued in the county where such courts or public offices are situated, which have the largest circulation.

EX-GOVERNOR GEARY'S FUNERAL.

MR. LANDIS offered the following resolution, which was read:

Resolved, That in respect to the memory of the late John W. Geary, in view of his distinguished services as a soldier and citizen, and as the late Chief Magistrate of the Commonwealth, during whose administration this Convention was called to revise the Constitution, a committee of six members be appointed to represent this Convention at the funeral ceremonies, to take place at Harrisburg on the thirteenth instant.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

MR. HARRY WHITE offered to amend, by adding:

Resolved, That, as a further mark of respect for the deceased, when the Convention adjourns to-day it will adjourn to meet on Friday next at eleven o'clock A. M., so that the members of this Convention may attend the funeral to-morrow.

The question being upon the amendment, it was rejected.

MR. LANDIS. Mr. President: I do not desire to pronounce any eulogium upon the character of Governor Geary. All that I have to say in reference to it is this: That I cheerfully acquiesce in the sentiments pronounced by the gentleman from Lycoming (Mr. Armstrong) and the gentleman from Dauphin (Mr. Alricks) last week. I recognize the fact that Governor Geary has been a distinguished citizen of the State; that he was a distinguished soldier in the armies of the country; that he was lately Chief Magistrate of our State, and that it was during his administration that, by a law, this Convention was created. I think, therefore, sir,

it is due to him that this Convention should pay to him this mark of respect, by appointing a suitable committee to represent it during the funeral ceremonies, at Harrisburg, to-morrow. I further think that this may be done regardless of all honest and just criticism, and all partisan difficulties, as a mark purely of respect to his distinguished character and services.

The resolution offered by Mr. Landis was agreed to.

DEBATE UPON ADJOURNMENT.

Mr. DARLINGTON offered the following resolution, which was twice read and agreed to :

Resolved, That hereafter all question as to the time of meeting and adjournment shall be decided without debate.

EXAMINING COMMITTEE.

Mr. T. H. B. PATTERSON offered the following resolution, which was read and referred to the Committee on the Judiciary :

Resolved, That the Committee on the Judiciary inquire into the expediency of introducing into the Constitution such a proposition as the following, viz :

"No person shall be eligible to be elected to the office of mayor of a city, burgess of a borough, alderman or justice of the peace, within this Commonwealth, until he shall have passed an examination before a committee of three competent citizens, appointed annually by the judges of the courts of common pleas of the several counties, and receive their certificate that he is legally competent to discharge the duties of the office to which he aspires, or is elected, and that he is of good moral character."

RULE TWENTY-FIVE.

Mr. DODD offered the following resolution, which was read and laid upon the table under the rule :

Resolved, That rule twenty-five be limited, by striking out the words "oftener than twice," and insert "but once."

PAY OF STENOGRAPHERS.

Mr. HAY. Mr. President: I am instructed by the Committee on Accounts and Expenditures to make the following report :

The CLERK read :

The Committee on Accounts and Expenditures, which was directed by the Convention to settle the accounts of A. M. Martin and H. J. Mason, for reporting

the proceedings of this Convention during its session at Harrisburg, respectfully report : That A. M. Martin and H. J. Mason were appointed by the Secretary of the Commonwealth at the opening of the session of the Convention to act as stenographic reporters until the Convention should supply their places, and were continued in the discharge of their duties during the sessions at Harrisburg. No fixed compensation was agreed upon at the time of their employment, and the committee is of opinion that these reporters should receive a fair compensation for their services, which should not be determined by the rates fixed by the Convention for its official reporter. The committee has therefore reported to be paid Messrs. Martin and Mason a sum somewhat larger than now paid the present official reporter for the same work. The following resolution is reported for the action of the Convention :

Resolved. That a warrant be drawn in favor of A. M. Martin and H. J. Mason for the sum of three hundred dollars each, in full payment for services rendered the Convention as reporters of its proceedings and Debates at the Harrisburg session.

Mr. BOWMAN. Mr. President: I propose to offer an amendment to this report of the committee. I think the committee has labored under a mistake. If I understand their report correctly, it says that they have increased the compensation of these reporters somewhat beyond the contract price, as fixed for the official reporting of this Convention. Now I think, if the gentlemen will examine the labor that has been done by Messrs. Mason and Martin, they will find that, according to the contract price, it would amount to a greater sum than that reported by the committee.

I therefore offer to amend this resolution, by striking out "three" and inserting "four."

Mr. HAY. Mr. President: I desire to state, in behalf of the Committee on Accounts, that they very carefully examined the account which was referred to them for settlement, and that they have been very careful and very accurate as to the amount of work that was performed, and that the compensation which they have reported to be paid to these gentlemen is, at least, twenty-five per cent. larger than would be paid for the same service to the present official reporter, and that the sessions at Harrisburg having continued for three weeks, these reporters would receive

one hundred dollars a week for their services.

Mr. BOWMAN. Mr. President: It is a matter of no sort of consequence how long the Convention continued in session at Harrisburg. The question to be determined, in ascertaining the amount of compensation that should be received by these reporters, is the amount of labor which they performed. While it is a fact that the Convention only continued in session during the time named by the gentleman from Allegheny, (Mr. Hay,) I know, of a fact, that these individuals put in two days for every one day that they labored there. They were engaged upon this work night after night, until the small hours of the morning, and let every gentleman look at the work they have performed; he will discover that there are here printed one hundred and forty-eight pages. According to the contract price established it would amount to more than six hundred dollars. These individuals came there and were assigned to that position by the Secretary of the Commonwealth, and subsequently, by a resolution which was introduced by the gentleman from Columbia, (Mr. Buckalew,) their services were retained by the Convention during its sessions in Harrisburg, which you will find in the Journal, on page one hundred and sixty-four.

Now is it possible that these individuals are to be held down strictly to the contract price for a few days' labor, incurring the expense of travel in going to and remaining there, and returning from? If it were in order I would move to refer this report back to the committee, but I do not know that that is in order; perhaps we can take a vote upon the motion to amend. I am satisfied that when the gentlemen of this Convention understand the labor that has actually been performed by those reporters, it will come to the conclusion to agree with me that the amount, as fixed by the committee, is decidedly too small.

Mr. JOSEPH BAILY. Mr. President: It is proper for me to say that I am a member of the Committee on Accounts and Expenditures, and was not present at the session of that committee when this resolution was agreed upon. My own judgment is that the amendment offered by the gentleman from Erie (Mr. Bowman) should be adopted.

I think such a course would be just to these two gentlemen. They did the work at Harrisburg which four gentlemen are

doing here. They did just twice the amount of work every day that two of these men do. They should be paid more than is allowed at the rate that our reporter is now paid. I think the amendment therefore should be adopted. I was not present in the committee room when the report was made up.

Mr. COCHRAN. Mr. President: I certainly have felt disposed to pay these gentlemen what was a fair and proper compensation, according to the best of my judgment. I am a member of the Committee on Accounts, unfortunately, along with my friend from Perry (Mr. Joseph Baily.) If my friend was not present at the time, it was not the fault of the committee. He left the committee room at the time this question was taken up.

Mr. JOS. BAILY. I wish to interrupt the gentleman. The chairman of the committee said he would be through with the business in five minutes, and there would be no other business taken up than the subject then before the committee, and that did not relate to this subject. They took it up after I had left.

Mr. COCHRAN. The business of the committee was not finished when the gentleman left, and there was a quorum present after he had gone, and we went on to transact business. Now, Mr. President, I tried to make a calculation upon the basis furnished by the chairman, and as I understood, and I made it that under the compensation allowed to the official reporter for the same amount of work, he would have received five hundred dollars. The amount proposed to be paid is one hundred dollars more.

I agree with the gentleman from Erie (Mr. Bowman) that it is not exactly the question of the length of time the Convention sat at Harrisburg. I agree entirely with the gentleman from Erie, (Mr. Bowman,) but it must be remembered that the Convention was in session in Harrisburg only three weeks, and that during this time we did not sit more than three days a week. Shall it be said, in view of this fact, that these reporters had not time during the period in which the Convention was not in session to bring their report to a completion? Why, Mr. President, I am willing to pay these reporters a fair compensation and, according to the best of my judgment, I think that the compensation proposed by the committee is a fair and adequate one. I would not deduct one cent from the compensation of these gentlemen that I thought

they were entitled to, but I really think that one hundred dollars a week under the circumstance, in which we were assembled at Harrisburg, and when that is one hundred dollars more than I understand the calculation of their work amounts to, we have made what I consider a fair and liberal compensation for their labor.

The question was then taken on the amendment offered by Mr. Bowman of Erie, and the amendment was rejected.

The question recurring on the resolution offered by the Committee on Accounts and Expenditures, the resolution was agreed to.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON SUFFRAGE.

Mr. McALLISTER. Mr. President: I desire to present the second supplementary and partial report of the Committee on Suffrage, Election and Representation.

The PRESIDENT *pro tem.* The Clerk will read the report.

The CLERK read as follows:

VIVA VOCE ELECTIONS.

"All elections for persons in a representative capacity shall be *viva voce*."

ELIGIBILITY OF FEMALES.

"Females of the age of twenty-one years or upwards shall be eligible for election or appointment to the office of controller or manager under the school laws of this State."

QUALIFICATION OF ELECTORS.

The Convention then resolved itself into committee of the whole, Mr. Lawrence in the chair.

IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. The committee of the whole has under consideration the first section of the article reported by the Committee on Suffrage, Election and Representation. The question is on the amendment proposed by the gentleman from Tioga (Mr. Niles) to the amendment of the gentleman from Philadelphia (Mr. Dallas.)

Mr. DALLAS. Mr. Chairman: I leave the consideration of the effect of the fourteenth amendment upon the question now under discussion to this committee, but the gentleman who replied to the remarks which I had the honor to make at the outset of my argument upon this question, overlooked the fact that I did not

rest in this branch of the subject exclusively upon the effect of that fourteenth amendment.

Among the powers delegated to Congress by the Constitution of the United States, prior to these recent amendments, the power of establishing uniform laws of naturalization have been mentioned. That power, as I have said already, was an exclusive power, as it has been repeatedly judicially held. Now the proviso which my amendment contemplates proposes, so far as the right of franchise is concerned, to extend the period of naturalization one month beyond the time fixed by the act of Congress passed in accordance with the Constitution of the United States. I acknowledge, of course, the force of the argument that the State of Pennsylvania has the right to fix regulations by which the privilege of franchise shall be exercised, but I contend that any rule or regulation established by the State upon this subject must be general in its application. To the remarks of the gentleman from Allegheny (Mr. J. W. F. White) that a foreigner could not complain because this rule applies to all foreigners, and because we made a rule to apply to citizens as well as foreigners. I reply that that argument fails in the fact that the only rule which this proviso seeks to establish, which he says truly applies to all foreigners, *only* applies to all foreigners, and is not a rule of general application to all citizens of the United States and of this State.

The time which is permitted for the debating of these questions in the committee will not permit the reading of judicial decisions upon this point, but, in passing, it may not be unwise to call the attention of the members of the committee to the fact that the Supreme Court of the United States, having decided that the right to establish national banks and national currency is assumed in Congress, that the States cannot tax the national currency or the capital of national banks founded upon government bonds. The reason is, the assumption being admitted; that these matters are in the exclusive control of Congress; and if the States sought to tax this national currency and the capital of national banks, it would be in derogation of the powers confided to Congress. Now the naturalized citizen is, as a citizen, a creature of the federal government. He is a citizen, because the United States Constitution provides that the Congress must decide him to be so;

and, because Congress is to exercise that power, we cannot say, in derogation of that power, that he can be a citizen only in name. We cannot say to him that, for one month after he is a citizen, a distinction shall be made against him which does not apply to other citizens, any more than we can make a distinction against national banks in favor of State banks. In addition to this, the Constitution of the United States also provides that Congress shall have the power to regulate commerce among the States; and the question was at one time raised, and very recently, how far a State might tax articles of commerce coming within its limits from an adjoining State. In this case it was held that they might be taxed, so far as no discrimination was made against other States, and as long as the commerce of adjoining States was treated in the same manner as the business or merchandise within its own borders. I therefore claim that these principles are applicable to the question under discussion, without regard to the fourteenth amendment, and that the Congress of the United States, having provided a law, uniform in its operation of naturalizing citizens, when this power was granted to Congress, it was designed that these naturalized citizens should possess equal civil rights with any man who owned his citizenship from the period of his nativity; and if deprived, by law, of the right of the elective franchise, he is left a citizen of the State merely in name.

MR. SHARPE. Mr. Chairman: The question before the committee has a twofold aspect. The one of power and the other of propriety. It is denied by gentlemen of sound judgment and great ability, on this floor, that it is competent for us to declare in the organic law that "no naturalized citizen shall enjoy the right of an elector until one month shall have elapsed from the time he became a citizen." In support of this theory reference has been made to the fourteenth article of the Constitution of the United States. The first section of which provides, among other things, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This article of the Constitution was sent down to the States for ratification on the 16th of

June, 1866. When the light of contemporaneous history is concentrated upon this article its meaning and purpose become quite manifest. At the time of its adoption there was in this country a people who, though native born, were yet not citizens of the United States. Being natives, they were not the subjects of naturalization; therefore they could only be lifted into the high prerogative of American citizenship by a constitutional amendment. This was done, as we have already said, by the declaration that all persons born in the United States, and subject to the jurisdiction thereof, are citizens. But although this native born, yet disfranchised, people were, by the operation of these few magic words engrafted into the organic law of the United States, made citizens, though they were not thereby made electors in the States. This is perfectly clear, from the second section of the fourteenth article, where it appears that if the right to vote for certain officers, mentioned therein, is denied to any of the male inhabitants of a State, being twenty-one years of age and citizens of the United States, is in any way abridged, except for participation in rebellion, or other crime, the basis of representation shall be reduced in a certain proportion prescribed therein.

This section contemplates that the States might undertake to deny or abridge the exercise of the elective franchise by certain classes of citizens of the United States, recognizes fully the power of the States so to do, but fulminates the threat that if the attempt is made it shall be punished by a reduction of the political power of the State so offending. The meaning and purpose of the amendments crop out boldly in this second section of the curtailment of the elective franchise by the States shall be applied to those who have been engaged in rebellion or other crime. There shall be no reduction in representation, but if not for that cause but for some other, that is, on account of race, or color or previous condition of servitude, then the penalty shall be enforced. Who can doubt, in full view of the surrounding circumstances, and the language of the first two sections of the fourteenth article, that they were intended to protect the black man, and him alone? Further, we all know, sir, that the adoption of this fourteenth article was not regarded by any one as operative to confer the right of suffrage upon the negro in the States. He was not permitted to vote in Pennsylvania or

in any other northern State where he had been previously disfranchised, in consequence of this amendment. The Constitutions of the States still prevented this matter, until a power higher than they, on the thirtieth of March, 1870, sent down another amendment to the Legislatures of the States for ratification, which is called the fifteenth article, and provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude." This article was not a single step forward but an immense stride in advance of the fourteenth article. Almost four years elapsed between their adoption. This period was needed to inspire the faint-hearted in Congress with courage, and to educate the nation up to this benevolent consummation. The fifteenth article simply closed up the gap which timidity had left open in the fourteenth. The latter made the negro a citizen of the United States, and of the State wherein he resided, leaving the question of his right to vote with the States themselves, placing them, however, under bonds for good behavior on this subject.

Whilst the fifteenth article made him a full fledged elector in every State, striking down with its iron hand every resisting State Constitution, the fourteenth article contained the embryo of negro suffrage, which, in the fifteenth, grew and matured into a fully developed right. Read, therefore, in the light of history, in the focus of surrounding circumstances, and further illuminated by the exposition of those who were instrumental in securing their adoption, it must be manifest to every one that the first two sections of the fourteenth article were meant to make the negro a citizen, whilst the fifteenth article was meant to make him an elector in the States. This, we submit, was their whole scope, purpose and result. The very collocation of words in the fifteenth article, "race, color or previous condition of servitude," points as distinctly to the African as though the word had him expressed upon the face of the enactment.

We conceive, therefore, sir, that the proposition before the committee is that transgression of either the fourteenth or fifteenth amendments for the reasons already stated. But if we have erred in this, if by any chain of correct reasoning it can be shown that these articles of the Constitution of the United States have a

broader sweep, and were meant to protect white men, still, I submit, sir, that they contain nothing which interdicts this Commonwealth from doing what it is now proposed to do.

It is true, as my learned friend from Philadelphia (Mr. Dallas) has argued, that the Constitution of the United States declares that Congress shall have power to establish one uniform rule of naturalization. Congress has exercised that power, and the States therefore have no control over the subject. Besides the native born citizen we have the naturalized citizen, who acquires his title to citizenship under the mandate of the supreme power of the nation. Whilst, therefore, the States cannot place restrictions upon naturalization, beyond what Congress has established; whilst it is further true that all persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United States and of the States where they reside; whilst it is also further true that the rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude, it does not follow, from all this, that the States may vote, subject to these restrictions, prescribe the qualifications of their electors. Congress has never undertaken to do this. Indeed, no power is possessed by Congress on this subject, except as we have just stated it. I, for one, sir, shall never agree to surrender to the general government a control over the elective franchise in Pennsylvania upon doubtful construction, or forced inferences. When this right is absorbed by the general government, you may as well abolish your State Constitutions, obliterate your State lines, and bow your neck to the yoke of centralization. He, sir, who tells me that whilst we may declare that a man must be a citizen of the State for one year before he can vote, yet we cannot declare that he must be a citizen of the United States for one month before he can enjoy the same privilege, must show me a clear warrant, under the hand of the highest power of the nation, for his assertion, before he can command my faith.

So far, therefore, as this proposition is one of power in the State to place this restriction upon the naturalized citizen, my mind is clear of doubt.

This much I have said in defence of State sovereignty, for I insist that this great Commonwealth has not yet ignobly

lost all control over the elective franchise of her citizens.

But behind this question of power lies the question of propriety. It is charged against the present State Constitution that it suffers naturalization of foreigners to take place up to the very day of the election, and in consequence of that, fraudulent naturalization papers are issued, and that they are fraudulently used upon election day. The claim that is set up for the proviso in this section is, that by requiring naturalization to be made for at least a month before election day, it will prevent, to a great extent, the issuing of these fraudulent papers, and their fraudulent use. The plea is for the purity of the ballot-box.

After mature deliberation I have determined to adhere to the proviso, although in doing so I may, to some extent, curtail the equal privileges of the naturalized citizen. I am, sir, for laying a strong hand upon frauds in naturalization. And then, I ask, who will be that will lay a strong hand upon the repeater; upon the ballot-box stuffer; upon that faithless officer who, instead of conserving the ballot-box in purity, and making it the mirror of the will of a free people, converts it into a refuge of lies? When that delegate shall appear on this floor to correct such abuses, he shall have my hearty concurrence. The great evil of the times is the impurity of the ballot-box. Now there is but one objection that I conceive can be properly urged against it, that it is apt to create an invidious distinction between citizens. Now, sir, I desire to keep as far away as possible from that demon of proscription which once ran riot through this country, and which directed its arrows against the foreign born citizen and the believer in certain tenets of religious faith. If I thought that such a proposition as this could be distorted into proscription, either of foreign born citizens or any religionist, I would as soon touch a leper as touch the provision. But, sir, whilst in a few occasions it may work inconvenience; whilst it may say to a man who is entitled to naturalization, who is entitled to stand up in the full stature of an American and put on the raiment of citizenship; whilst it may now and then say to such a man, "You shall not for this time exercise your high prerogative of an American citizen;" whilst that temporary inconvenience, and apparant temporary injustice may flow from incorporating this

clause into the organic law, I consider that it is better that a few may suffer a temporary inconvenience or injustice, than that the liberties of a free people shall be endangered by the corruption of the ballot-box.

For these reasons I shall vote to retain the provision in this section.

MR. CLARK. MR. CHAIRMAN: The question before the committee seems to be as to the power of the State, in its Constitution, to make the provision which is annexed to the first section: "No naturalized citizen shall enjoy the rights of an elector until one month shall have elapsed from the time he becomes a citizen."

I think that in the outset it is proper to know whom we are to regard as citizens. Who are citizens of the United States, or of a State? The fourteenth amendment to the Constitution of the United States gives a concise legal definition of the term "citizen." It says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." "All persons born or naturalized in the United States," no matter whether male or female, whether above the age of twenty-one years or below it, "all persons born or naturalized," &c., "are citizens of the United States, and of the State wherein they reside."

Citizenship, sir, is one thing, and electoral privilege is another thing. We live in a republican government. We perform all the functions of government by representation. It is impracticable that we should all be governors, or judges, or members of the Legislature, or even electors; but we perform all these functions through the officers whom we select to serve those purposes. We are all represented in the Legislature, and we are all likewise represented in the electoral department of this government. When any elector goes to the polls to cast his ballot, he does not vote for himself alone; he votes for the community in which he lives; he is a representative man. Men and women and children are all alike citizens by the wording of this Constitution, and by the uniform decisions of all our courts for many years back; but all are not electors, and the consequence is that we have designated a portion of the citizens of this country to perform the functions of electors. They have a certain specific duty which they can perform, and that is all they can perform. They can-

not pass a law, nor can they construe a law, nor execute a law; they can simply do what has been delegated to them to do by the Constitution of the State. To vote is their function; to make laws is the function of the Legislature; to construe them the function of the courts, and to execute them is the function of the Executive.

I say we live in a representative government; and whilst all who are born or naturalized here may be citizens, all are not necessarily electors. The fourteenth amendment to the Constitution of the United States declares, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Again: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Now, I ask, sir, what are the privileges and immunities of citizens of the United States? Where are they defined? How can we know what the privileges and immunities of citizens of the United States are? Why, the federal government is a limited government. It exists under the Constitution of the United States. It has certain specific, delegated powers given to that government. It can exercise no other and no greater power.

I submit it to you, then, can any citizen of that government, so limited, exercise any powers which the government cannot give? The power of the government to bestow or to grant immunities and privileges necessarily limits the powers which its citizens may enjoy; and the citizen of the United States is therefore as limited in his privileges and immunities as is the government itself to bestow the same.

What then, are the powers of the general or federal government—the government of the United States? Why they are specified clearly and distinctly in the Constitution of the United States; and the same instrument defines the privileges and immunities of its citizens. Will any gentleman tell me that the right to vote is one of them? Will anybody intimate that upon a fair construction of this Constitution, the right to vote at any election is a right of a citizen of the United States? If you assume that you assume too much; you would have all the females voting without any sort of action on the part of this Convention. You would have all the minors voting, because all are entitled to

the privileges and immunities of citizens of the United States.

The privileges and immunities of citizens of the United States are simply those of protection under its laws and the other privileges guaranteed by the Constitution. The right to vote is a right which a man exercises, not as a citizen of the United States, but as a citizen of the State wherein he resides. I appeal, now, to the Constitution itself. I know we elect members of Congress to represent us, but who elects them? The electors designated by the general government? By no means. The Constitution of the United States declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." Does the general government pretend to indicate what the qualifications shall be of those who shall choose representatives in Congress? Not at all. That is for the State to do. There is but one other officer for the people to elect, under the Constitution of the United States, namely, a President. What does the Constitution say in regard to the selection of that officer? "Each State shall appoint, *in such manner as the Legislature thereof may direct*, electors to make selection of a President of the United States."

The question of the qualification of voters is not one under the federal Constitution, but under the Constitution of the State of Pennsylvania. I may here advert to the fact that this question came before our courts in the case of *Burnham against Laning*, in the decision of which Judge Sharswood uses this language in reference to the fourteenth and fifteenth amendments to the Constitution of the United States:

"It is equally clear that a woman who is born in this country, or naturalized, as she may be, under the acts of Congress, is as fully entitled to the protection of the government as a man, and with the right to fully enjoy all the privileges which belong to citizens; but it does not follow that the elective franchise is one of these privileges. That is exclusively regulated by the Constitution, which has excluded many citizens from it by reason of age, non-payment of taxes, non-residence within the Commonwealth and the election district for a certain length of time. Nor can I perceive that the fourteenth and fif-

teenth amendments of the Constitution of the United States have any bearing or application upon the matter. The third article, section one, of the Constitution of Pennsylvania does not, in this respect, at least, abridge the privileges or immunities of citizens of the United States, for the elective franchise is not one of them. Nor is the right of the plaintiff to vote denied or abridged on account of race, color or previous condition of servitude."

I assure you, Mr. Chairman, that no man votes at any election, either for State or federal officers, because of his privileges or immunities as a citizen of the United States; but because of his privileges and immunities as a citizen of his own State, and under the Constitution and laws thereof.

I appeal to the members of this Convention upon this point. If the general government has no control over the question of suffrage, how can a citizen of that government enjoy a privilege or an immunity under a government that cannot bestow it? It is an utter impracticability. The fourteenth amendment was adopted merely for the purpose of giving to the African race, if you please, or to the women or children, or to anybody embraced within its provisions, the rights of citizenship—the civil and political rights which are embraced in citizenship, as covered by the Constitution of the United States. It had not the slightest reference to the right of suffrage, as is proven by the reading of the second section. The first section says:

"No State shall make or enforce any law which shall abridge the rights, privileges or immunities of any citizen of the United States."

This first section says they shall not do so; hence if that section were standing alone, and such a thing were attempted, it would be in utter violation of the Constitution of the United States, and would, therefore, be nugatory and void. If the "privileges and immunities," referred to in the first section, embraced suffrage, there would be an inconsistency between the two sections; the first section declaring that this right may not be denied or abridged, and the second section declaring that it may be denied and abridged. The true construction is that the first section does not embrace nor refer to suffrage, but the second does; and the right of representation of any State is there decreed to be based upon the extent to which the

male citizens of that State are allowed to vote.

The fourteenth amendment has no reference whatever to the right of suffrage, except in the second section of that amendment, and that is simply to fix the basis of State representation; but then, in order to make assurance doubly sure, if the Constitution had given the negro the right to vote by the fourteenth amendment, why was the fifteenth amendment adopted? Why was it necessary to declare anything further in the Constitution of the United States than the declaration of the fourteenth amendment, that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, had all the rights, privileges and immunities of citizens of the United States, if that declaration included the right to vote?

The fifteenth amendment does not speak of the "privileges or immunities" of citizens as such, but it says the "right of citizens of the United States to vote," &c.—a manifest and obvious distinction between the reading of the fourteenth and that of the fifteenth amendments. "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude."

It was alleged by the gentleman from Philadelphia, (Mr. Gowen,) yesterday, in his remarks before the committee, that this proposed proviso would, in effect, abridge the rights of foreigners, on account of their "race." I was sorry to hear an argument so simple as that from that gentleman, whose legal learning is everywhere admitted. It seems to me that we would, by this proviso, discriminate against no man on account of his "race." This discrimination is not made on account of race, color or previous condition of servitude. I believe we have five original races. I had occasion to look into that matter yesterday evening. It is not because a man is an African that we discriminate against him. It is not because he is a Caucasian, nor because he belongs to the Mongolian, or any other of the five races; nor, coming down to minuter divisions, is it because a man is an Irishman, or a German, or a Turk that we abridge his right. Why then? Because he owed and paid allegiance to a foreign power or potentate. And we say to that man: "After you are naturalized, and have held your naturalization papers for thirty days, you shall

have the right to vote. You are a full-fledged citizen when you become naturalized, and are entitled to all the protection which the laws of the United States afford to its citizens, but you have no right to vote until you have held these papers in your possession for thirty days.

This is complained of because it has special application to foreigners only. Do we not do the same thing against minors? "All persons born or naturalized in the United States" are citizens thereof—so says the fourteenth amendment. Children under the age of twenty-one years are citizens of the United States. What do we say to them? Why, we say: "When you arrive at the age of twenty-one years you shall vote." We discriminate against our own people and against our own children, and shall we not be permitted to discriminate against persons from a foreign country? Not because they come of any class, or any race, or are of any color, or because they were freemen or slaves, but because they owed and paid allegiance to a foreign government, and we have a right to say to them that they shall be naturalized, but that for the public good to prevent fraud, they shall have had their naturalization papers for thirty days before they can vote. There does not seem to me to be any question about our perfect right to do so. Under the fourteenth amendment there is clearly no curtailment of our power; and under the fifteenth amendment it is as clear as can be, that we may not discriminate against them on account of race, color or previous condition of servitude. And this we certainly do not do; but solely and simply because they have owed and paid allegiance to governments other than ours.

It may be said, further, if we discriminate against naturalized citizens for one month, we may discriminate against them for a year; if we may for one year, we may for ten. I am not inclined to deny this proposition, but certainly no wise man would favor the adoption of such a measure; no man in this country, or in these times, would willingly cut off the vote of the naturalized citizen any greater length of time than would prevent the dangers apprehended. The prevention of frauds at elections is a consummation devoutly to be wished, and no element of our population would be more rejoiced at its attainment than the foreign element. The power, however, doubtless exists, thus, to abridge the right for the public good, so long as no discrimination is made on account of

race, color or previous condition of servitude, but the exercise of the right for any other purpose would be most unwise and unjust.

Mr. M'ALLISTER. Mr. Chairman: It seems to me remarkable that the proviso under consideration should be construed into an invidious discrimination against the man of foreign birth. Most assuredly no such purpose was intended by the committee in making this report. Indeed it was argued that there was an invidious discrimination against the native born citizen, in that the native born citizen was required to reside two months, being a citizen, and a man of foreign birth only to reside one month, being a citizen; and it was alleged that that was an invidious discrimination in favor of foreign citizens and against the native citizen.

I was astonished, also, at the "constitutional argument" of the gentleman from Philadelphia (Mr. Dallas.) It was the first time that I had ever heard it alleged that it was not in the power of every State in the Union to determine, by her own organic law, what time the citizen should reside within her bounds before he acquired the right of suffrage. That is a right that has been uniformly exercised by every State of the Union, and before I proceed further, I would say, for information, that I am instructed by the Committee on Suffrage, when the proper time comes, to move to substitute the word "person" instead of "naturalized citizen," in the seventh and eighth lines, so that the clause will read: "No person shall enjoy the right of an elector until one month shall have elapsed from the time that he becomes a citizen." That instruction was given to the chairman, with a view to remove any appearance of harshness that may occur to any one in the structure of the sentence.

I had intended to go into an argument upon the legal construction of the fourteenth and fifteenth amendments, but that subject has been so ably discussed, and so clearly treated, by the gentleman from Indiana (Mr. Clark) that I will not say anything further in reference to it.

But for the purpose of showing that the words "privileges" and "immunities," contained in the fourteenth amendment, have received a judicial construction as used in the second section of the fourth article, I will read an extract from Cooley on Constitutional limitations, page 397:

"The Constitution of the United States contains a provision that is important in

this connection, which is that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. Although the precise meaning of privileges and immunities is not very definitely settled, as yet, in some things it is unquestionable that many rights and privileges may be made, as they usually are, to depend upon actual residence, such as the right to vote," &c. Many things may be made to depend upon actual residence. This right of suffrage has been made to depend upon actual residence, and that is just what we do here in this article, in reference to the exercise of this right. The man of foreign birth is required to reside in the district one month, the man of native birth two months. It is true that the man of foreign birth is required also to reside two months, but he is only required to reside one month after he becomes a citizen, whilst the man native born resides two months, being a citizen, or after he becomes a citizen. Now is this an invidious distinction? It seems to me not. Both of these provisions are restrictions upon the right of suffrage, that great natural social right, which no government on earth should restrict, but for good reasons, and it was only because the restriction was necessary to guard against fraud that I would consent to either of these restrictions. It was a necessity that rested upon us to preserve the purity of the ballot; and will it be said that our foreign citizens will not make this concession willingly? They are as much interested as the native citizen in the purity of the ballot-box. All good citizens should unite to secure the purity of the ballot, the only inquiry being what is necessary?

Now upon this subject of necessity, it is most manifest that the greatest frauds have been perpetrated in this matter of naturalization, upon the eve of every important election. The frauds exist, and we must counteract their influence upon the ballot—we must get ahead of the people who are perpetrating the fraud, and we cannot do it if naturalization papers can be poured out, as they have been, the day before the election.

Mr. ARMSTRONG. Mr. Chairman: I had thought of saying a few words upon this subject, but it has been so fully discussed, and I so entirely agree with the views expressed by the gentlemen who have preceded me, in opposition to the proposed amendment, that it is with some reluctance that I address myself to its further

discussion. But it is a constitutional question of very great importance, and there are some considerations which bear closely upon it, which have not yet been brought to the attention of the committee.

The proposed section, with the pending amendments, raises two questions: First, as to the constitutional power of a State to impose any limitation upon the right of a citizen of the United States to vote within that State. Second, as to the expediency of the particular limitations now under consideration.

I will not discuss the question of citizenship, which has been so ably and fully argued by my friend upon the right, (Mr. Clark,) and in whose views upon that subject I entirely concur.

Those who deny the right of the State in this regard base their opinion upon a construction of the fourteenth article of the Constitution of the United States which, in my judgment, is narrow, and contrary alike to its true intent, and to its settled judicial construction. It is claimed that under the second clause of the first section, viz: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The clause which we now propose to insert in the Constitution of Pennsylvania would be inoperative and void. I call the attention of the committee to the fact that a clause in similar language and the same import was contained in the Articles of Confederation of 1778; the fourth article of which declared, that: "The better to secure and perpetuate mutual friendship and intercourse amongst the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." Section two of the fourth article of the Constitution of 1787 repeats the same provisions, as follows: "*The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.*" We are not, therefore, in interpreting the fourteenth amendment, required to interpret language new, either in sentiment or expression. This clause, under the old Constitution, has been frequently under consideration, and has received judicial interpretation.

In Faneur's Manual of the Constitution, pages 401 and 402, in commenting upon the fourteenth article, it is said: "In respect to the powers of the government, it

is of the same general character as the last. It re-affirms some pre-existing powers, but adds no new ones." And in reference to the particular section under which the question now in discussion has arisen, he states: "It will scarcely be claimed, by anybody, to delegate anything new to the government, or to prohibit the States from doing anything which otherwise they might rightfully do."

The same doctrine, precisely, is declared in Pascal's commentaries upon the same article of the Constitution; and this author claims that the language of the fourteenth amendment does not apply to the elective franchise, and cites from opinions of the United States courts and the courts of several States in support of his position. I will briefly cite a few only of these authorities, for, as I have before stated, the arguments which have been already made meet so fully my views upon the question, and are, in my judgment, so conclusive, that it is not necessary to elaborate the argument. The words "rights," "privileges" and "immunities" have all been judicially construed. The word "right" is generic and embraces whatever may be lawfully claimed."

"Privileges are "special rights belonging to the individual or class, and not to the mass—properly an exemption from some duty or immunity from some general burden or obligation—a right peculiar to some individual or body." In *Lemmon vs. The People*, 20 *N. Y. R.*, 608, Denio, J., declares: "The meaning of the language is that, in a given State, every citizen of every other State shall have the same privileges or immunities—that is, the same rights—which the citizens of that State possess. They are not subject to the disabilities of alienage; they can hold property by the same titles by which other citizens may hold it, and no other. Discriminating legislation against them shall be unlawful." In *Bates on Citizenship*, page 22, it is held: "Immunities are rights of exemption only—freedom from what otherwise would be a duty or a burden."

In the case of *Corfield vs. Coryell*, 4 *Wash., C. C. R.*, p. 380, it is held by Judge Washington, in commenting upon this article of the Constitution of 1787: "It is confined to those privileges and immunities which are in their nature fundamental, which belong of right to the citizens of all free governments, and which have,

at all times, been enjoyed by the citizens of the several States which compose this nation, from the time of their becoming free, independent and sovereign. They may be all comprehended under the following general heads: Protection by the government; enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraint as the government may justly prescribe for the general good of the whole; the right of the citizens of one State to pass through or reside in another State, for the purpose of trading, agriculture, professional pursuits or otherwise; to claim the benefit of the writ of *habeas corpus*; to institute a lawful action of any kind in the courts of the State; to take hold or dispose of property, either real or personal, and an exemption from higher taxes or impositions than are paid by other citizens of the State, may be mentioned as some of the peculiar privileges and immunities of citizens, which are clearly embraced by the general description of privileges deemed to be fundamental. To which may be added the elective franchise, as legally established by the laws or Constitution of the State in which it is to be exercised."

In the case of the *United States vs. Williamson*, 4 *A. L. R.*, 19, *Conner vs. Elliott*, 18 *How*, 591, *Murray vs. M'Carty*, 2 *Munf.*, 393, and in numerous other cases, it has been held that it does not embrace privileges conferred by the local laws of the State, such as the rights of representation or election. In *Story's Conflict of Laws*, section three hundred and twenty-one, &c., in commenting upon the same clause of the Constitution, it is said:

"The result of the cases seems to be that the citizen of one State does not carry the local laws of his State which are repugnant to the laws of his new domicile into that State. But when he goes into the State he is entitled to all the rights and privileges of the citizens of that State—no more, no less. *He is not entitled to vote* as one of his privileges until the Constitution or laws of that State give him the power."

Without further comment upon this clause, I maintain that the current of opinion as pronounced in the courts of the United States, as well as in the several States of the Union, has disposed of this question by conclusive adjudication. It is settled, and it is not now open for argument

This brings me to the consideration of the next section of the same article, which reads as follows:

"When the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the Executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any male inhabitant of such State, being twenty-one years of age, and citizens of the United States, or in any way abridge," &c.

The broadest interpretation which can be given to this language is that which has been suggested by the gentleman from Columbia, (Mr. Buckalew,) and it is: That it would operate by way of penalty to limit the representation of the State to the same extent to which the right to vote is limited. But if this be its true intent and meaning, its operation under the provision reported by the committee would be so exceedingly limited as to be unimportant, if not wholly inappreciable. But I do not concur in this construction.

The regulation which the committee has prepared is only a means to aid in securing the purity of our elections. It looks not to the *right* to vote—but to the *mode of its exercise*. I cannot regard it as any "abridgement" of the right to vote within the meaning of the Constitution of the United States, and cannot, therefore, assent to the admission of my learned friend from Columbia, (Mr. Buckalew,) that it would operate even to the smallest extent to reduce the basis of our representation in Congress. As applied to the case in hand, it is practically insignificant, but in its relation to our constitutional rights as a State of the Union under other circumstances, and when applied to other conditions which future necessities may develop, it might become a question of vital consequence. But it is enough to justify this discussion that it involves the construction of an important clause in the Constitution of the United States which has not yet been judicially interpreted, and I have felt it my duty to dissent from a construction which might in the future be looked upon as an acquiescence of this Convention in a construction, which, to some extent, at least, compromises the constitutional rights of the State. I repeat, with emphasis, that in my judgment the proposed amendment does not *deny*—neither does it *abridge* the right of a citizen of the United States to vote. To *deny* the right is to withhold it entirely; to

abridge the right is to withhold it in part. To illustrate: If it were declared that a designated class of citizens shall not vote at all, this would be to deny the right. To declare that such a class shall have the right to vote for the Governor, but shall not vote for legislators, would be to abridge the right and would, in either case, operate to reduce the basis of our representation. This view is strengthened by an examination of the precise language of the section. It specifies distinctly—not only the President and Vice President of the United States and representatives in Congress, but the Executive and judicial officers of a State or the members of the Legislature thereof, and is silent as to all other officers of the State. The disjunctive form of the expression clearly indicates that it was contemplated as possible that the right to vote might be restricted to certain specified officers of the State, and the Constitution of the United States would guard against any such discrimination as might effect the election of either of the federal Executive officers or the members of either branch of the federal Legislature. But considering the question in a still wider view, the true construction of the clause, as applied to the proposed amendment, depends, as I understand it, upon whether its restriction takes hold upon the elective franchise, embracing, of course, the officers designated in the section before referred to, or merely upon the mode of its exercise. No one, I presume, denies the right of a State to regulate, at its own discretion, the mode in which its citizens shall vote; and to my mind it is clear that the restriction goes no further than a reasonable regard to the purity of our elections require. It does not deny nor abridge the right, but declares that it shall be exercised within certain reasonable limitations and restrictions. It regards the sanctity of the ballot-box as essential to the security of liberty. It guards the elective franchise with jealous care, and seeks to gather around it every protection which shall ensure the expression of the public will without fear and without favor. Its protection from fraudulent abuse is a prime necessity; and the means to accomplish it are clearly the subject of legislative discretion, and come fairly within that classification, recognized as a fundamental right, and known to judicial decisions as questions of "police." Some portion of individual and natural right must yield to the general good of the greatest number.

By natural right every man's personal liberty is without restraint. He may go where and when he pleases, but the general good requires that this right shall be limited, and in all organized government it is subject to such restraint as public necessity imposes. It is upon these grounds that, for sufficient cause, the citizen may be arrested and imprisoned. So the rights of private property are sacred, and protected by express constitutional guarantees; yet it is the right of the State to seize upon the tools of a burglar, and forfeit the right of personal ownership. In all such cases the natural, as well as the constitutional, rights of the citizen are subordinated to the general "police" powers of the State, to the end that the greatest number of citizens shall enjoy the largest liberty, for there can be no true liberty which is not regulated by law.

I maintain that this section means no more, and proposes nothing more, than to ensure the protection of all citizens in the elective franchise and to guard against its abuse.

The question of expediency, which has been adverted to in this discussion, I think is clearly within the power of the Convention, and that it is to be determined according to sound discretion, with the view of ascertaining what kind and what degree of restraint is necessary to the just and equal exercise of this right. It will not do to argue, as has been done, that if it is competent for the Convention to restrain the exercise of this right for thirty days, that it is equally competent to restrain its exercise for thirty years. There is a point of limitation beyond which restraint would become denial, and this point, in extreme cases, I suppose, would raise a question for judicial determination. It is distorting the argument to contend, as has been done, that there is no stopping place between such extremes. It does not follow that because we might restrain the exercise of a right for a hundred days that we might restrain it for a hundred years. There is a point where the judicial department would interpose to control the limitation, for it cannot be denied that there is a point where ostensible restraint would become practical denial.

As to the expediency of this provision, I would remark that I would regard it as better adapted to its purpose to extend the limitation to sixty days rather than thirty. In times of severe political contest thirty days falls within the period of

high excitement. I would place no restraint upon the right of foreign subjects to avail themselves of the most liberal naturalization laws, and would welcome them to citizenship and to the enjoyment of our highest, and most valued and sacred political franchise; but equally, in the highest interest of all citizens alike, native born and foreign, I would, as far as practicable, exclude every means of corruptly influencing or controlling elections, and would strike down the power of the depraved of all parties to form political rings around any class of our fellow-citizens, to impose upon their ignorance, their credulity or their confidence; for these men are far more sinned against than sinning. I would extend to foreigners of every land the most cordial welcome, and invite them to the fullest enjoyment of our privileges; but I would have them become citizens in the quiet and coolness of their deliberate choice, and not under the excitement of political agitation. I am not, however, urgent in this regard, and shall vote for the limitation of thirty days, but would favor an amendment extending the time to sixty days, as I believe it would better attain the end proposed, and accords with the limitation imposed upon native born citizens; and would be more likely to promote equal, just and honest elections, by limiting the power of dangerous and unscrupulous political leaders, who shrink from no means, however fraudulent, to compass political ends, and who use naturalization papers fraudulently and against the wishes and without the knowledge of the naturalized citizens, and with equal detriment to them as to others. The provision abridges no man's right to vote, but merely regulates, in a reasonable manner, the mode of its exercise, and is part of that general system which the committee has so carefully considered and reported, with a view to secure the free, honest and impartial expression of the public will by means of the ballot.

Mr. SIMPSON. Mr. Chairman: There has been so much discussion upon this subject, addressed by lawyers to the lawyers of the Convention, that I propose to discuss it now merely as between honest men, and to look at it in a practical light. The gentleman from Carbon, (Mr. Lilly,) in his address upon the subject referred to the evils growing up under the present law, and illustrated them with instances occurring to his own knowledge. Most of the delegates upon this floor, and cer-

tainly all of our members who reside in this city, can bear out the assertions made by him in another forum. I had occasion, a few years ago, in the investigation of a contested election case to prove, to the satisfaction of the investigating committee by the prothonotary and various clerks, that in one alleged court, without a judge upon the bench, a large number of persons were said to have been naturalized at such a rate that it required the administration of six oaths per minute during a period of some twenty-five or thirty days. In the investigation of this same case I discovered the fact that in one locality of this State, far removed from the city of Philadelphia, that the names of men and the place of their birth were obtained from them, and without losing an hour from their labor, without leaving the mine or the rolling mill, were represented in the Supreme Court of this State, and naturalization certificates were issued on a Friday preceding the election, mailed to one of the inspectors of elections, by him delivered to the recipient on the morning of or the night before the election, and voted upon at the election to the destruction of the votes of good and honest men of the Commonwealth. I maintain that when we see such fraud as this under our present Constitution and laws, it is the duty of this Convention, and the duty of the people of this State, to apply such a corrective as will prevent the recurrence of such scenes in all future time. It is with this view I regard the amendment now proposed to be stricken out as a great measure of reform, and as such I shall vote for it. When all these frauds were being perpetrated in 1868 in this city and in the Supreme Court of the State, to such an extent that it called forth the condemnation of two of the then sitting judges, and one who had been appointed, but had not yet taken his seat, what was done then? Some of the gentlemen, who are now identified with the great municipal movement in the city of Philadelphia, failed then to lift up their voices in condemnation of this great outrage and wrong. Ah! I might say to them:

"Where was Roderic then?

One blast upon his bugle horn were worth a thousand men."

They were silent, because they were, to some extent, the recipients of the benefits to be derived from so great a fraud. I maintain that this amendment is not, as has been alleged here, a restriction upon the naturalized citizen.

I think, sir, it can be demonstrated that it is rather a favor extended to him, to the exclusion of the native born citizen. Let me see. Let me illustrate it: A man born in Pennsylvania and living here until he is twenty-five, or thirty, or forty years of age, makes up his mind to change his residence. The next general election, we will say, will occur on the fifth of November, supposing the amendment which passed the Convention shall be approved by the people of the State. At any day after the fifth day of May, or on the same day he becomes a resident of another State. He leaves this State for one day, changes his mind and comes back again. What then? He was born here, he has lived here all his life but a single day, and yet that day cuts that man off from the exercise of suffrage until after the next general election. At that election he is deprived of the right of suffrage. But a man who was not a citizen when he went out, who was not a citizen when he came back, who did not become a citizen until three or four months afterward, that man votes at the next general election, and his vote is cast into the ballot-box, while the man who was born here and moved out of the State but for one day loses his vote, if the six months necessary to restore him to citizenship would not expire until the day after the election.

I think it is a privilege conferred upon naturalized citizens, which is denied to the native born. Upon the constitutional question I do not propose to enter into a discussion, except simply so far as to answer the argument made by the gentleman from Philadelphia (Mr. Gowen) yesterday, who claimed that this proposed restriction was a matter coming within the Constitution of the United States, because of the word "race." When at school I was taught that there are five great races on the face of the globe, and if anybody can find in this proposed proviso anything that says anything about the African race, or the Asiatic race, or the Indian race, or the Caucasian race, or the Malay race, it will be open to that objection. But I find no such words, and I assert that it is not in the power of anybody to interpolate into it words that are not there, and if they be not there and cannot be interpolated, then the word race has no effect upon it, and cannot be considered for a moment.

I want to call the attention of the committee to another thing. This, as I said, is a measure of reform. It is to protect the right of the honest voter. What

difference, practically, is there, whether or not a man is denied the right of suffrage, when he comes to the ballot-box, if by any law, or practice under any law, or any usage, or any custom, the fraudulent vote is allowed to be deposited in the box to annul his vote? What practical difference is there if you receive his vote and then annul it by the reception of a fraudulent one? Why it is as if he had not voted at all. So far as the result is concerned it amounts to nothing. Thus it is that this provision will act as a reform. It will protect the ballot-box by removing from the turmoil, immediately preceding an election, that insane desire to get people naturalized for the purpose of securing their votes at the next election. We have seen that desire carried out, not only in this city, but in the county of Carbon, of which the gentleman from that district (Mr. Lilly) has spoken, and in other counties in this State. We have seen what was intended by Congress, when they passed the act, to be the exercise of judicial power become a mere clerical performance and a farce, and this provision is designed to cut this whole thing up by the roots. Unless this or some similar provision be put into the Constitution, I think we will fail to meet the requirements of the people who ask from us to secure the ballot-box and make it pure.

Mr. GIBSON. Mr. Chairman: I do not think that it is necessary to take up the time of this committee with any prolonged discussion of this subject at this time. I am in favor of some such provision as this, but it is not necessary to add anything to the arguments that have already been made in favor of this provision. But in order to vote intelligently on this question, I would like to ask a question which may be answered by the chairman of the committee or by some other member of the committee, and that is this: The provision is: "No naturalized citizen shall enjoy the right of an elector until one month shall have elapsed from the time he became a citizen." Does that mean that any man, one month after the naturalization papers are granted him, shall become a voter, no matter where he resides, or does it mean that, by relation, he shall be a citizen, counting from the time of his naturalization; that is, eleven months until the time his papers are granted, and one more month until the year has been completed? Without this clause, would it mean that a naturalized foreigner would have to remain in the

State one year after his papers were granted to him? If not so, it is a discrimination in favor of the foreigner and not against him.

Now, sir, the question which I ask is: Is it clearly enough expressed in this proviso, that a naturalized citizen shall have been a resident of the State one year at the time he exercises the right of suffrage, or not? That is all, sir, I desire to say.

Mr. M'ALLISTER. Mr. Chairman: I will state, in answer to the gentleman from York, (Mr. Gibson,) that I understand this to be a restriction upon what is previously granted; that a man of foreign birth is required to have resided in the district at least two months, and to have resided in it one of these months after he became a citizen, and after he has obtained his naturalization papers; and all the other requisites precede and are based upon the citizenship.

He must be the requisite time in the State; he must have resided the requisite time in the district; and that seems to me to clearly convey the distinction.

Mr. CAMPBELL. Mr. Chairman: Just one moment. I do not deny the power of the Convention, or of the people of the State, to impose this restriction. I do not think any sound constitutional lawyer can deny that power. But as to the question of expediency, I think it unwise, impolitic and unjust to single out a large class of the citizens of the State, and impose a restriction upon them that you do not impose upon the other citizens. I opposed the insertion of this proviso, in the committee, and I merely rise now to put myself on record here as against the insertion of the proviso, at present, and in favor of the amendment of the gentleman from Philadelphia (Mr. Dallas) to strike it out.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Tioga (Mr. Niles.) The amendment will be read.

The CLERK. "Provided further, That no naturalized citizen shall enjoy the rights of an elector until he shall have resided in the State one year, in the election district two months immediately preceding the election, nor until one month shall have elapsed from the time he became a citizen."

On the question of agreeing to the amendment to the amendment, a division was called, which resulted: Thirty-seven in the affirmative; those in the

negative wereso many that the Chair decided the question lost, without further count.

The CHAIRMAN. The question recurs to the amendment of the gentleman from Philadelphia, (Mr. Dallas,) to strike out the proviso. The proviso will be read.

The CLERK. The proviso is at the end of the first section :

"Provided further, No naturalized citizens shall enjoy the right of an elector until one month shall have elapsed from the time he becomes a citizen."

"NATURALIZED CITIZENS" OR "PERSONS."

Mr. M'ALLISTER. Mr. Chairman: I now move the amendment suggested by the committee:

"To strike out the words "naturalized citizens," and insert the word "persons."

Mr. STANTON. Mr. Chairman: I suggest to the gentleman from Centre that he withdraw his amendment, at this time, and allow a vote to be taken on the proviso direct; then his amendment will come in at the proper place.

Mr. M'ALLISTER. Mr. Chairman: I withdraw the amendment, for the present, simply stating that I will renew it when the present amendment is disposed of.

On the question of agreeing to the amendment, a division was called, resulting: Fifteen in the affirmative—not a majority of a quorum.

So the amendment was rejected.

Mr. M'ALLISTER. Mr. Chairman: I now renew the amendment to strike out the words "naturalized citizens," and insert the word "persons."

On the question of agreeing to the amendment, a division was called, which resulted: Fifty-six in the affirmative, and thirty-four in the negative.

So the amendment was agreed to.

CITIZEN OF THE UNITED STATES.

Mr. SIMPSON. Mr. Chairman: As some question might be raised by election officers, who are not always learned in the law, I propose to offer another amendment.

To add at the end of the proviso, after the word "citizen," the words "of the United States."

This will draw the distinction between the citizen of the United States and of the State of Pennsylvania.

On the question of agreeing to the amendment, a division was called, resulting fifty-eight in the affirmative, and seventeen in the negative. So the amendment was agreed to.

A SUBSTITUTE PROPOSED.

Mr. J. W. F. WHITE. Mr. Chairman: I propose the following amendment, in the nature of a substitute, for the entire section.

To strike out all after the word "section" and insert:

"Every person possessing the following qualifications shall be an elector, and be entitled to vote at elections, to wit:

First. A male person twenty-one years of age.

Second. He shall have been a citizen of the United States at least one month.

Third. He shall have resided in the State one year, or if he has previously been a qualified elector of the State, removed therefrom and returned, six months immediately preceding the election.

Fourth. He shall have resided in the election district where he offers to vote two months immediately preceding the election.

Fifth. If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Mr. J. W. F. WHITE. Mr. Chairman: That amendment now before the committee embraces precisely the points that have been already passed by the committee, nothing more, nothing less, and is the same as the minority report, found on page 225 of our Journals, with the addition of the fifth qualification. The section, as reported by the committee, contained no provision in reference to tax.

The section, as reported by the committee, contains no provision relating to tax. The committee has added an amendment to that section, somewhat similar to the provision in our present Constitution, requiring the payment of a tax, and also exempting persons from the payment of that tax, between the ages of twenty-one and twenty-two. I think if we add what has been adopted by the committee, in the way of amendment to the section as reported by the committee, it will be a very long and conflictingly worded section. The amendment I propose embraces all the points, I think, much more briefly

and much more easily understood, especially, by election officers.

I can conceive of but one argument in favor of retaining the wording as reported by the committee, and that is that it is more in accordance with the style of the section in our present Constitution. But we have added to it, and if any one will turn to that section in our present Constitution I think they will find it is not worded very clearly, and requires to be read over very carefully to get at the different qualifications of an elector. If we number them numerically, as I propose in this amendment, I believe it will be much more easily understood, and it certainly expresses the qualifications much more briefly than the section as it now stands before the committee.

The CHAIRMAN. The question is upon the amendment in the nature of a substitute, proposed by the gentleman from Allegheny (Mr. J. W. F. White.)

Mr. BROOMALL. Mr. Chairman: Before the question is put I desire to know what position this thing will be in after it is voted in, if it be so voted. Will it be in order to move to amend the substitute?

The CHAIRMAN. If the gentleman chooses he can move to amend after it is voted in.

The question being upon the substitute offered by Mr. J. W. F. White, it was agreed to.

Mr. DARLINGTON. I move to amend, by adding at the end of the section the following:

"*Provided*, That every female citizen of the United States, of the age and possessing the other qualifications required of a male elector, shall enjoy the rights of an elector upon the adoption of this provision by the electors of this Commonwealth, when separately submitted to them for their decision."

I have no desire to debate this question, but merely wish to state to the Convention that I offer this in order that a vote may be taken upon it connected with the proposition to submit it separately to a vote of the people.

The question being upon the amendment offered by Mr. Darlington, it was rejected.

Mr. JNO. M. BAILEY. I offer the following amendment, to come in at the end of the section:

"*Provided*, That neither paupers kept at public expense, nor persons decreed by a court of competent jurisdiction to be lunatics or habitual drunkards, during

the time such decree may be in force, shall enjoy the rights of an elector."

Mr. TEMPLE. Mr. Chairman: I desire it to be understood that I am opposed to making the payment of a tax a prerequisite to the right of suffrage, but I understand that the committee have already adopted a clause requiring the payment of a tax. This being the case, I am in favor of having the elector deposit his tax with the judge of the election at the time his vote is deposited, and make the judge of the election responsible to the proper authorities for the amount of said tax.

I have not time, Mr. Chairman, to submit my views upon this subject at this late hour of the session, and will therefore leave it for the committee to decide.

Mr. M'ALLISTER. Mr. Chairman: I will not, as a member of this Convention, suffer such an amendment to be offered without expressing my opinion against it.

I utterly deny the expediency, to say the least upon the subject, of excluding from the right of suffrage any man on the face of the earth because he is poor. I have known as intelligent and as good men as ever were born, kept at public expense, minus a leg or minus an arm, lost, it may be, in the service of their country; and these men became what we call "paupers." It is now proposed to put a brand upon these men, simply because they are kept at public expense. It is one of the objections I have, and a serious objection, I hold, to imposing a tax as a prerequisite to the right of suffrage. It deprives a man, no matter what his services to his country may have been, no matter what may be the man's own worth—it deprives him of the right of suffrage. But now it is proposed actually to brand him with infamy, as unworthy to exercise the right of suffrage.

I am ready to vote for a provision which will provide that a residence in a poor house shall not give a man the right to exercise the right of suffrage in the immediate district in which the poor house is situated; but if that man can go to his usual former residence—to the place from which he was sent to the poor house—I am utterly opposed to depriving him of the right to exercise his suffrage *there*. To do so would be to deprive him of that right because of his poverty.

I rise to give this explanation, Mr. Chairman, for I mean to have the yeas and nays called upon this subject when I can do so, even if no other member on this floor votes against it.

Mr. COCHRAN. Mr. Chairman : On the question of the right of paupers to vote it seems to me that there ought to be a distinction made, if it could be reached. The idea of allowing paupers, kept at public expense, to be marched from the county poor house to the polls in a body and voted there, is altogether improper and wrong. That is done in some counties of this State, and those men are not freemen. They are voted under pressure, and for that reason they need protection from that very pressure that is brought to bear upon them. They do not really vote in accordance with their own sentiments under circumstances of that kind.

I admit that if the proposition of the gentleman from Centre (Mr. M'Allister) could be reduced to form, I would favor it; that is to allow these paupers the right to vote at their own proper residences—the places where they came from when they were brought to the county poor houses.

Mr. M'ALLISTER. Would not the proposition that a pauper shall neither gain nor lose a settlement by his residence in a poor house, answer the purpose?

Mr. COCHRAN. Probably it would. I am perfectly willing to vote on a proposition of that kind. I do know that the kind of use which I have mentioned is made of the pauper vote where paupers are assembled in poor houses. They are voted in the district in which the poor house is located without regard to the place of their original residence.

With regard to the lunatics, I would ask by what right or upon what principle is a lunatic enabled to exercise the right of suffrage? He has not the intelligence, the power of thought, that enables a man to vote intelligently. Give a lunatic the right of suffrage! Why, sir, the minute he is pronounced a lunatic the presumption is that he has no lucid intervals. Before being so pronounced the presumption is the other way; but the moment he is ascertained, by legal process, to be a lunatic, the presumption is against intervals of sanity. Is it right that that class of persons should be taken to the polls under the conduct, or inducement, or influence of any other person, and their ballots put into the ballot-box, mechanically, without any operation of their own intelligence being brought to bear upon the act?

I hope this proposition will be put in such shape as to make it right and practicable; so that we may vote upon it in

such a way as not to put a brand upon a man simply because he is poor, but allow him to vote, on the payment of his tax, at his proper place of residence, and without the pressure of official influence brought to bear upon him, to control his vote.

Mr. JOHN M. BAILEY. Mr. Chairman : It is certainly evident that this committee is getting very impatient, and I shall not detain it with any remarks upon this subject, further than to say that if the first class of persons proposed to be disfranchised by the amendment which I have offered is, in the opinion of a majority of this Convention, or a large proportion of them, should be retained as a portion of the body politic. I will have no objection to striking out the clause referring to them from the amendment; but I do insist that persons decreed, by a court of competent jurisdiction, to be lunatics and habitual drunkards, persons who have been found by a commission to be unfit to take care of their own property, should not participate in the control of your property and your person, and my property and my person. I am not persistent in reference to the first part of my proposition, but in reference to the second, I am. If the first can, in the opinion of the members of this Convention, be put into better shape, so that it will meet the objections made by my friend from Centre (Mr. M'Allister) and the gentleman from York, (Mr. Cochran,) I will accept any modification of it that the gentlemen may offer. But upon the second clause I do insist upon having a provision of that kind in the present Constitution.

Mr. BRUCKALEW. Mr. Chairman : The question of paupers has been considered by the Committee on Suffrage, and will again, I presume, be considered by it, in connection with some other questions of a cognate character. They all relate to the subject of residence, or may have such connection; as, for instance, the quartering of troops in any part of the State, under public authority, should not confer residence; so that paupers, kept in public places, at the county seat, or some other part of the county, shall not, by reason of their location there, acquire a residence.

I hope the committee, at present, will take no action upon that branch of this amendment.

Mr. HEMPHILL. Mr. Chairman : I hope the gentleman from Huntingdon (Mr. John M. Bailey) will not withdraw that

portion of his resolution unless the fifth clause of this section, which provides for a tax qualification, is erased. I am opposed to the erasure of any portion of the gentleman's resolution, for this reason: If we impose a tax qualification, and then allow paupers to vote, it amounts to this: That the party which has the directors of the poor will pay the taxes of the paupers and vote them. Such has been the case in our county, and in other counties that I know of, and I hope that, unless the fifth clause of this section is stricken out, the gentleman's amendment will stand.

Mr. HUNSICKER. Mr. Chairman: I desire to make a single suggestion right here, and that is, substantially, what I proposed the other day to the committee, and I would like the committee to decide it: Whether the disabling clauses shall follow the enabling clauses. Now we are considering a proposition in the shape of a proviso, to take away the qualifications of electors. Both the majority and minority reports, which we are considering, have reported sections disqualifying parties from exercising the rights of an elector. If the committee will turn to page 276 of the Journal they will find that in section seven and section — are clauses which take away from parties otherwise entitled to exercise them, the rights to participate in the election as electors; and inasmuch as it is a very important question, and we are very nearly the hour of adjournment, for the purpose of giving the members an opportunity of considering the question, I move that the committee do now rise, report progress and ask leave to sit again.

The motion was not agreed to.

Mr. WRIGHT. Mr. Chairman: I trust the gentleman from Huntingdon (Mr. John M. Bailey) will withdraw the first portion of that amendment. We have in the city of Philadelphia an institution known as the United States Marine asylum, which contains some fifty or one hundred or more persons at the expense of the United States government—men who have served twenty years or upwards in the navy of the United States. According to the wording of the amendment, I judge those men would be considered paupers. If they are to be considered such, I trust that portion of the amendment will be withdrawn, because they are men who have served the country, and are in every way qualified and entitled to vote.

Mr. COCHRAN. Mr. Chairman: I move to strike out the first part of the proposition relating to paupers and insert in lieu:

"That paupers kept at the public expense shall not gain or loose a residence by being removed from their domicil to any public institution for maintainance."

Mr. SIMPSON. Mr. Chairman: I hope that all these amendments will be withdrawn, for the reason that the Committee on Suffrage have a section under consideration which provides, I think, for every case that the gentlemen ask for, and excepts the case that the gentleman from Philadelphia (Mr. McKnight) spoke of. It will probably come in as a restrictive article, referring to all these cases, and I think is so worded. It will be reported in a few days, and the whole subject can be discussed as it stands.

Mr. JNO. M. BAILEY. Mr. Chairman: I am entirely willing to withdraw the first part of the amendment which I have offered, and I do not think that the amendment to it proposed by the gentleman from York, (Mr. Cochran,) would be exactly in place in this section of the Constitution, and I therefore withdraw the first part of the amendment which I have offered.

The CHAIRMAN. The Clerk will read the amendment as it now stands.

The CLERK read:

Provided, That no person decreed by a court of competent jurisdiction to be lunatics or habitual drunkards, during the time such decree shall be in force, shall enjoy the rights of an elector.

Mr. COCHRAN. I now offer my amendment, to come in at the close of that.

Mr. BROOMALL. I rise to a point of order. The amendment is not germane to the amendment to which it is offered.

The CHAIRMAN. The Chair decides that it is in order.

Mr. DARLINGTON. Mr. Chairman: I wish merely to state that I have very grave doubts of the propriety of any such section as excludes lunatics, decreed to be such by a court of competent jurisdiction. They do not embrace the tenth part, perhaps, of those of weak mind or overthrown intellect that exist in this Commonwealth.

If it is right to exclude any of those who have not the use of their rational faculties, it is right to exclude all such, and by deciding that those only who have been so found by courts of competent jurisdiction, we necessarily allow all others

not so found, however wild and crazy they may be, to vote. Now we should either exclude all or none. Let it be a question for the election officers, subject to their discretion, under the sanctity of their oath, and let them be responsible for allowing a man who is a lunatic to vote, when he has no right to do so.

Mr. MACCONNELL. Mr. Chairman: I would suggest whether it would not be better to accept the suggestion of the gentleman from Columbia (Mr. Buckalew.) The Committee on Suffrage has this question now before them, and are giving it a careful, conscientious and anxious consideration, with a view of bringing in a section that will be well prepared and well digested, and will meet all ends that ought to be met in regard to a question of this kind. We have not time now to prepare a section or provision.

Mr. COCHRAN. So far as I am concerned, upon that suggestion, I will withdraw the amendment to the amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from Huntingdon (Mr. John M. Bailey.)

The amendment was not agreed to.

The CHAIRMAN. The question is upon the section as amended.

Mr. HUNSICKER. I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President. The committee of the whole has had again under consideration the article with reference to suffrage, and has instructed its chairman to report progress and ask leave to sit again.

Mr. HARRY WHITE. Mr. President: Upon this question of giving leave to the committee to sit again, I hope the Convention will consider a moment. We have now spent some two weeks upon the first article relating to suffrage. A great deal of this will have to be talked over again when it come up again upon second reading. I hope the Convention will not give the committee leave to sit again, but

will let the matter come up in Convention upon second reading.

Mr. KAINE. I would inquire of the gentleman from Indiana (Mr. Harry White) whether, if the Convention refuses to give leave to the committee to sit again, that will embrace all the provisions of this article.

Mr. HARRY WHITE. Certainly.

The PRESIDENT *pro tem*. The article will then come up in order of second reading, as reported from the committee.

Mr. TURRELL. If you do that you will leave it open to amendment, just the same as it is in committee, with the privilege of members to talk as long as they please. In committee they are limited to twenty minutes. Now let us keep them there.

Mr. WHERRY. Allow me to call the attention of the Convention to rule thirty-one: "All articles of amendments proposed to the Constitution shall receive three separate readings, in the Convention, previously to their passage, the first of which shall be in committee of the whole.

Mr. HARRY WHITE. Two-thirds can dispense with the rule, of course.

The question being, shall the committee have leave to sit again, it was agreed to.

The question being, when shall the committee have leave to sit again? To-morrow was named and agreed upon.

Mr. LANDIS. Mr. President: I have been requested, by a large number of delegates, to move that the committee to be appointed to go to Harrisburg, to attend the funeral of ex-Governor Geary, be increased to eight.

The motion was agreed to.

The PRESIDENT *pro tem*. The Chair has appointed the following gentlemen as members of the committee referred to:

Messrs. Landis, Mantor, Niles, Temple, John Price Wetherill, Guthrie, Addicks and Alricks.

The hour of two having arrived, the President *pro tem* adjourned the Convention till to-morrow at eleven o'clock.

FORTY-SECOND DAY.

THURSDAY, February 13, 1873.

The Convention met at eleven o'clock A. M., Mr. Walker in the chair. Prayer was offered by Rev. James W. Curry.

The Journal of yesterday was read and approved.

The PRESIDENT *pro tem.* Being yesterday called upon to sign some warrants on the State Treasurer, I declined to do so until advised by note, by the President, to sign. My appointments as President *pro tem.* did not appear on the Journal. It is deemed, by those with whom I have conferred, proper, inasmuch as I note the necessity of signing these warrants, that the appointments should appear on the Journal. If that is acceptable to the House, I will hand the appointments to the Clerk, with instructions to have the entries made on the Journal. The first appointment is of the date of the fourth, the second of the fifth, and the third of the tenth of this month.

PROHIBITION.

Mr. PARSONS presented a petition of citizens of Lycoming county, in favor of prohibiting the sale of intoxicating liquors.

Referred to the Committee on Legislation.

WRITS OF ERROR.

The PRESIDENT *pro tem.* laid before the Convention a communication from the prothonotary of Lawrence county, which was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

Mr. HARRY WHITE. Mr. President: I ask leave of absence for Mr. Dallas, delegate from Philadelphia, for a few days from to-day, on account of a death in his family.

Leave was granted.

Mr. JNO. M. BAILEY asked and obtained leave of absence for Mr. Hall, of Elk, called home by sickness in his family.

Mr. LILLY. Mr. President: I desire to ask if we are not giving so much leave that we will not have a quorum left.

RULE TWENTY-FIVE.

Mr. EDWARDS offered the following resolution, which was read and laid upon the table, under the rule:

Resolved, That rule twenty-five be amended, by striking out all after "whole" and inserting the following: "No member shall speak more than twice on the same subject, or more than once until every member who chooses to speak shall have spoken."

SALARIES OF JUDGES.

Mr. WORRELL offered the following resolution, which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to consider the propriety of having the compensation of judicial officers fixed by the Constitution.

LEAVE OF ABSENCE.

Mr. TURRELL asked and obtained leave of absence for Mr. Davis for a few days.

SESSIONS OF THE CONVENTION.

Mr. HOPKINS. Mr. President: I move that the Convention now proceed to the second reading of the resolution, offered by myself, a few days ago, in reference to afternoon sessions.

The CLERK read the resolution as follows:

Resolved, That from and after Monday next the Convention will meet at ten o'clock A. M. and adjourn at one o'clock P. M., and meet at three P. M. and adjourn at five P. M.

Upon the motion to proceed to the second reading of the resolution, the yeas and nays were required by Mr. Parsons and Mr. D. N. White, and were as follow, viz:

Y E A S.

Messrs. Achenbach, Bailey, (Huntingdon,) Bannan, Barclay, Bartholomew, Black, Charles A., Bowman, Boyd, Broomall, Carter, Cronmiller, Darlington, De France, Edwards, Elliott, Funck, Gilpin, Harvey, Hay, Hazzard, Hopkins, Hunsicker, Lawrence, Lilly, Long, Metzger, Mott, Parsons, Patterson, T. H. B.,

Porter, Rooke, Russell, Simpson, Smith, W. H., Stewart, Struthers, Turrell, Walker, Wherry, White, David N., White, J. W. F., Woodward and Wright—44.

N A Y S.

Messrs. Baer, Baily, (Perry,) Baker, Beebe, Buckalew, Cassidy, Clark, Cochran, Collins, Corbett, Craig, Curry, Curtin, Davis, Dodd, Dunning, Ewing, Fell, Gowen, Hanna, Heverin, Horton, Howard, Kaine, Knight, Lamberton, M'Allister, M'Culloch, Mann, Newlin, Palmer, G. W., Patterson, D. W., Patton, Purviance, Sam'l A., Read, John R., Reed, Andrew, Runk, Sharpe, Wetherill, J. M., White, Harry and Worrell—40.

So the motion was agreed to, and the resolution was again read.

ABSENT OR NOT VOTING.—Messrs. Adicks, Ainey, Alricks, Andrews, Armstrong, Bardsley, Biddle, Black, J. S., Brodhead, Brown, Campbell, Carey, Church, Corson, Cuyler, Dallas, Dimmick, Ellis, Finney, Fulton, Gibson, Guthrie, Hall, Hemphill, Landis, Lear, Littleton, McCamant, M'Clean, MacConnell, M'Murray, Mac Veagh, Mantor, Minor, Niles, Palmer, H. W., Pughe, Purman, Purviance, John N., Reynolds, James L., Reynolds, S. H., Ross, Smith, H. G., Smith, Henry W., Stanton, Temple, Van Reed, Wetherill, Jno. Price and Meredith, *President*—49.

The *PRESIDENT pro tem.* The question is upon the adoption of the resolution.

Mr. WOODWARD. Mr. President: I move to amend, by striking out "one" and inserting "two," and striking out the balance of the resolution.

The amendment was agreed to.

The *PRESIDENT pro tem.* The resolution as amended will be read.

The CLERK read:

Resolved, That on and after Monday next the Convention will meet at ten A. M. and adjourn at two P. M.

The resolution was agreed to.

Mr. DODD. Mr. President: I move to take from the table and proceed to the second reading of the resolution offered by me yesterday, in relation to the alteration of rule twenty-five.

The resolution was read, as follows:

Resolved, That rule twenty-five be altered, by striking out the words "oftener than twice," and inserting in lieu thereof the words "but once."

* The question being, shall the Convention proceed to the second reading and consideration of the resolution, it was agreed to.

So the resolution was again read.

Mr. LILLY. I move to amend, by inserting the words "without leave."

Mr. HAZZARD. I move to amend the amendment, by striking out all after the word "resolved," and inserting as follows:

"That no member shall speak but once until all have spoken that wish to speak, only twenty minutes at one time: *Provided*, This rule shall not apply to the chairman of committees, on presenting a bill."

The *PRESIDENT pro tem.* The amendment to the amendment is before the Convention.

Mr. BROOMALL. Mr. President: I desire to call the attention of the Convention to what I remarked yesterday, about the necessity of limiting debate in particular matters and at particular times, rather than of limiting it upon all subjects and at times. The Convention should have power by a simple resolution and without the necessity of letting it lie over a day to limit the debate or prevent it upon any particular matter that is in committee of the whole. I would propose, therefore, that an alteration that should be made in rule twenty-five, is this:—

The *PRESIDENT pro tem.* There is now pending an amendment to the amendment.

Mr. BROOMALL. I know there is, and I am suggesting what it would be well to do in the event of its being voted down. Add to rule twenty-five: "But the Convention may, at any time, by resolution, limit debate in the committee of the whole." That would give us all the power we would want for the limiting of debate without the necessity of a resolution lying over a day. It is an alteration of the rule that I want. We cannot limit debate in committee of the whole further than is allowed by rule twenty-five without the proposition lying over a day. What we want is to have power to limit the debate upon any pending question to five minutes or to two minutes if we desire to do so in committee of the whole; and we will deed that power at different times. We may, perhaps, sometimes want to abolish debate altogether.

I will ask the Chair, as there seems to be a difference of opinion as to whether a resolution to limit debate can be passed

without lying over one day, as the rule now stands.

The PRESIDENT *pro tem.* The present resolution has laid over one day, but it is not susceptible of the amendment the gentleman proposes.

Mr. BROOMALL. I grant that; but I ask whether I am right when I say that we have no power to limit debate in committee of the whole by simple resolution unless that resolution lies over one day?

The PRESIDENT *pro tem.* The Chair decides that the Convention has no power to limit debate, unless the resolution calling for the limitation lies over one day.

Mr. WOODWARD. The Chair decided the other way the other day.

The PRESIDENT *pro tem.* The Chair does not remember that the question arose before.

Mr. BROOMALL. The question was not raised. I trust this resolution will be voted down, and that we will secure the right to limit debate from time to time as action arises.

Mr. DODD. Mr. President: I would call the attention of members to this fact, that if we pass this resolution any amendments offered will come up in the Convention after having been discussed in committee of the whole, and speaking can be again had twice by each member, so that members may speak four or five times on the same subject. Now, I submit, that although there are members here who are overflowing with information on every subject, yet if they will endeavor to confine themselves to the point can certainly express themselves in five speeches so that we can understand them; and in committee of the whole, at least, by passing this resolution, we hope hereafter to be electrified by some eloquent flashes of silence from some gentlemen who have occupied considerable of the time of this body.

Mr. JOHN R. READ. Mr. President: I move the postponement of the further consideration of this subject for the present.

The question being upon the motion of Mr. John R. Read, it was rejected.

Mr. WHERRY. Mr. President: I would call the attention of the gentleman from Delaware (Mr. Broomall) to the twenty-first rule, where he will find that every resolution to alter the rules of this Convention shall lie on the table one day. Rule twenty-five expressly states that a delegate may speak oftener than twice upon the same subject in committee of

the whole. I apprehend, therefore, that a resolution to amend rule twenty-five must lie on the table one day. I would further call attention to the fact that rule forty states that no rule shall be altered or dispensed with but by two-thirds of the delegates present.

The question being upon the amendment offered by Mr. Hazzard, it was rejected.

The question then recurring on the amendment offered by Mr. Lilly, it was rejected.

Mr. BROOMALL. Mr. President: I would now inquire whether I am in order in proposing a substitute for the proposed change in rule twenty-five, that we should add at the end of the rule the words: "But the Convention may, at any time, by resolution, limit debate in committee of the whole on any question pending."

The PRESIDENT *pro tem.* That is not an amendment before the Convention, but an amendment to one of the rules, which will have to lie over. If the Chair decided differently a moment since, it was from not understanding the question presented.

Mr. DARLINGTON. I move that the whole matter be laid over until to-morrow.

The question being upon the motion of Mr. Darlington, it was rejected.

The PRESIDENT *pro tem.* The question now is upon the resolution offered by the gentleman from Venango (Mr. Dodd.)

The resolution was read, as follows:

Resolved, That rule twenty-five be altered, by striking out the words "oftener than twice," and inserting in lieu thereof the words "but once."

Mr. BUCKALEW. Mr. President: I move to amend, by altering the rule to read, "not more than twice." At present, under the rule, a member may speak, I suppose, an indefinite number of times in committee of the whole. The amendment proposed by me will limit him to speaking twice only. My idea is that the bulk of our debates will be in committee of the whole. Now it is very unsatisfactory to gentlemen to wait for the second or third reading for full speeches on their amendments; if debating on any point is repeated the Convention becomes impatient. Therefore, while we should put a check upon excessive debate, we should permit each member to speak twice in committee upon the same subject. Then on second reading there need be but little debate, except upon ques-

tions of prime magnitude, of the first consequence. In committee of the whole, after a member has expressed his views upon a certain question, other members will express, perhaps, contrary views, and the first speaker should have an opportunity to reply. I am strongly of opinion that we cannot carry on our debates satisfactorily unless gentlemen are permitted to speak a second time in committee.

Mr. MACCONNELL. I desire to call the attention of the Convention to rule number ten, which reads as follows: "No delegate shall speak more than twice to the same question without leave of the Convention." Rule twenty-five says: "The rules and proceedings observed in the Convention shall be observed, as far as they are applicable, in committee of the whole, except that a delegate may speak oftener than twice on the subject, nor can a motion for the previous question be made therein."

The question being taken on the amendment proposed by Mr. Buckalew, of Columbia, a division was called, and the amendment was agreed to, a majority of a quorum voting in the affirmative.

Mr. BROOMALL. Mr. President: I desire to further amend the resolution, by adding at the end, as it now stands, the words "and the Convention may, at any time, by resolution, limit or abolish debate upon questions pending in committee of the whole." I think the Convention should have the power at all times to limit or abolish debate upon any question. I hope, therefore, the Convention will see the necessity of adopting this amendment.

The PRESIDENT *pro tem*. The question is on the amendment of the gentleman from Delaware (Mr. Broomall.)

Mr. BROOMALL. Mr. President: I am requested by a number of delegates to modify the amendment, by striking out the word "abolish."

The PRESIDENT *pro tem*. The amendment will be so modified.

Mr. WHERRY. Mr. President: I rise to a point of order. This resolution can not now come before the Convention and be discussed, because it is virtually a new rule, and under the rules of the Convention it must lie on the table for one day.

The PRESIDENT *pro tem*. The Chair understands that the original resolution presented yesterday contemplated an amendment to the rules of the Convention. This resolution has been before the

Convention to-day, and it has been amended in its several parts. The amendment now pending is to still further amend the rule of the Convention in reference to debate.

Mr. WHERRY. I raise the point of order that this amendment is not germane to the original resolution.

The PRESIDENT *pro tem*. The Chair can not sustain the point of order.

Mr. BROOMALL. Mr. President: I only desire to say in this connection that unless we secure to ourselves the power of limiting debate, we shall find the amendment, which has been adopted, will be of very little practicable use, because by the time every member has spoken twenty minutes, and that too, twice, I suppose a year will run out before we get out of committee of the whole upon this article under discussion. I have seen this practice, which is proposed to be adopted here, tried with excellent results. If the amendment is adopted the Convention will retain the power of limiting debate to five minutes, or even one minute, but if this power is not secured, the centennial will occur before the Convention finishes the report of the Committee on Suffrage and Election.

Mr. HARRY WHITE. Mr. President: I have no intention of prolonging the discussion of this subject. I understand the Chair decides that a majority of the committee of the whole cannot, at any time, by resolution, limit the length of the speeches and the number of them. I know this is the experience of every parliamentary body I have ever seen, and I believe it is the parliamentary experience of every member upon this floor.

The question being taken on the amendment, a division was called; and the amendment was agreed to, a majority of a quorum having voted in the affirmative.

The PRESIDENT. The question is now on the resolution as amended.

The question was then taken on the resolution, and the resolution was agreed to.

IN COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, Mr. Lawrence in the chair, and proceeded to the further consideration of the article reported by the Committee on Suffrage, Election and Representation.

QUALIFICATION OF ELECTORS.

The CHAIRMAN. The committee of the whole has again under consideration the

article reported by the Committee on Suffrage, Election and Representation.

The question is now upon the first section as amended.

Mr. WHERRY. I ask for the reading of the section.

The CHAIRMAN. The Clerk will read the section.

The CLERK read as follows:

SECTION 1. Every person possessing the following qualifications shall be an elector, and be entitled to vote at all elections, viz:

First. A male person twenty-one years of age.

Second. He shall have been a citizen of the United States at least one month.

Third. He shall have resided in the State one year, or, if he had previously been a qualified elector of the State, removed therefrom and returned six months immediately preceeding the election.

Fourth. He shall have resided in the election district where he offers to vote two months immediately preceeding the election.

Fifth. If twenty-two years of age, or upwards, he shall have paid, within two years, a State or county tax which had been assessed at least two months, and paid at least one month before the election.

Mr. WHERRY. Mr. Chairman: I move to strike out the words "shall be an elector," in order that the section may be divested of its tautology.

Mr. MANN. Mr. Chairman: I rise to a point of order. The committee of the whole having inserted these words as an amendment to the section, they cannot now be stricken out.

Mr. WHERRY. Mr. Chairman: Did not the chairman yesterday decide that this section, as an amendment, as amended, was capable of being amended?

The CHAIRMAN. The point of order of the gentleman from Potter is well taken. You cannot strike out of a section what you have just inserted. You may add.

Mr. WHERRY. Mr. Chairman: The gentleman from Delaware (Mr. Broomall) yesterday put this question to the Chair—

Mr. MANN. Mr. Chairman: I understand the Chair decided then that you might modify a section so amended by adding words to it.

The CHAIRMAN. That is what the Chair was going to say. A modification of a section must be made by addition at the end. It cannot now be made in this sec-

tion by striking out what has been voted in.

Mr. WHERRY. Mr. Chairman: Then I move to re-consider the vote by which the section was adopted, in order that my amendment can be presented in order.

Mr. CORBETT. Mr. Chairman: I call for the reading of the amendment of the gentleman from Cumberland (Mr. Wherry.)

The CLERK. To strike out the words "to be an elector."

The section will then read:

Every person possessing the following qualifications shall be entitled to vote at all elections.

The CHAIRMAN. The Chair would suggest that the gentleman from Cumberland can insert his amendment by common consent, if he will withdraw his motion to re-consider.

Mr. WHERRY. Mr. Chairman: I withdraw the motion to re-consider, and ask unanimous leave to offer my amendment.

The CHAIRMAN. Shall the gentleman have unanimous consent?

Mr. J. W. F. WHITE. Mr. Chairman: I prefer the language as it at present stands in the section. As it is, it is a definition of an elector. It defines specifically the word elector, and then adds what he shall be entitled to do—to vote at all elections. I decidedly prefer the language of the proviso. I object to the acceptance of the amendment of the gentleman from Cumberland.

The CHAIRMAN. Objection is made, and the amendment of the gentleman from Cumberland cannot be entertained.

Mr. HUNSICKER. Mr. Chairman: I offer the following amendment—

Mr. JOS. BAILY. Mr. Chairman: I desire to say a word in reference to the condition of our Journals. We have employed ten pages, but the Journal is not laid on the tables of members, or if so laid is not kept up to date. There is now one little boy distributing Journals; where are the other nine?

The CHAIRMAN. That is a subject which cannot be brought up in committee of the whole. The amendment offered yesterday by the gentleman from Allegheny (Mr. J. W. F. White) is to be found on the Journal, page 275.

Mr. JOS. BAILY. Mr. Chairman: The Journals on our tables do not contain page 275.

The CHAIRMAN. The amendment of the gentleman from Montgomery (Mr. Hunsicker) will be read.

The CLERK. To amend, by adding at the end of the section the following proviso:

"Provided, That no person who shall have given or offered to give, received or agreed to receive, directly or indirectly, any money or other valuable thing, for the purpose of corruptly influencing the vote of an elector, or shall have made any bet or wager, or shall be interested in any bet or wager on the election or defeat of any candidate, or the result of any election, shall vote at such election: Provided however. If any elector be challenged for such cause, his vote may be received on his taking an oath or affirmation that the matter of such challenge is not true.

"And provided further, That every person who shall hereafter be convicted, in any court of this State, of treason, bribery or perjury, or shall be convicted of fraudulently voting, or interfering with the ballots or returns of any election, or of making any false and fraudulent count or return of the votes at any election, shall be deprived of the right of suffrage: Provided however, That the right may be restored in any particular case, after conviction, by an act of the Legislature, two-thirds of each House consenting thereto."

MR. WHERRY. Mr. Chairman: I rise to a point of order. This amendment ought to come in as a separate section altogether, and not as a part of this section, to which it does not belong.

The CHAIRMAN. The committee must determine that for themselves by their vote.

MR. WHERRY. Mr. Chairman: Then I raise the point of order that the proposition of the gentleman from Montgomery cannot be introduced at this place without a motion of postponement first having passed.

The CHAIRMAN. The Chair decides that the amendment is legitimate.

MR. HUNSICKER. Mr. Chairman: If I were capable of eloquent flashes of silence I should prefer to keep quiet, but as it is impossible for this Convention to transact its business without the use of the voice, I shall, at the risk of being tedious, give the reasons why I offer this amendment, confining myself, however, within the time allotted. It would be in vain to define the qualifications of electors, such as we defined them to be yesterday, unless we put a provision in the law which shall provide against the fraudulent use of the

privileges conferred, and which are guaranteed by the organic law.

MR. BEEBE. Mr. Chairman: May I interrupt the gentleman from Montgomery to ask where his amendment may be found on the Journal?

MR. HUNSICKER. Mr. Chairman: Substantially it will be found on page 276 of the Journal. I have made some alteration, in the closing line, but when I come to that I will explain.

I take it, sir, that we are all animated with the single purpose of preserving the purity of the ballot-box, and the speeches which were made yesterday were all directed to that end. Now the question arises first in the consideration of the amendment which I offered as to whether this is properly part of the organic law, or whether it belongs to legislation. I maintain, notwithstanding some gentlemen upon this floor, for whose opinions I have the greatest respect, and with whom I differ reluctantly, believe the contrary, that if we incorporate into the organic law certain provisions declaring that such and such persons shall be electors and be entitled to vote, that it is not in the power of the Legislature to declare that they shall, for any offence, be deprived of the rights of electors. Nor is it legislation for us to declare in the organic law how a man shall lose his right of suffrage, because if you intend to secure every avenue of approach to the ballot box against the intrusion of him who would pollute it, you must put into the organic law such a penalty against such a wrong doer as will make it his interest to be honest.

Now where does it properly belong? Some gentlemen say, "Oh, withdraw it, it belongs in a subsequent section." I say no! I do insist and maintain that it belongs right here as a proviso to this section; that by every principle of legislation, when there is a general law passed and there is to be an exception to it, it is excepted by a proviso at the end. Here you declare in this section that such and such persons shall be entitled to vote at all elections, and then insert a clause without saying in the main clause, "except as hereinafter excepted," or "subject to the limitations hereinafter contained;" in fact, without one saving clause in the first section, you declare, in subsequent sections, that for such and such offences they shall not vote.

Let gentlemen consider that the first persons who are to construe the work of

this Convention, after it shall be adopted by the people, are the various election boards throughout this Commonwealth. Why not put our Constitution in language so plain that "a wayfaring man, though a fool," may read and understand? Why should we make our work so ambiguous and so uncertain as to require a judicial construction before we know what it means? This amendment belongs right here, because we are considering now the qualifications of electors. We are establishing the first foundations for the purpose of guarding the ballot-box against the intruder who would pollute it.

In the language of the gentleman from Franklin, (Mr. Sharpe,) yesterday, we desire to make the ballot-box the mirror of the public will. These provisos will accomplish much in that direction.

I do not claim the authorship of these provisions; they belong to the gentleman from Allegheny, (Mr. J. W. F. White,) who presented the minority report; they are not crude; they are not ill digested; they are not ill considered.

I have added an amendment, by striking out that portion of his report which prohibited the Legislature from restoring to the elector the right he had forfeited until five years had elapsed after his conviction.

I have put in its stead, that "every person convicted in any of our courts may be pardoned by the consent of the Legislature, two-thirds of each House concurring." It will be found that, if these provisions are to be adopted, they may as well be considered now and here as hereafter. They should be incorporated in the first section, now under consideration, to complete it; and thus it will become a concise and compact declaration of the election laws of this Commonwealth, requiring little or no legislation to enforce them.

MR. WHERRY. Mr. Chairman: I have no speech to make on this subject. I only express the hope that the committee will quietly vote down the proposition of the gentleman in the place in which he has introduced it. It is, in this section, only adding confusion to confusion, confounding the election qualifications with election disqualifications. Let us settle one question first, then take up the other.

The amendment was rejected.

MR. RUSSELL. Mr. Chairman: I move to amend, as follows:

By inserting in the third paragraph, between the words "elector" and "of the," the following:

"But a native-born male citizen, if otherwise qualified."

MR. HANNA. Mr. Chairman: Will the Clerk please read the connection?

THE CLERK. It would read, as amended: "If he had previously been a qualified elector, or a native-born male citizen, if otherwise qualified, of the State."

MR. RUSSELL. Mr. Chairman: The object of that amendment is this: Why should your son, who leaves the State at eighteen, nineteen or twenty years of age, be compelled to reside one year in the State, if he returns at the age of twenty-two, twenty-three, twenty-four or twenty-five, before he can become an elector? He should be permitted to vote after he has resided in the State six months after his return. Unless he is a qualified elector when he leaves the State he cannot vote when he returns to the State until he has remained here one year. If he is a qualified elector, he can return to the State and vote in six months, but not being a qualified elector when he left the State, he is required to remain in the State one year if he desires the right to vote. This is so plain a proposition that, I think, if members will reflect upon it they will unanimously vote for it.

MR. DARLINGTON. Mr. Chairman: This provision is substantially that of the present Constitution, and I have never heard of any difficulty in the construction of it. The young man who should have left the State before he arrived at the age of twenty-one has always, in our region, been liberally construed to be a votable citizen of this State, so that when he returned, only six months' residence was necessary to entitle him to vote. As we always construe the election law and the Constitution in favor of the right to vote there has never been any difficulty.

The question being taken upon the amendment, it was not agreed to.

THE CHAIRMAN. The Clerk will now read the section as amended.

THE CLERK read:

SECTION 1. Every person possessing the following qualifications shall be an elector, and be entitled to vote at all elections, viz:

1. A male person twenty-one years of age.
2. He shall have been a citizen of the United States at least one month.

3. He shall have resided in the State one year, or if he had previously been a qualified elector of the State, removed therefrom and returned six months immediately preceding the election.

4. He shall have resided in the election district where he offers to vote two months immediately preceding the election.

5. If twenty-two years of age or upwards he shall have paid, within two years, a State or county tax, which had been assessed at least two months and paid at least one month before the election.

The first section as amended was agreed to.

The CLERK read the second section, as follows:

SECTION 2. All elections of the citizens shall be by ballot; the ballots voted may be open or secret, as the elector shall prefer, and they shall be numbered by the election officers when received; each elector shall write his name upon his ballot, or cause it to be written thereon, and attested for him by another elector of the district, who shall not be an election officer.

Mr. WHERRY. Mr. Chairman: I offer the following substitute.

The CLERK read:

"Strike out the section, and insert: 'In all elections by the people the electors shall vote by ballot, in a manner prescribed by law.'"

Mr. BAER. Mr. Chairman: I move to amend, by striking out all after the word "prefer," in the second line, and inserting: "There shall be a separate ballot for each office to be filled, and it shall have written or printed upon it the name of the office and the name or names of the candidates for the office for whom the elector may vote, and nothing else."

Mr. Chairman, I am entirely opposed to the amendment proposed by the gentleman from Cumberland, (Mr. Wherry,) as well as to the original section. The section, it seems, has been prepared with a view of guarding the elective franchise and purifying the elections. To my mind it seems that this Convention would do far better to provide for a purification of the people in a different way, than by striking at one of their dearest rights. The proposition pretends to afford to the elector a secret ballot, while, at the same time, it gives him the opportunity of an optional open ticket. It gives him the privilege of voting either way, but, to my mind, it does not give him enough of either. If the committee meant to give

us an open ballot, why not at once provide for *viva voce* voting? If, on the other hand, they meant to secure the secret ballot, why do they add a tail to the proposition which makes secrecy utterly impossible?

Did they mean to inflict this monstrous injustice upon all the people of this State, because of the high tribute for political integrity paid to the people by the gentlemen from this city, or is it an infliction in consequence of the acknowledged enormous election frauds of the city of Philadelphia? Let us see whether this is just. I have no doubt this modern wonder takes its rise in the corruption of city politics, and the facility with which frauds are perpetrated in city elections, as so eloquently portrayed in this Convention by members from the city, who, in announcing the fact, astonished us by saying that seven-eighths of the people of the city permit one-eighth to rule them with a rod of iron. Now, I ask you, by what right all the people of the State shall be made to suffer for the special political sins of the city of Philadelphia? Is it in accordance with the principles of this government that sovereignty is inherent in the people, that seven-eighths of the people of Philadelphia, comprising its noblest, best and purest men, should permit one-eighth of their "fellows" to mould their municipal laws for them, nominate and elect bad men at pleasure, bind them hand and foot and load them with heavy burdens?

Is it right that this vast majority should permit themselves to be tied hand and foot, should permit a yoke to be placed upon them, and when it begins to gall their necks, and forces them to cry for help, that we should come to the rescue, lighten their burdens, and distribute them upon the necks of the people of this whole State? For one, I say no. If the high privileges of seven-eighths of the citizens of this State are not worth making a decent effort to rally all good men of all parties, and unite upon good men at elections, whereby they could as certainly and as easily huri rogues, thieves and plunderers from power as they can convene in social gatherings, and discuss and talk over the demoralizations of their city, then, I say, let them bear the yoke. A people who can be free and will not are not deserving of any special pity at the hands of this Convention. "Eternal vigilance is the price of liberty," and they who will sleep upon their rights cannot complain much if they lose them. Whenever, therefore, seven-eighths of any

population will permit the other eighth to bray them in a mortar, it must be because of some latent malady preying upon their own vitals, which is as dangerous to the public welfare as the open sins of the other one-eighth; and I assert that when these seven-eighths stand by and permit their city to be thus mis-ruled, they are as responsible as the one-eighth who seem to carry it into effect.

But let us come to the question raised by this proposition. I assert if anything has been well tried in this State, and found to be well adapted to the general warfare of all the people, it is the secret ballot.

It enables the poor man to vote for such men and such measures as to his mind and judgment tend to his own welfare, and the welfare of the people of the State, without incurring the ill will of his more opulent neighbor, upon whom for many things he may be directly or indirectly dependent, and without whose good will the employment upon which his daily bread depends may be taken from him.

It enables the debtor to vote for such men and such measures as his own unbiased and independent judgment approve, without, to his personal and financial detriment, offending his creditor.

It enables the honest, sincere and conscientious freeman to vote his own sentiments unawed by the power of local political parties, but above all it enables the freeman to exercise the right of suffrage in the only sense in which it was ever intended to be used, in the only sense in which it can, by any possibility, have any virtue, namely: That whereby the act becomes the free and untrammelled judgment of his own mind, and not in any sense the mere expression of the will of another man or of a political party.

Adopt this terrible heresy and what will be the result? Good men of all parties will refrain from voting, as they have for three years in this city of Philadelphia; very many others, equally good, perhaps, will take the ticket which their party presents, close their eyes to the character and the qualifications of the candidate, and, in common parlance, "go it blind."

Sir, the great crying political sin of the day has its very root in the manner of casting the ballot. Who does not know that in the golden days of the Commonwealth, when elections were free, and when the ballot was both secret and single, that exciting campaigns were carried

without a tithe of the fraud and corruption that you now find, and that men always were elected who were qualified to fill the offices to which they were chosen. The ballot, as then used, was the expression of the will of the people. Partisanship could not then compel men to vote for rogues, simply because they had been placed in nomination by their party. Every freeman then felt that he indeed was a sovereign, and that his will, freely expressed, was as potent as that of any of his fellows in determining what measures should be adopted and what men should rule. How is it now? The more prominent politicians of a district provide the machinery of party nominations, present the candidates suited well for some special purpose, not always consonant with the general weal. Often, in fact, they present men who are honest, with a view, simply, of throwing dust into the eyes of the honest masses, and to enable them more effectually in the future to present their own tools for the next ten years, and thus we rarely get one honest term out of ten. Both parties in this way make their nominations, and men are expected when they go to vote not to stop and inquire, is the candidate honest and capable; is he worthy, but only is he a person who always and invariably votes the ticket, and the whole ticket of the party? If he is found to be such a person, all are expected to vote for him who entertain the views of the party upon great fundamental political questions, though he should be ever so great a rogue, and though the office to which he is elected can have nothing whatever to do with any question in municipal, State or national policy.

Is it the sense of this Convention to provide for a purification of the ballot? Then let them provide for a purification of the election, by making it possible for freemen to vote in such a way as that they shall express their own will, untrammelled by party power, without fear or favor from any source whatever, and in such a way that the right hand shall not know what the left hand does.

This you can best do, I assert, by means of the secret ballot, which shall have upon it the name only of the candidate for whom you may vote. This has been rendered entirely impossible by the manner in which the ballot has been prepared in these latter days.

The ballot, as now prepared, is the one-slip ballot, and it is so gotten up that there shall not be margin enough upon it by

which you can insert any other name, if you should desire to do so, than those that are already on—even if among those you find the name of a notorious rascal. You may possibly scratch a name off, but you can not, by any possibility insert another, either by pasting or writing, and you are therefore compelled, against your will, to vote for some villain, or at any rate to give him half a vote, by simply scratching out his name, and not voting for his competitor. So thoroughly do political managers understand their trade that, not content with this, after having provided for this one-slip ballot on which the nominees of a party are placed—some of them doubtless good men, some certainly rascals—the good men intended to carry the rascals through, that on the eve of an election flaming hand-bills are gotten up and posted upon all the trees at the cross-roads and on all the school houses in the county, calling upon the people to beware of election frauds, of bogus and fraudulent tickets, but, above all, to keep an eye on the men who, on election day, will scratch their tickets.

The result is that the best of men, when they come to an election, are deterred from voting their sentiments, for fear they should be detected by the party managers.

They take the ticket and vote it blindly, not thereby expressing their will, but on the contrary withholding their best judgment from the government of the State—a judgment to which the State is entitled, and voting instead the sentiments of the party managers.

This can only be corrected by a resort to first principles—by making it competent for a voter to select his ticket, without regard to the party. This course is, in my opinion, the only hope for the salvation of this State, and the only hope for the purification of the ballot.

I will go as far as any man, and concede that in elections for national candidates and the decision of national questions, it may be quite meritorious for a man to vote the full ticket of his party, as a full and free expression of political opinion, when the candidates are honest, capable and worthy men. But I utterly deny that there can be any merit in voting the ticket of any political party, in connection with the ordinary affairs of towns, counties and cities, or in any case where bad men have been placed upon the ticket; and I assert that if this great ship of State should ever become a wreck it will be in the storm of partisanism.

Then, sir, would you preserve the State and hand it down to posterity, having enunciated the doctrine that all sovereignty is inherent in the people? Go farther and also assert it can only be done by securing a free and untrammelled expression of the will of the people without fear or favor from any source whatever. And the people, who are now despairing and complaining that they cannot, without fear or favor, express their sentiments, will rise in their might and think and vote for themselves. They will hurl these rogues and villains from power and fill their places with honest men, who will value and preserve the fair fame of this Commonwealth for ages to come.

[Here the hammer fell.]

Mr. BROOMALL. I move to extend the time, so that the gentleman (Mr. Baer) may finish his remarks.

The question being upon the motion of Mr. Broomall, it was agreed to.

Mr. BAER. Mr. Chairman: I thank the Convention for the courtesy it has extended to me, but as I wish to live up to the rules, I will not occupy the time of the Convention any farther at present.

Mr. ELLIOTT. Mr. Chairman: As a member of the Committee on Suffrage, Election and Representation I desire to state, briefly, my reasons for opposing this section of the report of that committee, in its present form, and why I shall vote for the amendment first offered or one substantially like it.

In my judgment there is no principle involved in elections by the people, which meets with such general approval from the thinking men of to-day, none which has been for so long a time a part of the organic law of nearly every State in the Union, and none, the propriety of the continuance of which in the Constitution of this State is so well justified by reason and experience, as the principle that all elections by the people should be by secret ballot.

The practice of voting by secret ballot has become so general throughout the country that it would have been singular indeed if a committee of this Convention had reported against the propriety of continuing the practice in this State. The committee could not well ignore a policy that has prevailed for so long a time that it has almost become the common law of elections in representative governments. The committee by their report, in the section under consideration, recognize the propriety of permitting the elector to vote

by secret ballot, and provide that "all elections of the citizens shall be by ballot; the ballots voted may be open or secret, as the elector shall prefer." I most heartily approve of the section thus far, but the committee have thought proper to impose requirements on the elector, which, in my judgment, absolutely and entirely destroy the secrecy of the ballot.

In the first place they require that the elector shall write his name on each ballot that he offers, provided that he can write his name, and if he cannot, that he shall procure some other elector of his election district to write his name on his ballot for him, thus compelling him to place the mark of identification on his ballot, which will enable the officers of the election board to ascertain for whom he voted by an inspection of the ticket. It would seem that this requirement ought to be sufficient to satisfy the most zealous advocate of the open ballot, but in addition to this, this section of the report provides that when the ballot thus marked is passed over to the officers of the election board they shall further mark it by placing a number thereon, corresponding with the number placed opposite the elector's name on the tally list. Now, with these two requirements complied with, the ballot identified by name and number, can there be any doubt but that the election officers would know absolutely just how the elector voted, and that the secrecy of the ballot would be destroyed beyond the possibility of a question, and yet with these requirements in this section, the committee gravely report that the elector shall have the right to vote by secret ballot. In my judgment the manner of voting provided by this section is infinitely more objectionable than the open ballot. It is, in fact, open ticket voting by circumlocution. It is said, however, by those who favor the requirements contained in this section, that a provision might be incorporated into the Constitution requiring the election officers to take and subscribe an oath that they will not communicate the knowledge obtained as such officers, as to how an elector casts his vote, except when called to testify as witness, and the fact becomes a material inquiry. Certainly it cannot be seriously proposed that this Convention should incorporate such a provision in the Constitution. If it were thought proper to impose such a requirement on election officers the Legislature

is the source from whence the requirement should come.

But such a provision, whether embodied in the Constitution or imposed by legislative enactment, would not preserve the secrecy of the ballot. As a rule, the election boards throughout the State are composed of active local politicians, who know the politics of nearly every man in their respective districts, and they are on the lookout for the purpose of ascertaining how the voters cast their ballots, and if a man in the district voted against his party ticket, or differently from the way his employer had promised he should, or differently from the way he himself, under the constraint of his peculiar situation, had promised, the fact would be known from one end of the election district to the other within twenty-four hours after the polls were closed, notwithstanding your provision for secrecy on the part of the election officers.

It would not be necessary for the election officer to state in so many words just how this or that man voted, in order that his political friend outside the board might be made to understand, with sufficient certainty, how the vote had been cast—a look, a gesture, the slightest insinuation would answer just as well as the plainest statement, and the desired information would be imparted without rendering the officer liable to the penalties of any provision that might be embodied in this Constitution, or enacted by the Legislature, the most comprehensive that human ingenuity could devise. In the consideration of this section of the report it seems to me but the single question presents itself: Whether the open or secret ballot will be most likely to elicit a fair expression of the will of the people. In my judgment this is not an open question. I believe that the experience of every delegate on this floor teaches him that there is a large class of voters in this State, as in every other, who would not cast their ballots in accordance with their honest convictions, if they were compelled to vote an open ticket. I know it is a favorite theory of some gentlemen in this Convention, for whose opinions I entertain great respect, that the man who is afraid to go to the polls and declare openly for whom he desires to vote, in the presence of the voters of the entire district, is unworthy to exercise the right of an elector. This may sound very well, and be all right in theory, but the votes

of the class who, for various reasons, dare not go to the polls and openly declare their preferences, will be cast, and the question for our consideration is, whether it is better to have them cast as the electors' conscience and judgments dictate, under cover of the secret ballot, or as their fears or necessities compel, by the open ballot.

It does not require great courage for the man who occupies an independent position in the world to vote an open ticket; but is it to be wondered at, that the poor laboring man, although he may be more intelligent than his more fortunate neighbor, whose bread, and the bread of whose family, depend upon the will of his employer, has not the courage to face that employer at the polls, and cast his vote openly against the express command of him on whom he is dependent for the means of subsistence. I know very well that the reply to this argument is: That in this country labor has nothing to fear from capital. But, sir, there can be no greater fallacy than this. In nearly every contest between labor and capital in this country, capital has come out of the struggle the victor. The reason for this is plain. While capital loses little by lying idle, if the laborer refuses to work for any length of time, starvation knocks at his door, and he is obliged to yield to the demands of capital.

The power of party discipline would prevent many a man from casting his vote as he thought to be right, if he was compelled to comply with the requirements of this section. Take an ambitious partisan. He may feel that a bad man has been put in nomination by his party, and he would strike that man with the secret ballot, yet you inform him that his party friends must of necessity know just how he votes, and knowing that under those circumstances he will lose caste in his party, if he votes against its nominee, the average man will vote his party ticket, wrong though he knows it to be. I do not say this is right, but the result I have described would, as a rule, be obtained while weak human nature remains as at present constituted.

What good results are to accrue to the people of this State, in consideration of their abandonment of their time-honored method of casting their ballots? Will the casting of a single fraudulent vote be prevented by this proposed method of casting the ballots? No, not one illegal vote will be kept out of the box. Nor

will any of the corrupt practices of illegal voters be interfered with in the least. The provisions proposed to be engrafted on our system of voting have no active life for good, at least, until the votes are all cast and the count begins. In fact, they cannot be of the slightest use, except in contested election cases, and I am willing to admit that these provisions may serve to furnish evidence of how a person, proved by other evidence to have been an illegal voter, cast his ballot. I am, however, unwilling to yield this great principle of the secret ballot, which gives to elections their real value to a large class of our citizens, simply and solely upon the ground that the trial of contested election cases may be simplified. Happily for the State, contested election cases outside of the city of Philadelphia are few indeed.

I am opposed to this section, as reported, also, for the reason that the requirements of the elector contained in it would be more appropriate as a legislative enactment than as a provision in the organic law of the State.

If these requirements were made of the electors of the State by an act of the Legislature, if they were found to be burdensome and oppressive on the people, the law could at once be repealed, but if they become a part of the Constitution of the State, however much the people may desire to get rid of them, then they must remain for a number of years before they can be gotten rid of.

Again, I oppose this section for the reason that it would be inconvenient and burdensome upon the great mass of the people of the State to carry its requirements into execution. To those who are familiar with country elections, and the conveniences usually at hand for conducting them, the force of this position will at once be apparent.

Take, for example, an election in the country, where the election is held in a country school house, and from three to five hundred votes are polled, and you require those three or five hundred voters to write their names, ordinarily not less than three times, with no place to write within a mile of the polls, and you can form some idea of how inconvenient it will be to carry into execution this new patent for the prevention of frauds at elections.

I hope, Mr. Chairman, that this section will not be adopted.

Mr. D. W. PATTERSON. Mr. Chairman: I do not rise to make a speech of any length upon this subject, but simply to express my opinion in reference to the doing away of the secret ballot. It seems to me that a provision which shall accomplish this object will be entirely improper. This provision in our Constitution has always been a protection to the poor and laboring man against an employer—a protection to the voter whose support, and that of his family, depend upon his employer. We know that there is in all elections a system of intimidation which is not confined to one party alone, but extends to all parties. It is natural with some men, but I think if we can make the ballot pure without this provision, which I think we can, we should not encroach upon this old long-tried and established rule. The Convention of 1790 considered this question carefully, and they decided, after a long consultation, in favor of the secret ballot. The Convention of 1838, than which I think no Convention before or since exceeded in point of ability, personal worth and intelligence, considered this question for a long time, and finally decided to retain the secret ballot. It seems to me this Convention should not strike this provision from the report of the committee providing for the restriction of electors. I think, with other guards we can throw around the ballot box, it can certainly be protected and rendered pure without this terrible encroachment upon the large proportion of voters of this country. This class of voters to whom I refer comprise those who are always ready to protect the country against the encroachments of monied or corporation power which threatens the safety of the State. In making these remarks, it has been with the sole idea of expressing my views in a brief manner upon this question. I might repeat the arguments which were made in the last Convention of 1838, as well as in the previous Convention, but the members of the Convention are doubtless well acquainted with them. I will not occupy the time of the Convention any longer, but in regard to the amendment, I desire to state that I proposed amending this section, by striking out all after the word "prefer." I desire, however, that the amendment which is now pending should be disposed of, and I may then offer my amendment.

Mr. BIDDLE. Mr. Chairman: Every change in the Constitution, which has for its object the strengthening of party lines,

or the increasing of the power of party leaders, shall meet with a negative vote at my hands. I have no doubt we shall be told that by the proposed article an option is given to the elector to deposit his ballot or vote *viva voce*. I do not understand the meaning of an open ballot. I know what a ballot means, and I know what a *viva voce* vote means, but I do not know what an open ballot means. But what will be the practical result of allowing, as here provided, an open or secret ballot? If this provision is once inserted in the Constitution the strong party man or the reckless partisan will, of course, vote the open ticket. The moderate, the timid man, who desires to vote according to the dictates of his conscience, will be over-awed by party leaders, and told, "now that you have the option of voting openly why don't you do it?" The effect of this will be to strengthen the power of the party leader and the party advocate, and to paralyze the good intentions of the elector. It seems to me no person can well refute what was so well said by the gentleman from Tioga, on this subject, (Mr. Elliott.) There is always, in every community, a very large body of moderate men who go with the party from old associations or traditions, or from the belief that the policy in the main advocated by their party is the best, and yet they are desirous again and again, in questions which have only a local importance, of voting for the best men without regard to politics.

All this most valuable conservative portion of the community will, in effect, be swept out of existence. *Per force*, against their own desires, they will be converted into partisans. For this reason, therefore, I am opposed to the proposed change. In a word, I prefer the old Constitution. Strike out everything in the first line of this section after the word "ballot;" this is just what we have now, except that "representative elections shall be *viva voce*, which question, of course, is not involved in the present discussion.

Again, by requiring the elector, where you give him the opportunity, as you say you do, of voting secretly, to affix his name, I suppose, on the inside of the ticket, though this section does not say so, I suppose this is meant.

Mr. M'ALLISTER. Mr. Chairman: I desire to say, in explanation, that the committee did not design codification. They supposed that these principles would be carried out in an act of Assembly.

Mr. BIDDLE. Mr. Chairman: I assume that it was meant to be written *inside*. I assume that, of course. It would, perhaps, be absurd to suppose that it should be written outside of a secret ballot. That would be suicidal, of course, and could not be entertained.

But it leaves it open to the election officers to know exactly what the vote of every voter is. While you preserve what I assume to be most valuable, you should cautiously abstain from any provision which gives to any human being the direct knowledge of how a vote is cast. I see nothing good to be gained from it. Is it to be supposed that we are to be in a chronic state of contested elections? God forbid! It seems this provision was inserted with regard to that. By adopting one of the clauses a little lower down, in regard to registration and non-deprivation of a voter's right by reason of not being registered, you will do enormous good in the direction of preventing fraudulent elections, and perhaps all that can properly be attained. In the present mode I can see none.

One word in regard to single tickets and I have done. I like this suggestion. I believe it is most valuable. It is allowing scratching in the easiest and freest way. We all know the difficulty of scratching as tickets are now presented to the voter. First, there is the *vis inertia* to overcome, which exists more or less in everybody, the indisposition to change the ticket presented. Next, there is the insecurity of doing it properly by pasting a slip over a name, or by writing out one name and re-writing another. This, so far as we can do by legislation, by constitutional provision, we should do, and thus give all the advantage of the most liberal scratching without any of its disadvantages. I therefore shall vote for the amendment offered by the gentleman from Somerset (Mr. Baer.)

Mr. KAINE. Mr. Chairman: I am opposed to this section as reported by the committee, and I am in favor of the amendment of the gentleman from Somerset, (Mr. Baer,) if it be put in proper shape. I think, sir, that one of the worst laws that ever was passed, one that has done more to facilitate fraud in elections than any other, was the act of 1866, which provided for slip voting. I desire, as I hope every member of the Convention will, to place something in the Constitution to prevent legislation of that kind being perpetrated again. I had prepared a provi-

sion of this kind, with the assistance of some gentlemen in this Convention who have given the subject very considerable attention, that would meet the case, I think, a little better than the amendment offered by the gentleman from Somerset. But as his is an amendment to an amendment I cannot offer it now.

Mr. C. A. BLACK. Mr. Chairman: I suggest to the gentleman from Fayette that he can offer his amendment after the present one is disposed of.

Mr. KAINE. Mr. Chairman: I will do so. I do not desire to make a speech on this subject, but I will read the amendment I have prepared, and if the gentleman from Somerset chooses to accept it as a substitute for his amendment I think it will meet his views, as I know it does those of many members of the Convention:

"All elections of the citizens shall be by ballot, and no ballot shall contain the name or names of candidates for more than one office; persons acting in a representative capacity shall vote *viva voce*."

That contains exactly the provision that we want to put in, as well as the principle contained in the Constitution of 1837 and 1838. "All elections shall be by ballot" is the Constitution of 1837 and 1838, and was the Constitution of 1790. The elections shall be by ballot, except those by persons in their representative capacity, who shall vote *viva voce*. It is simply re-enacting this provision of the old Constitution, and placing therein this provision that the Legislature shall not make what I call a ring ticket.

Mr. HARRY WHITE. I do not rise, at this time, to intrude a speech upon this committee. I rise more for the purpose of uttering a hearty amen to the earnest and instructive words which fell from the delegate from Tioga, (Mr. Elliott,) in behalf of the minority of the Committee upon Suffrage, Election and Representation. In all our discussions here I prefer to support the report of the majority of a committee. In this instance, however, the report of the majority in favor of this section, as I find it upon my desk, and as we are obliged to vote upon it, is so in conflict with the education of my life, with my feelings as a Pennsylvanian, that I would be false to myself and false to the people of the section of State I represent if I did not resist it. And, sir, if I had the power of an earthquake, if it were necessary, I would be glad to cast it right in here. The great danger which

this Convention has to apprehend from its work is the effort to do too much. It is hardly necessary for me to remind this Convention that every change is not reform to the people of this Commonwealth. The plain, old-fashioned people of Pennsylvania, when they voted so unanimously in favor of this Convention, did not contemplate that this provision would be inserted in the new instrument.

I have no words to add to what has been so well said by my friend, the gentleman from Somerset, (Mr. Baer,) or the gentleman from Tioga, (Mr. Elliott,) or the gentleman from Philadelphia, (Mr. Biddle,) against the open ballot. The secret ballot belongs directly to the people of this country. When slavery fell and the rebellion was crushed, the *viva voce* vote in America ceased; and to-day, England is contemplating the propriety of adopting the secret ballot. Not a great while ago I picked up an extract from a discussion in Parliament, and I was delighted to discover the leading strong minds there favoring the introduction of the secret ballot into their Parliamentary elections. The reasons existing for the adoption of the use of the secret ballot in England exist in Pennsylvania—in this great Commonwealth, in this great manufacturing State, with our large industries, with our large corporations, where so many of our people are dependent upon their employers. I say amen, then, to all that has been said in behalf of the secret ballot. The secret ballot in Pennsylvania is as dear to our people as *Magna Charta* ever was to the barons under John.

There is another objection, Mr. Chairman, to the provision. It is the increased difficulty which you throw around our elections, the obstructions which you throw in the way of the plain, honest people of Pennsylvania, throughout the interior, in coming to the poll and in their own way to exercise this sacred privilege. When a bad nomination has been made, or an unwise policy is sought to be imposed upon the State, the reliance of the statesman, and of the good citizen, is always in appealing to the plain, common sense integrity of the agricultural portion of our voting population. And, sir, in the proportion that you obstruct their exercise of the franchise, in proportion that you multiply the difficulties of their access to the ballot-box, so you decrease an honest, fair expression of sentiment from that portion of the community. I observe not only is a man required to write his name

upon his ballot and have a number placed thereon, but he must call his neighbor to witness this independent act of his own and write his name there also. Why there are plenty of people, honest men, able and capable of exercising, intelligently, the right of suffrage in the Commonwealth to-day, men in affluent circumstances, men of enterprise and character, who cannot write their own names. There are such men all over this Commonwealth who have not had the facilities and opportunities of a common school education, and to force them to go to the polls and expose, in this way, the defects of their early education would be to practically prevent them from voting. They would shrink from the exercise of their right of suffrage if that exercise were coupled with such an exposure.

Instead of restricting the exercise of the ballot, instead of impairing the convenience and privileges of the honest, plain, common sense people of Pennsylvania to go to the polls and vote as they see fit, we should enlarge them and open the doors for honest elections. Whatever we do, let nothing be done to restrict the exercise of the elective franchise in those parts of Pennsylvania where fraudulent voting is unknown. I shall cheerfully vote for the amendment of the gentlemen from Somerset (Mr. Baer.) Inartistic and somewhat crude as it is, I prefer it to the section coming from the hands of the committee.

Before taking my seat, I will remark that if I had my way, I would have the old section of the old Constitution, under which Pennsylvania has grown and prospered. It reads in simple, concise, compact language:

"All elections shall be by ballot, except those by persons in their representative capacity who shall vote *viva voce*."

There are some gentlemen here who have inveighed against the act of 1866, known as the slip ticket voting. I go heart and hand with them. I am opposed to that system of voting. I want to make every ticket single in every part of this Commonwealth. Let our elections be free and equal, so that no party trammel, no leader dictation can interfere with the elector exercising his free voice, and when we have done this we will have done all that a happy and free people can require at our hands.

Mr. BAER. Mr. Chairman: At this point, if it is in order, I will withdraw my amendment and substitute the following:

"All elections of the citizens shall be by ballot, and no ballot shall contain the name or names of candidates for more than one office. Persons acting in a representative capacity shall vote *viva voce*."

THE CHAIRMAN: The question is upon the amendment of the gentleman from Somerset (Mr. Baer.)

MR. WHERRY. Mr. Chairman: I do not know that I have any material objection to make against the main body of the amendment offered by the gentleman from Somerset, (Mr. Baer,) but I do object to hitching on that last clause, and for the reason that I have been informed that the Committee on Suffrage and Elections has a section covering the same ground, under consideration, and will, without a doubt, report thereupon. I object to the report as it comes from the committee, and the objection partly lies against the amendment offered by the gentleman from Somerset (Mr. Baer.) It is legislative in its character; it is beneath the dignity of a Constitutional Convention to enter into such minutia as are set forth in this report. Let the Convention stop for a moment and consider where this may end. I was surprised to discover that the partial report of this committee, which is now before the Convention, is more than four times as long already as the whole Constitutional provision upon the same subject in the Constitution of 1837-8. Now, I submit, that if this great extension of Constitutional limitations and enactments, is to proceed in this same ratio, we will have quite a large volume of the Constitution of Pennsylvania. But I object to this report of the committee mainly because it is purely experimental. It proposes to have the people of Pennsylvania vote in a manner in which they have never voted before—in a manner in which no people in the world ever voted. If the experiment succeeds, very well. Suppose it fails. Suppose it does not meet with the popular demand. Suppose it is not satisfactory to the people of Pennsylvania. How are you going to remedy it? Are you going to call a new Constitutional Convention, or submit a new proposition of amendment revoking this section? If our work is to be worth anything at all it must have the value of permanency. I think this Convention ought to hesitate a long while before it adopts any provision which is purely experimental.

I now call the attention of the committee to the language of the amendment which I have proposed, and show wherein

it differs from the section in the present Constitution. "All elections shall be by ballot" are the words in the Constitution under which we now live. But "all elections" is not specific. I propose to make it read, "all elections by the people," that is, in their popular capacity, and not in their representative capacity, in the legislative or other representative bodies, nor in their judiciary capacity as in boards of directors, or trustees of any organization. That is all the change I propose. Then I would leave it to the Legislature to specify in what particular manner the ballot shall be cast.

I know there are difficulties in the way of obtaining pure elections, under the present method of balloting. I do not suppose we have reached perfection in the method of balloting in this country yet, but if we fix this thing in this Constitution we may put upon ourselves an iron band. To tie ourselves down to the mode of balloting provided in this report, we might find, in the long run, that it would prove a worse evil than the evil for which it proposes to be a remedy. In my mind there is no objection at all to leaving to the Legislature to determine, from year to year, as our experience and knowledge of affairs may increase, to change, from year to year, the particular manner in which these ballots shall be cast.

MR. WOODWARD. Mr. Chairman: I have not heard all of the discussion upon this subject, but I have heard enough to excite some alarm. From the character of the remarks that I have heard, and from the sources from which they have come, I am inclined to think that this report of the Committee on Suffrage is in danger of being rejected. I have been in the habit of thinking that the committee proposed a substantial and valuable reform in the proposition to indicate the ballot by number and by the name of the elector. There is some verbiage in the second line of this section which, I think, ought to be stricken out. It reads now in this way: "All elections of the citizens shall be by ballot. The ballots voted may be open or secret, as the elector shall prefer, and they shall be numbered by the election officer when received." That alternative, "open or secret," I think had better be modified in some form so as to make the ballot either open or secret.

I am altogether opposed to the secret ballot, and I do not at all agree with the remarks of the gentleman from Indiana (Mr. Harry White) upon that subject.

We have heard a great deal all our lives, and especially lately, about the dignity and importance of this right of suffrage, and we shall hear more about it. We are sometimes told that it is a natural right which it is wicked to withhold from any body, even women and children. We are told that it is at the foundation of all our institutions; that it is the grandest right that man can exercise in this free republic; and now what does the gentleman from Indiana (Mr. Harry White) propose? That this grand, national, natural right shall be exercised by sneaking up to a window and inserting a secret ballot which nobody shall be able to identify, and which, therefore, any manipulators of the ballot-box may falsify to any extent. That is our existing system, and he says the people of Pennsylvania are very much attached to that system, and that is the tenor of his amendment to leave the Constitution in this regard just as it stands, and to make the exercise of this great and wonderful right, one of the meanest transactions in which a free man ever engages, and which subjects him to the power of the mischievous, unprincipled scoundrels that now control the ballot-box of this country. Why, sir, the thing is preposterous. If there be a reform needed anywhere in our Constitution, it is needed here.

Now, the Committee on Suffrage have proposed a mode by which the ballot, when it is deposited, shall not be falsified, shall be so arranged that it can be identified in a court of justice, or upon any contested election. I consider that a reform, but not all that I desire. On the contrary, sir, I believe that the true, manly form of exercising this right of suffrage is by voting *viva voce*, as is practiced in several States. You could not prevail upon the people of those States, in which it does obtain, to give it up for the secret ballot. It is the practice in England, and the gentleman from Indiana (Mr. Harry White) mis-states the English example entirely. They have not abolished *viva voce* voting in England as yet. I know it is contemplated, and probably will be done, for there are special reasons for the secret ballot there that do not exist in the State of Pennsylvania, and I trust never will. Under the reform bills, which have been past within the last few years, all tenants now have the ballot, but those tenants are all watched by the steward or middle-man, and when they come to the polls and vote *viva voce* they are liable to

be turned out if they do not vote in a manner to please the steward, or the owner of the estate. The leases are all at will, and the tenant is dependant on the favor of the landlord or his steward. In other words, these tenants are just so many voters for the owners of the estate, and to them it is of some importance that they should have the secret ballot, in order that they may vote as to represent their real feelings and opinions. Now they have to vote for their landlords, because, be it known to you, sir, that almost all the real estate in England, Scotland and Ireland is owned by a few wealthy families, and most of the voters are tenants at will upon these estates, and the *viva voce* vote there exposes these tenants to persecution and, perhaps, to loss of their homes for voting according to the dictates of their own consciences.

The secret ballot then, in England, under the peculiar circumstances of that country, is valuable, but, sir, is there any analogy in this Pennsylvania of ours? Not at all. We have no such dependant tenants here. The gentleman alludes to our large manufacturing and mining interests, but let me tell him, if he does not already know, that the manufacturers and the miners, and the laborers in iron, in Pennsylvania, are the men that control the employers, instead of the employers controlling the men. There is no such supervision of that class of our citizens as there is of the English tenantry, and the secret ballot is of no consequence to them, for I have never found, in the little electioneering that I have done—and what I have done is done—I am not going to do any more—I have never found a more independent set of voters in my life than the miners of Pennsylvania, who had not an inch of land to call their own. "We controlled by our landlords and employers! No, we control them," they tell us. They will come up and vote an open ballot, like men.

The gentleman's (Mr. Harry White's) imagination has misled him. There is no reason for a secret ballot in Pennsylvania, while there may be good reason for it in Great Britain. Now, if there is no good reason for it, and we have found it productive of the most outrageous abuses, why not give it up? Why not, at least, go so far as the Committee on Suffrage proposes to go, in identifying the ballot that is deposited? I would go farther, and abolish the ballot altogether; and I would say, if a man has an opinion to express upon a public

question, let him come up and express it openly like a man. If this is a great fundamental right, I am not ashamed to express it. If I am for A B for Governor instead of C D, I am not ashamed to go up to the polls and declare my preference for A B, and I do not think it becomes any man—any American citizen—to sneak up and deposit a secret ballot for A B lest somebody should object to it. I do not think the people of Pennsylvania desire any such thing. I do not think the gentleman from Indiana (Mr. Harry White) understands the people of Pennsylvania on this question. He has not lived among them as long as I have. In fact, I think he misrepresents them on this question. The people of Pennsylvania do not hesitate about expressing their opinions. I know that when my friend, Governor Curtin, and I ran for office, they did not hesitate to prefer him, [laughter,] in which I thought they were greatly mistaken. [Renewed laughter.] I think they would vote openly, sir, and just as unhesitatingly as by the secret ballot.

If anybody would move a substitute for that amendment and for the original report dispensing with the ballot altogether, I would vote for it. But I will not move it, because I do not know that anybody else would vote for it. I am in favor of such a proposition. If that is unattainable, let us have what the committee proposes. Let us have the open ballot under such circumstances as shall destroy the occupation of the ballot-box stuffer, and the ballot falsifier. Let us have an honest and fair election.

Why, Mr. Chairman, is there not need of it? A few days ago, when confined to my chamber, and knew nothing about the proceedings of this body, except what I read in the newspapers, I was shocked to read that my venerable friend, who sits in front of me, (Mr. Knight,) and for whose opinions I have a great respect, has stated to this Convention that there had been some "slight irregularities" in Philadelphia, in the matter of voting, but no considerable complaint—no considerable wrong. "Slight irregularities" were the words he was reported to have used. Now, what does a body of very respectable citizens of Philadelphia think of these "slight irregularities?" We have a reform association here, composed of respectable citizens, who tell from time to time, about their "slight irregularities," and we have a document of theirs upon our file in which they say:

"We cannot conclude without expressing a hope that your wisdom may devise some plan by which the rapid development of fraud in elections may be checked. It is not too much to say that, in Philadelphia, under the existing registry law, the perpetration of these frauds has been reduced to a *science*, and systematized to that degree, that the confidence of the people in the result of an appeal to the ballot-box is being undermined with dangerous rapidity. As the foundation upon which all our institutions rest, this confidence is so sacred a thing that it should be guarded and fostered with the most jealous care. Nothing can replace it as a preservative element. The acquiescence of a defeated party in the result of an election is the most decisive proof of our capacity for self-government, and the most precious result of centuries of training in constitutional liberty; but the acquiescence can no longer be expected when fraud is openly practiced and audaciously boasted of, and a real majority finds itself helpless to assert its rights through the forms of the law. When that time comes, and redress seems hopeless, the end will not be far off, and it is the part of wise statesmanship to calmly consider all possible contingencies, and to devise whatever measures may be best adapted to avert them. We do not presume to offer suggestions. The subject is one requiring for its comprehensive treatment, throughout the Commonwealth, a knowledge of details as to other localities which we do not possess. We can only say that it seems to us the remedy lies in the direction of limiting, as far as practicable, the size of election divisions, and giving the fullest opportunities for scrutinizing votes as they are polled."

Mr. Chairman: There is nothing slight about these irregularities. They are a gross scandal upon the civilization of the age in which we live. It is the duty of this Convention to do its best to reform them. I believe that *viva voce* voting would do more to take away these frauds from our elections than anything else; but if I cannot get that, I am in favor of that which the committee proposes.

Let me say to my friend from Fayette, (Mr. Kaine,) that if he or any other gentleman thinks that requiring separate ballots is going to contribute to honest and fair elections, he and they are mistaken. In the county of Luzerne I have seen a bundle of tickets with which eight, nine, or ten candidates were to be voted

for. These tickets were cut up, separated and arranged, tied around with a string, and distributed over the county, through the different election precincts. A man who wants to be elected to office goes around and takes a ticket out of that bundle and puts his own ticket in instead. In hundreds of instances I could tell you of Representatives, and Senators, and Congressmen who were elected by just that trick, when, if you called the voters into court and swore them, they would tell you, under oath, by the hundred, that they had not voted for that man, but for his opponent. They voted a bundle of tickets they thought was an honest bundle. They did not know that from the very middle of that bundle one ticket had been abstracted and another placed there instead.

I have never seen so fruitful a source of fraud as these separate voting tickets. I believe that the voting of all the candidates, upon a single ticket, is very much better than the voting upon separate tickets for the several candidates. But, sir, whether the ballot be for a single candidate or contain all the candidates to be elected, if it be identified as the committee propose to identify it, you go that far towards protecting the ballot-box from the practices that now prostitute and abuse it. What would be, in my judgment, an improvement upon the report of the committee would be to substitute *viva voce* voting for the ballot altogether. Now sir, I believe I have expressed all the thoughts I have to express on this subject. I sincerely hope the committee of the whole will not reject the work of the Committee on Suffrage for the amendment that is now proposed and is pending.

MR. SIMPSON. Mr. Chairman: I heartily concur in the words spoken by my colleague from Philadelphia (Mr. Woodward.)

I desire to call the attention of the Convention to the fact, that if we desire to apply the knife to root of the evil, if we desire to cauterize the sore of the body politic, to prevent its extension or recurrence, we will have to adopt either the report of committee or substitute *viva voce* voting.

As many of the members of this Convention are aware, I have had, I suppose, as much experience in contested election cases as any man in this Commonwealth, and there is no evil, I believe, that has been perpetrated at the polls, that it has not been my duty, at some time, to expose to the gaze of the public. I can call to mind,

instance after instance, where first one form of fraud was perpetrated, and when that was discovered and exposed, then another form of fraud was devised and perpetrated, and when that, in its turn, was unearthed, a third form was invented to take its place, and so it went on one after another, as each was successively exposed to the light of day, some new scheme took its place, by which the fraud might be committed, and all because the present Constitution, by its requirements, covered it as with a pall.

The first system that I recollect was one of adding a number of names to the poll list, and putting a corresponding number of tickets into the box. It was shown in the investigation of a contested election case arising in the old county of Philadelphia, the district of Kensington, that A and B went to the polls together and voted within a minute of each other, and upon examining the list of voters of that day and poll, A's name was found at the foot of one page, and B's name was found at the top of the fourth page thereafter, and with ninety-nine names intervening. Yet for every name on that list there was a ticket in the box, and they had been counted and returned. That was in the third ward, Kensington. The same thing occurred, I believe in the district of Penn. and in the Second ward, Moyamensing. Up to that time it had been denied that a legal voter would be allowed, under the Constitution, to testify for whom he voted, but the court said that while he could not be compelled to disclose the fact, he should have the privilege of waiving his right to secrecy if he choose. And under that privilege, and at a vast expense, and the consumption of a great deal of time the right was made right, and the wrong was rebuked.

I have seen ballot-boxes opened and tickets presented to the light of day that had not a fold upon them; they were just as they had been cut from the sheets, as they were taken from the press. How did they get there? By some man inside the window substituting them for those cast by the legal voters of the district. It will not do for the gentlemen of this Convention to say: "Oh, these contested election cases arise only in the city of Philadelphia, and we must not incorporate into the Constitution something intended merely to regulate your city affairs." They go higher than that. Gentleman may call to mind that within four years the vote of this city has determined who should be

Governor of this Commonwealth, and it has within the last twelve or fourteen years, frequently determined the political complexion of the Legislature of Pennsylvania in both its branches and thus becomes a matter affecting the State as well as the city.

I favor the report of the Committee on Suffrage, as it came from that committee. We want to get at the facts so that when it is proved that a man who has cast his ballot at the poll, is a fraudulent voter, you may open the box and take out that very ballot that he cast and identify for whom it was cast; and not have repeated as I was told was done in a case where I was counsel, where a man came forward and sworn to having voted in the interest of one candidate and one party, when, in fact, they had voted for another.

I can say something in corroboration of what the gentleman (Mr. Woodward) said a moment ago about people coming into court and swearing that they had voted for a certain man, when they had not. I was once trying a contested election case in the select council, from the Second ward of this city. My friend who sits by me on the left (Mr. Cassidy) brought a man up to swear that he voted for the contestant in a particular precinct of that ward. A gentleman sitting at my side, at the moment, said to me: "That man has not told the truth, for I gave him a ticket with the name of the other candidate upon it, and I saw him vote that very ticket." Twenty persons at the least testified that they, too, had voted for a certain candidate when, in point of fact, they had voted for a different candidate altogether.

Could you, in such cases, have taken the ballot-box and taken out each man's ticket, recognizing it by the number put upon it by the election officer, and found the name of the voter upon it, written either by himself or by somebody else for him, and in such case properly attested, you could have ascertained the exact truth, whether the vote cast was legal, and if legal, whether it had been properly returned, and whether or not that man, in swearing as he did, had told truth or not.

Upon this point turns the whole of our republican institutions, and if, under the present Constitution, these frauds may be perpetrated without the possibility of discovering the guilty, or ascertaining for whom these illegal votes are cast, it is our duty to put into the organic law of this State something that will secure be-

yond peradventure, when the investigation becomes necessary, who has really been elected by the people.

Gentlemen say they are afraid that this will do away with the secrecy of the ballot. It does not. Something, of course, must be left to legislation, and it is presumed the Legislature will impose the seal of secrecy upon election officers whose duty it will be to count these tickets. The same provision is made in regard to telegraph operators and mail agents, and can be made to apply to election officers, so that their lips shall be closed in secrecy, unless in cases where judicial investigations may be held. If an elector prefers to vote an open or secret ticket he can do so under the provisions of the section as it is reported by the committee, but under the present law he cannot vote an open ticket. The ticket will be rejected by the election officers. I am well persuaded this provision will afford an effectual check to the perpetration of any fraud upon the part of the election officers in falsifying returns, because the name of the voter, written on the back of the ballot, guarantees detection at once, or if perpetrated renders their detection comparatively easy, and thus vindicating the right of the people to govern. In regard to the question of voting on separate tickets, I must say that I am opposed to the system. The gentleman from Philadelphia (Mr. Woodward) spoke of their having avoided corruption. Why, I recollect, not many years ago, when I was an election officer, that there were seventeen different sets of ballots to receive and distribute, the contents of seventeen different boxes to count after the close of the polls, and there were seventeen different sets of returns to be made out of the result of the election. We were nearly a day counting the tickets and making out the returns. I have learned, from all the experience I have had, that the single ticket system is the best that has ever been tried. If it is said that it does not afford an opportunity to the voter to alter his ticket, I answer that is a mistake, that though there are many who run with the party machine, and vote their ticket unscratched, for my own part I have never hesitated, either when acting as an election officer or as a private citizen, to announce my intention of not voting for a man whom I could not conscientiously support. I never cared who he was or where he came from. I have no hesitation in avowing that I am a political aspirant,

but I will never consent to be bound down to vote for a man I cannot conscientiously support, though it may even keep me from entering public life. I will not sacrifice my manhood for public position or place. I trust the committee will vote down the proposed amendment, and adopt the report as it came from the committee.

Mr. BUCKALEW. Mr. Chairman: I intend to be absent to-morrow and until Monday, and for that reason rise now to speak, although we are close upon the hour of adjournment. I hope, sir, that the report of the Committee on Suffrage, notwithstanding the indisposition manifested this morning to accept it, will be ultimately accepted so far, at least, as to permit the electors of this Commonwealth to vote tickets with their names written upon them. In Committee on Suffrage I voted for the whole of this division or section of the report, except the compulsion upon voters to write their names upon their tickets, and since that committee acted I have found my mind inclining more and more towards the acceptance of even this feature of compulsion. At all events I hope the Convention, before this subject shall be disposed of, either now or before second reading, will in some form accept the three points which are covered by the section. The first point is, the discretion vested in the voter himself to vote an open or a secret ticket. I understand now that the election boards, in some cases, permit voters to vote open tickets; in other cases it is held to be in violation of the Constitution and laws of the State. I would make this privilege one of equal, common right.

In this connection I will refer to a case which happened about a year since in the Nineteenth or Twentieth ward of this city. In a particular hour, say between twelve and one o'clock, three election officers, a window inspector, and a return inspector and his clerk, voted for a particular candidate, and nine citizens put in tickets for the same candidate through the window, and yet for that hour not one vote was returned for that candidate. The whole vote for the hour was counted to the opposing candidate, making a change of no less than twenty-four votes as between the two candidates who were contestants for popular favor. In short, the majority of the election board cheated their own colleagues out of their votes before their own eyes in the room, and also nine other citizens who voted through the window,

and then forwarded the returns in a perfectly legal form.

Many thousands of citizens in this city, at every election, when they put their tickets into the window do not know, and greatly doubt, whether they will be counted and returned by the election officers. The Convention must adopt some plan to amend this condition of things. I think it will be, at least, some check or advantage if the honest voters of an election precinct can go to the polls and openly announce how they are voting. It will prevent the election officers from cheating; at least during particular hours of the day, if not during the entire day. I can see no objection to this, and it will afford the people some protection against the fraudulent manipulation or destruction of their votes. In the next place, the tickets are to be numbered by the election officers; that is, when a vote is received to be put in the box, the number which the voter's name bears on the tally list is to be put upon the ticket. The result of this will be: That when illegal votes are found in the boxes they can be distinguished from good ones and rejected.

As the law stands now, it is, in many cases, impossible to rectify illegal voting. In many recent cases of contested elections in this city, it has been proved beyond all doubt, that votes had been deposited by repeaters; but, of course, the tickets themselves indicated nothing upon their face as to the persons who cast them, and it was not possible to prove otherwise what the repeaters' votes were. What then is the consequence in such cases? Why the courts of the State and election committees at Washington and at Harrisburg, because they are unable to separate the good votes from the bad ones, cast aside whole electoral divisions and sweep away even honest votes given by the people. It is then evident that there must be some means established by which the illegal votes can be distinguished, and by which the poll can be "purged," as the law expresses it. There must be some plan by which the legal votes can be retained and the illegal ones rejected. I am, therefore, in favor of having these ballots numbered, and especially because it will avoid all the excitement and disturbance of the alternative proposition of *viva voce* voting.

The advantages of the present plan of secret voting would be retained and quiet and good order would be preserved. It would rarely happen that the election officers would divulge for whom any person

voted; and if desired that they should be bound to secrecy, a provision could be made by which they would be placed in the same category as certain federal officers and telegraph operators, who are prohibited from divulging the secrets intrusted to them in their business. If an election officer violated the secrecy imposed upon him, and divulged the vote of any elector, he might be made liable to a prosecution, or to a *qui tam* action, by the party aggrieved.

The last requisite placed in this section is that the voter shall write his name, or cause it to be written, upon his ticket. The section says, "by an elector of the district." I would make the section read: "by any citizen of the district." It might be written by his wife, or son, or by any competent person at hand, not an election officer. What will be the effect of this clause? There are three forms of election frauds which this provision would strike at with force. In the first place it would almost entirely stop repeating. If the name of the person who deposits the ballot is written upon it, the election officers will know perfectly well that, when the ballots are brought forward, the name as well as the number will detect the person who deposited it. Upon proving personation, all the false votes discovered will be struck from the return. There would be but little motive to receive such votes when there would be a certainty of detection.

The endorsement of names would also check ballot-box stuffing and the making of false returns. If the election officers knew that the ballot-boxes, deposited in safe custody and subject to the orders of courts, would certainly detect tampering with tickets and false returns, they would not tamper with tickets and report false counts of votes polled. So that as far as these grand divisions of election frauds are concerned the name of the elector written on the ballot will be a most valuable security. The only adequate checks provided against frauds upon the part of the election officers are afforded by this section. The open numbering of the tickets when deposited, and the writing of the name of the voter upon the ballot before, places a check upon the election officer, and prevents his subsequent violation of the law and frustration of the voice of the people. If the Convention shall determine not to compel the name of the voter to be written on the ballot, I hope the object we have in view will be at least ac-

complished in part, by permitting the name to be written.

[The hour of two o'clock having arrived, Mr. Buckalew was about taking his seat to enable the committee to rise, preparatory to adjournment, when upon a general call to proceed and by common consent, he continued, as follows:]

Mr. Chairman: I do not desire, at this late hour, to go over the whole of the argument. There are many things which can be said in favor of this section, and which I presume will be said by my colleagues on the Committee on Suffrage. I have agreed entirely with the committee upon every point, with the single exception to which I have referred. There remains only a single topic to which I desire to refer before closing, and that is the secret ballot. As long as elections are conducted as now, in this and other States, I think the secret ballot to be a necessity, to a certain extent, because the principle of gambling enters more or less into the system. I do not willingly use this term; it is extorted from me by the facts. Why, we have ordinarily two political parties who play against each other, the stakes are the public offices, and the winner sweeps the board. Hence, what is important in popular elections, ordinarily, is the obtainment of the balance of power, the impressionable, or corruptible vote of the State, or community in which the election is held.

The party that obtains the corruptible vote sweeps the board in the great game of politics, and so long as the system is permitted to remain unchanged it will produce its degrading and detestable fruits. I conceive that nothing can ever reach the foundation of this great evil until the voters of the State are emancipated from unjust restraint in popular elections, and each division of them permitted to obtain that measure of power which belongs to them by their own votes. The possibility of changing the results of elections, by the purchase of a few base men, must be taken away before an effectual remedy can be secured. But until the present system shall be amended in this particular the secret ballot must be retained, because the great political parties will gamble with each other, and their work must be done, to a certain extent, in secret. It must be somewhat hidden and disguised, not pursued openly in the face of day. I am content, therefore, to retain secret voting in our system of elections, at least until that system can be sub-

stantially and fundamentally changed, because, in my judgment, it affords some protection to the humbler classes of society. It shields them, to a certain extent, from the grasp of power, and renders them more independent than they would otherwise be. Many a man would be coerced or otherwise improperly influenced if secret voting were now wholly abolished.

I do not agree with the gentleman from Philadelphia, (Mr. Woodward,) who last addressed the Convention on this side the Hall, in regard to *viva voce* voting. I think that there are evils in its exercise to which his attention has not been directed, and that the abolition of the ballot at present, as our elections are constituted, would be productive of mischief to an extent of which he has no adequate conception.

Mr. HAY. I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

IN CONVENTION.

The committee then rose, and the Presi-

dent *pro tem.*, Mr. Walker, resumed the chair.

Mr. LAWRENCE, chairman of the committee of the whole, reported progress, and asked leave for the committee to sit again, which was granted, and to-morrow was named as the time.

THE EASTERN PENITENTIARY.

Mr. HANNA. I ask leave to present an invitation from the Board of Inspectors of the Eastern Penitentiary of Pennsylvania for the members of the Convention to visit that institution.

Leave was granted, and the invitation was then read.

Mr. CORSON. I move the invitation be accepted with the thanks of the Convention.

The motion was agreed to.

Mr. WHERRY. I move the Convention do now adjourn.

The motion was agreed to.

The Convention thereupon, at two o'clock P. M., adjourned.

FORTY-THIRD DAY.

FRIDAY, *February 14, 1873.*

The Convention met at eleven, A. M.
Prayer was offered by Rev. Jas. W. Curry.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

PROHIBITION.

Mr. TURRELL presented a petition from certain citizens of Susquehanna county, asking for the insertion of a clause in the Constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

LEAVE OF ABSENCE.

Mr. LAMBERTON asked and obtained leave of absence for Mr. Funck, for a few days from to-morrow.

Mr. COLLINS asked and obtained leave of absence for Mr. Joseph Baily, for a few days.

Mr. COCHRAN asked and obtained leave of absence for Mr. Baer, for a few days.

Mr. CHAS. A. BLACK asked and obtained leave of absence for Mr. Ewing.

Mr. COCHRAN asked and obtained leave of absence for himself, for a few days.

Mr. BROWN asked and obtained leave of absence for Mr. S. A. Proviance.

Mr. WM. H. SMITH asked and obtained leave of absence for Mr. Stewart, for a few days from to-day.

Mr. LILLY asked and obtained leave of absence for Mr. John M. Bailey, for a few days.

Mr. LILLY. Mr. President: I would ask leave of absence for the balance of the Convention, for to-morrow.

LEGISLATIVE APPORTIONMENT.

Mr. NEWLIN offered the following, which was read and referred to the Committee on the Executive:

The Governor may approve any appropriation, or disapprove any other appropriation, in the same bill. In such case

he shall, in signing the bill, designate the appropriations disapproved and shall return the copy of such appropriations, with his objections, to the House in which the bill shall have originated, and the same proceedings shall then be had as in case of other bills disapproved by the Governor.

Mr. MOTT offered the following resolution, which was read and referred to the Committee on Agriculture, Mining, Manufactures and Commerce:

Resolved, That the Committee on Agriculture, Mining, Manufactures and Commerce be requested to take into consideration the propriety of reporting a section prohibiting any incorporated company organized for mining purposes, or possessing mining privileges, from holding, owning, or possessing the soil or surface right of more than one thousand acres of land at any one time, exclusive of land held for right of way for railroad purposes by due appropriation of law.

ADJOURNMENT.

Mr. BOWMAN offered the following resolution which was read:

Resolved, That when this Convention adjourns to-day it will be to meet at ten o'clock A. M. on Monday next.

The question being, shall the Convention proceed to the second reading and consideration of the resolution, the yeas and nays were required by Mr. Hay and Mr. Lawrence, and were as follows, viz:

YEAS.

Messrs. Addicks, Ainey, Baer, Bailey, (Huntingdon,) Bannan, Barclay, Bartholomew, Beebe, Black, Charles A., Bowman, Brodhead, Broomall, Corson, Curtin, Dunning, Elliott, Ellis, Ewing, Fell, Funck, Hanna, Harvey, Hemphill, Lilly, M'Camant, Mann, Metzger, Newlin, Niles, Palmer, G. W., Parsons, Rooke, Runk, Sharpe, Simpson, Stanton, Struthers, Temple, Walker, Wetherill, J. M., Wherry, White, Harry and Worrell—43.

N A Y S.

Messrs. Achenbach, Alricks, Baily, (Perry,) Boyd, Brown, Carter, Clark, Collins, Corbett, Craig, Cronmiller, Darlington, DeFrance, Edwards, Guthrie, Hay, Hazzard, Hopkins, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, M'Clean, MacConnell, M'Culloch, MacVeagh, Mantor, Mott, Patterson, T. H. B., Patton, Porter, Reynolds, James L., Russell, Smith, H. G., Smith, W. H. Turrell, Wetherill, John Price, White, David N., and White, J. W. F.—42.

So the resolution was again read.

ABSENT OR NOT VOTING.—Messrs. Andrews, Armstrong, Baker, Bardsley, Biddle, Black, J. S., Buckalew, Campbell, Carey, Cassidy, Church, Cochran, Curry, Cuyler, Dallas, Davis, Dimmick, Dodd, Finney, Fulton, Gibson, Gilpin, Gowen, Hall, Heverin, Hunsicker, Knight, Lear, Littleton, Long, M'Murry, Minor, Palmer, H. W., Patterson, D. W., Pughe, Purman, Purviance, John N., Purviance, Samuel, A., Read, John R., Reed, Andrew, Reynolds, S. H., Ross, Smith, Henry W., Stewart, Van Reed, Woodward, Wright and Meredith, *President*—48.

Mr. NEWLIN. Mr. President: I move to strike out "ten," and insert "eleven."

Mr. BOWMAN. Mr. President: I would say to the gentleman —

Mr. LILLY. Mr. President: I rise to a point of order. This resolution is not debatable, according to a rule adopted last week.

Mr. BOWMAN. Mr. President: I am not going to debate it. "Sufficient unto the day is the evil thereof." I merely intended to say that if the gentleman from Philadelphia (Mr. Newlin) had been in his seat yesterday, he would have ascertained that the Convention determined that on and after Monday next it would open its sessions at ten o'clock.

Mr. NEWLIN. Mr. President: Let me inform the gentleman that I was in my seat in this Convention all day yesterday, and voted upon that particular resolution, and it is exactly the result of that vote that I am anxious to get rid of.

The question being upon the amendment offered by Mr. Newlin, it was rejected.

The question then recurring upon the resolution, as offered by Mr. Bowman,

the yeas and nays were required by Mr. Hopkins and Mr. Edwards, and were as follow, viz :

Y E A S.

Messrs. Addicks, Ainey, Baer, Bailey, (Huntingdon,) Baker, Bannan, Barclay, Bartholomew, Biddle, Bowman, Brodhead, Broomall, Brown, Cochran, Corson, Curtin, Dunning Elliott, Ellis, Ewing, Funck, Harvey, Hemphill, Knight, Lilly, M'Camant, Mann, Metzger, Niles, Parsons, Patton, Reed, John R., Runk, Simpson, Stanton, Struthers, Walker, Wetherill, J. M., Wherry and White, Harry—41.

N A Y S.

Messrs. Achenbach, Alricks, Baily, (Perry,) Beebe, Boyd, Campbell, Carter, Collins, Corbett, Craig, Cornmiller, Darlington, DeFrance, Edwards, Fell, Gilpin, Guthrie, Hay, Hazzard, Hopkins, Horton, Howard, Kaine, Lamberton, Landis, Lawrence, M'Allister, M'Clean, MacConnell, M'Culloch, MacVeagh, Mantor, Minor, Mott, Newlin, Patterson, T. H. B., Porter, Reynolds, James L., Russell, Sharpe, Smith, H. G. Smith, W. H., Temple, Turrell, Wetherill, Jno. Price, White, David N., White, J. W. F. and Worrell—48.

So the resolution was rejected.

ABSENT OR NOT VOTING.—Messrs. Andrews, Armstrong, Bardsley, Black, Charles A., Black, J. S., Buckalew, Carey, Cassidy, Church, Clark, Curry, Cuyler, Dallas, Davis, Dimmick, Dodd, Finney, Fulton, Gibson, Gowen, Hall, Hanna, Heverin, Hunsicker, Lear, Littleton, Long, M'Murray, Palmer, G. W., Palmer, H. W., Patterson, D. W., Pughe, Purman, Purviance, John N., Purviance, Samuel A., Reed, Andrew, Reynolds, S. H., Rooke, Ross, Smith, Henry W., Stewart, Van Reed, Woodward, Wright and Meredith, *President*—49.

THE FRANKLIN REFORMATORY HOME.

The *PRESIDENT pro tem.* laid before the Convention an invitation from the directors of the Franklin Reformatory Home for Inebriates, requesting the attendance of the members at the annual celebration to be held at the Academy of Music.

RESIGNATION OF HON. SAMUEL E. DIMMICK.

Mr. MACVEAGH. I rise, Mr. President, to present the resignation, as a mem-

ber of this Convention, of the Hon. Samuel E. Dimmick, the present Attorney General of the State. When it is read, it will be observed by the Convention that it bears date of the 22d of January last. I trust I may be permitted to state that it was written on that day, and has been in my possession ever since. It was not sooner presented to the Convention because of the deference Mr. Dimmick entertained towards many distinguished members of this body, who differed from him upon the matter of his resignation, and especially towards the Committee on Legislation, of which he was a member. I ought to say, after fully considering all the reasons that were presented to him, Mr. Dimmick retains the opinion he first formed, that he ought to resign his position as a member of the Convention, and that from the beginning I have concurred in his judgment. I have made these remarks simply to explain the seeming discrepancy in the date of the resignation. I trust, therefore, it will be unanimously accepted.

The PRESIDENT *pro tem.* The resignation will be read.

The CLERK read, as follows:

PHILADELPHIA, January 22, 1873.
Hon. WM. M. MEREDITH,

President Constitutional Convention:

SIR: Permit me, through you, to tender to the Constitutional Convention my resignation as a member thereof.

I have the honor to be,

Very respectfully,

Your obed't serv't,

SAMUEL E. DIMMICK.

Mr. MANTOR. I move to lay the resignation on the table.

Mr. AINEY. Mr. President: I move to amend the motion, by accepting the resignation and referring the subject of filling the vacancy to the delegates selected at large, on the same ticket with Mr. Dimmick.

Mr. MANTOR. I accept the modification.

Mr. JOHN R. READ. Mr. President: As the gentleman accepts the modification, I desire to renew the motion to lay the resignation on the table. In making this motion, I propose, if it is adopted, to introduce a resolution, requesting Mr. Dimmick to withdraw his resignation, and I think I can safely say, that I ex-

press the sentiments of the committee of which I have the honor to be a member. Mr. Dimmick has been present during the deliberations of the committee, and has discharged his duty as faithfully as the duties of his official position permitted. I do not believe the mere fact, that the gentleman occupies a distinguished position as the Attorney General of this State, disqualifies him entirely from discharging the duties incumbent upon a member of this Convention. In expressing these sentiments, I think I give utterance to the views of every member of the Committee on Legislation. I hope, therefore, the Convention will not acquiesce in the request of Mr. Dimmick, which I believe is actuated only by a sense of honor, but that the resignation will be laid on the table, and a resolution passed requesting Mr. Dimmick to withdraw his resignation, and to participate in the deliberations of the Convention as often as he can consistently with the discharge of his other public duties.

Mr. TURRELL. Mr. President: I call for the reading of the letter of resignation, as I apprehend it may contain the views of Mr. Dimmick upon this question.

The PRESIDENT *pro tem.* The Clerk will read the letter of resignation.

The resignation of Mr. Dimmick was again read.

Mr. TURRELL. Mr. President: I desire to say, that I have been informed that Mr. Dimmick has expressed the opinion, that he cannot legally discharge the duties of an officer of this Commonwealth and a member of the Convention at the same time, and that it was with this view he has forwarded his letter of resignation. I asked for the reading of the letter, thinking it might probably contain some expression of opinion in regard to the subject. I find, however, that it does not.

Mr. DARLINGTON. Mr. President: I have only to say that I disagree entirely with the gentlemen from Philadelphia (Mr. John R. Read) that Mr. Dimmick should be requested to withdraw his resignation and to attend to his duties in the Convention and at the same time be expected to discharge the duties of Attorney General. I think this is a question which Mr. Dimmick is better capable of deciding than the Convention. I do not think, if I may be allowed to indulge

the suggestion, that the members of the Convention are of the opinion that any man, however exalted his talents may be, can discharge the duties of two offices at the same time.

Mr. NILES. Mr. President: I desire to say to the Convention that I saw Mr. Dimmick yesterday at Harrisburg and he informed me precisely what has been stated here—that he had written his resignation some time since and that it had been in the hands of the gentleman from Dauphin (Mr. Mac Veagh). He stated he had fully considered the question, and, while he thanked the members of the Convention for the honor they proposed to confer upon him, his own sense of duty precluded him, under any circumstances, from serving as a member of the Convention.

Mr. C. A. BLACK. Mr. President: I suppose when a member of this Convention resigns it becomes a question for himself alone to decide. I cannot see how the Convention can interfere with the wishes of any person in the matter, or compel any one to remain as a member after he has formally tendered his resignation.

Mr. MAC VEAGH. Mr. President: I only desire to add in connection with my previous remarks that the view taken by the Attorney General and by other gentlemen in the Convention is this: The present Attorney General was elected a member of the Convention when he held no other office whatever. Subsequent to his election and after his entrance upon his duties as a member of the Convention, though at the time he was elected the people did not contemplate his acceptance of their office, he has felt it his duty to accept the position of Attorney General of the State. In view of this fact, Mr. Dimmick feels of course that he ought to resign the office to which he was elected, and that his acceptance of the office of Attorney General is to some extent incompatible with the discharge of his duties as a member of the Convention. Inasmuch as he has taken nearly three weeks to consider the entire matter and still adheres to his opinion after listening to the suggestions of eminent and distinguished members of the Convention. I trust that the motion to lay the resignation upon the table will be withdrawn

and that it will be unanimously accepted. The subject of filling the vacancy can then be referred to the fourteen delegates at large first named in the Governor's proclamation convening the Convention.

Mr. PATTON. Mr. President: I will simply state that I am in favor of accepting the resignation of Mr. Dimmick, if he is in earnest about the matter, of which I have no doubt he is.

Mr. KAINE. Mr. President: I am somewhat surprised at the question which has been raised here as to the ability or want of ability upon the part of a member of this Convention to resign. Certainly, this Convention has no control of that. It is entirely a matter with the delegate himself. When a man becomes a member of this Convention, after he has been elected and sworn as a member of this body, he does not become bound, any further than to discharge his duties as a member of the Convention, with fidelity, and he may, I apprehend, at any moment he chooses, surrender the position he holds to the people of the State, the government or this Convention. I think all a member has to do is to make his resignation in writing and let it be presented to this body and laid on our table, and I think the connection between the Convention and himself is at an end. He is a free man.

By the act of Assembly under which this Convention is called, provision is made for filling all vacancies which may occur within this body. It does not say by death, resignation or otherwise; but, of course, it means that. I hold that no vote is necessary to allow a resignation to take effect, although I am perfectly willing, for one, to give the unanimous consent of this Convention to accept the resignation of the gentleman from Wayne, (Mr. Dimmick,) but I insist that no vote upon that question is necessary. The resignation of the gentleman from Wayne, presented by the gentleman from Dauphin, (Mr. Mac Veagh,) severs his connection with this body and he is a free man now, and there is a vacancy in this Convention to be filled.

Mr. CORBETT. Mr. President: My recollection of the proceedings of this convention at Harrisburg, is that this very question came before the Convention there under the acceptance of one of the

resignations there offered, and the President of this body ruled that it was unnecessary for the Convention to accept a resignation, that being a matter of right, and that the only motion that was necessary was to refer it to the proper delegation to fill the vacancy. That is my recollection of the decision of the chair then.

The PRESIDENT. The Chair would state that if it was left to the Chair to decide, his decision would be that a gentleman has a right to resign, and his resignation sent to the President would be final. But this has taken another course, and the Chair will not interfere with that course.

Mr. COCHRAN. Mr. President: I ask, as a question of order, whether a motion to lay the question on the table is debatable?

The PRESIDENT. The gentleman from Potter (Mr. Mann) has the floor, and the Chair does not desire him to be interrupted at present. If the gentleman from York will renew his question of order when the gentleman from Potter concludes, the Chair will decide it.

Mr. MANN. There is a motion now pending, as I understand it, to lay this motion on the table. I hope that motion will not be withdrawn. I do not know how other delegates feel, but I tell the gentleman from Dauphin (Mr. Mac Veagh) that there cannot be a unanimous vote to accept this resignation. For one, I do not propose to give any such vote myself, and for these reasons: The gentleman from Wayne (Mr. Diminick) was elected by the entire people of Pennsylvania to serve as *their* representative in this Convention. Now, there has been no suggestion made that the office which he has since accepted renders him at all disqualified to discharge the duties which have been imposed upon him. No gentleman here undertakes to give any reason why he cannot now discharge all the duties which he took upon himself when he accepted his seat in this body. The office of Attorney General, instead of disqualifying him, adds to his ability to serve the people, and the people of Pennsylvania have a right to his services. And, Mr. President, I undertake to say here in my seat in this Convention, that if the Convention will lay this resignation upon the table, that the gentleman from Wayne

will serve the people in the capacity of a delegate in this body, notwithstanding this resignation which has been offered here this morning. The people have a right to his services. They delegated him to represent them upon this floor, and, for one, I will not consent that thirteen of the delegates who were upon the same ticket with himself, shall step between the people and their representative to fill the place to which he was elected by the people. The act of Assembly, under which these gentlemen, who are his associates on the ticket, were authorized to fill a vacancy, never contemplated any such process as this. It simply contemplated vacancies which should occur from death or something of that kind. It never contemplated that a gentleman elected by the entire people should withdraw from this body, and that thirteen other delegates should substitute some other gentleman for him.

I trust this motion to lay on the table will not prevail.

Mr. CORBETT. Mr. President: I rise to a point of order, that the resignation is a matter of right.

The PRESIDENT. The question before the Convention is to lay the motion on the table.

The motion was not agreed to.

The PRESIDENT. The question is now on accepting the resignation, and referring the vacancy to the thirteen other delegates at large.

Mr. HOPKINS. Mr. President: I call for a division of the question, to separate the acceptance from the reference.

The PRESIDENT. The question will be so divided, and the question is on the acceptance of the resignation.

Upon this a division was called, which resulted sixty-seven in the affirmative and five in the negative. So the resignation was accepted.

The PRESIDENT. The question now is on referring the resignation to the delegates at large.

Mr. TURRELL. Mr. President: In answer to the gentleman from Potter, (Mr. Mann,) who opposes this reference, I wish to call the attention of the Convention to the act of Assembly which constituted this Convention, which makes provision for exactly that reference.

Mr. AINEY. Mr. President. The motion is to refer this resignation to the delegates elected at large upon the same ticket with Mr. Dimmick.

The PRESIDENT. That is the motion. The motion was agreed to.

CHANGE OF REFERENCE.

Mr. NEWLIN. Mr. President: I offered this morning a resolution authorizing the Executive to approve appropriation bills in part, which I understood was referred to the Committee on the Executive. I understand that the subject matter embraced in that resolution has been considered in the Committee on Legislation. I therefore ask that it be referred to that Committee.

The PRESIDENT. The Chair desires to state that it has also been considered in the Committee to which it was referred, and a report was made out. I mentioned that at the time, but I will refer it as desired by the gentleman from Philadelphia.

THE CENTENNIAL.

Mr. JNO. PRICE WETHERILL. Mr. President: Are resolutions in order?

The PRESIDENT. They are not in order.

Mr. JNO. PRICE WETHERILL. Then I ask unanimous leave to introduce a resolution.

Unanimous consent was given, and Mr. Wetherill offered the following resolution, which was twice read, and agreed to.

Resolved, That the use of this Hall be given, on Wednesday evening next, to the Centennial Committee of citizens of Philadelphia, for the purpose of holding a meeting with reference to the Centennial Exposition.

REPORT FROM THE COMMITTEE ON SUFFRAGE.

Mr. M'ALLISTER. Mr. President: I beg leave to present the third supplementary and partial report from the Committee on Suffrage, Election and Representation:

For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of the State or United States; nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas; nor while a student of any

seminary of learning; nor while kept in any poor house or other asylum; nor while confined in any public prison. *Provided*, That when any student shall have wholly abandoned his former residence, he may acquire a new residence as any other citizen.

THE PUBLIC LEDGER ALMANAC.

Mr. ADDICKS. Mr. President: With your permission I desire to present on the part of Mr. George W. Childs, proprietor of the *Public Ledger*, one hundred and fifty copies of his valuable *Ledger Almanac* for the use of the officers and members of the House.

Mr. DARLINGTON. Mr. President: I move that they are accepted with the thanks of the Convention.

Which was agreed to.

Mr. LANDIS. Mr. President: I would state, as chairman of the select committee appointed by the House to proceed to Harrisburg and represent this Convention at the funeral ceremonies of Governor Geary, that the committee proceeded to that city and were by a vote of the Senate requested to participate with them in observing the usual obsequies on such occasions. The committee having discharged their duties and participated in these ceremonies, with this brief verbal report I request that the committee be discharged.

Mr. BAKER. Mr. President: I move that the committee be discharged with the thanks of the Convention.

The motion was agreed to.

COMMITTEE OF THE WHOLE.

The Convention then resolved itself into committee of the whole, Mr. Lawrence in the chair.

THE FORM OF BALLOT.

The CHAIRMAN. The question before the committee is the amendment to the amendment offered by the gentleman from Somerset, (Mr. Baer,) as modified by the gentleman from Fayette (Mr. Kaine.)

The amendments will be read.

Mr. MAC VEAGH. Mr. Chairman: May I ask that the original section be read?

The CHAIRMAN. That will be read also.

The CLERK. The section under consideration is:

SECTION 2. All elections of the citizens shall be by ballot. The ballots voted may be open or secret, as the elector shall prefer, and they shall be numbered by the election officers when received. Each elector shall write his name upon his ballot or cause it to be written thereon, and attested for him by another elector which shall not be an election officer.

It is proposed to amend, by striking out that section and insert as follows :

SECTION 2. In all elections by the people the electors shall vote by ballot, in a manner prescribed by law.

It is further proposed to amend, by striking out the amendment and insert as follows :

All elections of the citizens shall be by ballot, and no ballot shall contain the name or names of candidates for more than one office. Persons acting in representative capacities shall vote *viva voce*.

MR. PATTON. Mr. Chairman : As the Committee on Suffrage and Elections have substantially recommended the mode of voting, in accordance with a resolution which I had the honor to present to the Convention, while in session at Harrisburg, I feel called upon to offer a few remarks in support of their recommendation.

My resolution recommended voting by open ballot only, but the report of the committee leaves it optional with the voter to vote either an open or secret ballot.

The object of the framers of the present Constitution, in adopting secret voting or the closed ballot, was to enable voters, who were dependent upon others, to vote independently of arbitrary or coercive influences ; but it is well known that however just and politic that laudable provision was originally, its object has utterly failed in modern practice, in consequence of the difference in the types and paper upon which the different parties print their respective tickets. In fact the different tickets are so easily distinguished from one another, that a clerk or other officer of the election can keep the run of the votes, so as to be able to announce to his patrons friends the result of the voting before the votes are officially counted. The partisan leaders of opposing parties generally select their type and paper with this view, in order to detect voters who, from conscientious convictions, vote

against the party discipline of their respective parties. I would favor open voting, because secret voting is often used as a cover for falsehood and dissimulation ; but as there are many persons who, from the force of habit, are partial to secret voting, I will make no captious opposition to its being left to their option to vote so ; and in reply to the objection that this mode of voting virtually destroys secret voting, I would say that no one can tell how a person has voted who votes a closed ballot, except the officers of the election, when they come to counting the votes, and, by enactment of the Legislature, those officers can be sworn to secrecy.

The committee recommend the limitation of election districts to the number of 200 voters. This is a wise limitation, because voters are better known to each other, and can be easier identified in small than in large districts, and it would, therefore, facilitate the detection of illegal voters and repeaters, and reduce the scale of attempted ballot-box manipulations, and the power given to the courts, to conform the large election districts to that limit, is judicious and convenient, for the people immediately interested in the reduction. In large election districts the duties of the election officers are very onerous, and in some districts they are detained until long after midnight in counting and tallying the votes, from which tedious and confining labor they will gladly be relieved.

For numerous reasons, Mr. Chairman, I am, decidedly, in favor of every voter having his name endorsed upon his tickets, in his own handwriting, with the number of the ticket corresponding with the number opposite the name of the voter, endorsed on it, by the clerks of the election.

First, Because it would be an incentive to the youth of the rising generation to acquire an education, and even to adults of the present generation to learn to read and write, although it might have temporarily disfranchised a few worthy men, who have not had the benefit of an elementary education, and consequently could not vote as intelligently as those who have been more favored ; yet, I thought the incentive to learn to read and write would more than counterbalance

so limited a privation; and those who would have been disfranchised, could have recovered their lost boons by a little assiduity in learning to write their names. I think education, alone, would be a good qualification for the elective franchise, for without it no one can properly understand the character of the government under which he lives, or appreciate the measures and policy of parties seeking the control of its operations. I believe the ability to read and write is a basis of voting in some of the other States. The illiterate voter is liable to be imposed upon, by unscrupulous persons, in the exercise of his right of suffrage. But the committee have allowed the names of those voters who cannot write to be placed upon their tickets by others, which, so far as it regards that class of voters, is also a safe means of protecting the purity of the ballot-box against the raid of the stuffer; and as only a small class of persons are affected by it, I yield my predilections to their better judgment.

Under the present system of voting a corrupt officer of the election, having charge of the ballot-box over night, can, by throwing out the votes for the candidates of one party, and by substituting those for the candidates of another party, suppress the expressed will of thousands of freemen, and subject legitimate majorities to the stolen domination of corrupt minorities, without any clue to his detection; thus destroying the great cardinal principle on which our republic rests—the omnipotence of majorities. That this villiany is practiced in many parts of this Commonwealth to an alarming extent is a deplorable fact.

With this prerequisite in voting, of having the name and number on the ticket, no ticket can be abstracted from the ballot-box, and no additional ticket can be put into it without easy and certain detection. If it should be done the tally lists would show whose tickets had been abstracted; and if others should be put in the ballot-box, in place of those abstracted from it, the names of the voters of the abstracted tickets, and the numbers on them, would have to be forged upon the substituted tickets, in order to give them the appearance of being genuine; and, in that case, the voters of the abstracted tickets and the clerks of the elec-

tion could prove the forgeries. And, besides that, the forgers would not have time to forge any considerable number of names and numbers on the tickets, as forgery is necessarily a very slow operation; and, moreover, adepts or experts at forging are rarely to be found, and if found they would be fastidiously cautious about taking the risk of the consequences with such facilities for their easy and certain detection, conviction and punishment.

In the case of contested elections these endorsements would greatly facilitate and expedite the finding and identifying of each man's ticket. It would also be a means of detecting persons who might be bribed by contestants to swear that they had voted against the person whom they had voted for; but without these endorsements they can do so without the least hazard of detection, because the printed tickets of each party are all alike, and without anything upon them to distinguish one from another, and therefore no one of them can be identified as the vote of anybody, and consequently no man can swear to the ticket he voted. Thus you see how these criminal manipulators would be headed off, at every turn, by these recorded sentinels on the backs of the tickets. In short, with this mode of voting in force, your "repeaters" and your "ballot-box stuffers" may well exclaim: Alas! our occupation is gone.

In conclusion, Mr. Chairman, I will only say that I am opposed to the amendment of the gentleman from Somerset, (Mr. Baer,) and I hope the report of the committee will be adopted by the Convention. Then, sir, in my judgment, we may hope to obtain a fair and honest expression of the people at the polls.

Mr. LILLY. Mr. Chairman: I do not intend to inflict a speech upon the Convention, but I feel that the subject is of the greatest importance of any that we have had before the Convention. The amendment offered by my friend from Somerset (Mr. Baer) is one that I think this Convention never ought to adopt. I think that the cutting up of tickets has caused more trouble, confusion and corruption in our country than anything else. When I had the honor of being a member of the Legislature, twenty-two years ago, then being a member of the democratic party from Carbon and Le-

high counties, I had a special law passed for Carbon county, to allow her electors to vote by slip tickets. From that time to this we have continued so to vote, and I have the first complaint to hear from it. Every voter in our county thinks it is the best thing possible. Our neighbors across the line, in Luzerne county, who have to cut up their tickets, complain of it constantly. They say to us: You have a very easy, pleasant way of voting. A year ago last fall some of the citizens of that county assured me that they had twenty-seven ballot-boxes before the election officers to count, for twenty-seven different offices to be filled; and I know that in several election districts hundreds of votes were excluded because they could not take in the votes fast enough. If the recommendation of the committee is not to be carried out, I prefer that the law should stand just as it is. When I was appointed on that committee, I was approached by a great number of my acquaintances among the members of the Convention, and by persons outside of the Convention, in different parts of the State. I was assured that the committee that I was placed upon was one of the most important committees in the Convention. "Why?" "Because you are to uproot these corruptions at the elections;" and I believe that every other member of that committee was approached in the same way. And when we assembled in the committee room this was one of the very first things that we took up. This was the first subject that was discussed, and we unanimously agreed that that was one of our means of destroying this corruption, if it was possible to destroy it; and we did not have a single dissenting vote or voice on that question.

When we took that question up we listened to all the different complaints that came to us from one part of the State and the other, and we attempted to apply what a majority of us thought was the proper remedy for these evils. We discussed the matter in every point and in every way, and when this very section was before the committee the subject of secrecy was discussed thoroughly. While nearly all of us were in favor of secrecy, we came to the conclusion that secrecy could not be kept entirely inviolate without destroying purity. Then the question

presented itself to the members of the committee whether we ought to have purity or entire secrecy, and we concluded that purity was better than secrecy. We turned the matter over in committee, looked at it in every shape, in all the ways possible; and my colleague upon the committee, the gentleman from Columbia, (Mr. Buckalew,) yesterday so vigorously pointed out everything connected with the subject that he has left very little for me to say; but I believe, conscientiously and sincerely, that if we do not adopt this section as we have reported it, or something like it, we will never get rid of these corruptions of the ballot-box. It is the only remedy that will tear it up by the roots. You can follow it through the ballot-box, you can follow it in every direction. It seems to me to be the only remedy that has presented itself that we can apply which will be thorough and complete.

As I have said, we looked at it in every possible light. Some of us were opposed to this measure as it now stands, but we came to the conclusion that it was actually necessary if we wanted to get rid of corruption that we must go to the bottom of it in this way. I wish to remark here that, so far as my county is concerned, I believe we have no corruption. I do not believe that this amendment is necessary for the county of Carbon, neither do I believe that it is necessary for the county of Tioga and many other counties, perhaps the majority of the counties, because they are clear of corruption, and we are not aiming to destroy corruption where it does not exist. But it becomes necessary in order to destroy corruption in corrupt places, that in counties where there is no corruption we must be willing to suffer some inconvenience; we must do it or these corruptions will go on and we will have it dinged in our ears the day after every important election that our elections are carried by fraud, fraud, and by false voting and personation of electors and everything else of the kind.

Now this destroys it, and I hope the Convention will vote down all of these amendments and adopt the report of the committee, and in any event I hope they will vote down the amendment of my friend from Somerset, (Mr. Baer,) and if we cannot get this reform let it stand as

it is, let the Legislature allow us to make our ballots as we want them in the counties. But, as I have already said, I hope the section as reported by the committee will be adopted just as reported.

Mr. CURTIN. Mr. Chairman: Those who have listened to the discussion of this and the previous question have, doubtless, become satisfied at this time that we have approached one of the greatest subjects which have yet been submitted to this body by the people of the State.

Sir, you can draw from history a parallel for anything. You can find for virtue, and you can find for vice, an instance which will just suit your case in the history or philosophy of ancient or modern times. And, no doubt, this Convention has been much entertained, if not instructed, by the philosophy and the rhetoric, and the eloquence, of the gentlemen who have addressed it on this grave and peculiarly important question.

But, after all, sir, we are here, at the bidding of the people of Pennsylvania, to devise, if that be possible, some practical reforms in the conduct of our government—reforms suggested by experience, and demanded by necessity—the first and most important of which affects the very fundamental principle of our theory of government. We must develop some plan by which the people shall hereafter have at least the semblance of fair elections.

I quite agree with the distinguished and learned gentleman from Philadelphia, (Mr. Woodward,) that it would be better that every man, in his dignity, representing as he is, not himself alone, but in part his country, should walk up to the election poll and declare, *viva voce*, the candidate of his choice. I do not believe, however, that the people of Pennsylvania are prepared for so sweeping a reform, and I am quite sure it could not meet the approbation of this body.—Hence those who are in favor of real reform must accept, from this Convention, as much as they can get, and we must present to the people of Pennsylvania what they are likely to adopt.

The discussion, the other day, was not without profit, on the subject of the restraint thrown around the first ballot cast by the foreigner in this country; and

surely all the objections raised as to that restraint were ably and fully answered by the gentleman from Indiana (Mr. Clark) and the gentleman from Franklin (Mr. Sharpe.)

The learned gentleman from Philadelphia, (Mr. Gowen,) whom I regret is not in his seat this morning, intimated that we wanted nothing now in Pennsylvania but more people. Doubtless, we do want more people to develop the great material resources of our State, in which that gentleman is so largely interested, and which he so ably represents. But, sir, I have never understood yet that the great object of a foreigner, in coming here, was to get the ballot. He probably had never heard of it in his own country. Emigrants leave their native countries because they are over crowded—because their hard lot is cast in poverty and iron fortune—because they are subject to military proscription, which compels a man to go to war when a lordly superior commands him to do so. They come here to get requited labor, and to assert their manhood—to secure larger results of their industry for themselves and their children, and a larger liberty of thought and action.

I would throw these restraints around the ballot to protect the immigrant against the men who, in large cities, manage the ballot. I would protect him from the "rounders," and "repeaters," and ballot box "stuffers." He comes here in order to become a freeman. Give him, therefore, a large idea of his freedom. When he is brought into contact with the "rounders" and "repeaters"—as under the present system he inevitably is—it gives him a low estimate of his own liberties, it debases the ballot and debases him. I would not cheapen the ballot too much in this country. Let the Pennsylvanian, whether native born or naturalized, feel that when he is performing that duty to the State and to himself, he is exercising a high trust. Let us, therefore, make such reforms in our Constitution as will appeal to the intelligence of the voter, and not to his ignorance. The report of the Committee on Suffrage would do just that. It enlarges and exalts the condition of a man, and appeals to his intelligence and knowledge, so that his vote shall be cast fairly and intelligently.

But there are two classes of people who would seriously object to it, and I know of only these two classes who would make any objection to a judicious reform in this respect. In the first place, the man who manipulates votes will object to it; the man who would change the returns will object to it; the man who will stuff ballot-boxes will object to it, and those whom they employ, the "rounders" and "repeaters." I pity, from my inmost soul, the poor unfortunate man who becomes the tool of such men, and I have a sovereign contempt for the man, high or low, I care not which he be, who hires him to debase his manhood and to violate his oath.

Let the man put his name upon his ballot. Surely no American citizen can object to that. Let the election officer place the proper number upon the ticket. Let the voter be restrained by a two months' residence in the district in which he offers to vote. Let the registration take place then. Let the tax be paid a month before election day. Lessen the number of people to be voted at each polling place in the State. Place such wholesome restraints as these around the exercise of the ballot, so arrange it that the man is known when he votes, and that his name is upon the ballot that he casts, and you protect the honest and conscientious voter, and disappoint the "rounder," and the "repeater," and the "bummer," or whatever other pet names these people are known by in the cities—for we have not any of them in the country. I may, when I use these expressions, I *may* be treading upon the toes of some highly respectable men, for, the truth is, I do not precisely know what the terms mean; they have never become understood in the country districts. My friend from Somerset (Mr. Baer) offers an amendment, and is seconded by other gentlemen here from the country. The fact is, however, that the wrongs complained of are not known in the country. Throughout the entire agricultural region of Pennsylvania the vote is fairly cast. Now and then, perhaps, an illegal vote may be polled, but it is very rarely, and when it is it does not affect the result.

The great object of these reforms is to protect the cities whose people are anxiously demanding judicious and actual reform. If the gentleman from Philadel-

phia (Mr. Simpson) knows what he says to be true, it is surely time to have some reform. The gentleman does know, from the fact that he got his information, as he tells you, by his experience as counsel in cases of contested elections. In the turf, Mr. Chairman, it has become a science to make the slow horse win in a race, and men are trained for that special purpose; so with these city elections, it is too often the purpose of those who manage these things to elect the man who receives the smallest number of votes.

Surely, among a people such as those of Pennsylvania, we should, above all things, have a pure and honest election—a fair expression of the public sentiment, and the man, whoever he may be, that receives the majority of votes in such an election ought to have an opportunity of enjoying the emoluments and the honors of the office to which the people call him.

I have no doubt, sir, that this report was maturely considered in committee. I am only sorry the committee did not go further. I regret very much that the propositions coming from the committee are so crude, and do not appear to be plain and clear, but are rather in conflict. They may be improved hereafter, but in the main I give to the report of that committee my most hearty approbation; and I believe that that much, at least, is required so that we may have a fair election in future, and an honest and pure expression of the will of the people when they present to the world the sublime spectacle of a free people, declaring through the ballot the principles which they believe wisest for the administration of their government, and selecting, through the same medium, the men who are to administer that government.

Mr. CARTER. Mr. Chairman: I desire the attention of the committee but a very brief space. I supported in Convention the proposition to limit debate in committee of the whole to twenty minutes. The good that has come of that rule is already apparent.

I do not propose, sir, to go back to the Eocene and trace the history of civilization up to the present time, on which to base my argument. It seems to me that this question is narrowed down to comparative small limits. That question, as it appears to me, is this: Is it necessary

in order to correct this great evil, which this Convention is bound to do—I mean the corruption of the ballot box—to resort to a remedy which I think is worse than the disease. I do not believe, sir, that the people of this Commonwealth are prepared yet to condemn the secret ballot. As a matter of expediency I would say that to prevent the people voting down our entire work—and I apprehend they will do it if we should adopt the amendment proposed by the committee—it behooves us to consider whether there are not sufficient guards thrown around the ballot box to correct this great evil, and whether it is really necessary that this energetic measure should be adopted. It seems to me that this is the practical shape which this question now assumes. In view of the frauds which have been referred to by the gentleman from Carbon (Mr. Lilly) and other members, is it right and proper to adopt this unpopular measure for the sake of curing the evils in Philadelphia and one or two other places, while other portions of the State will suffer from the inconvenience which will grow out of its enforcement? I think not. I strongly incline to the opinion that there will be sufficient guards thrown around the ballot-box if the other amendments proposed by the committee are adopted.

The distinguished gentleman from Philadelphia (Mr. Woodward,) in his argument yesterday, referred to the necessity that existed in England for the secret ballot. He admitted its propriety in England, and thus virtually admitted that the secret ballot is a protection to the poor and dependent people of that country. Have we none of that class in the State of Pennsylvania? It is true, and it may be said to the credit of the State, that this class of our citizens possess a higher order of intelligence, and are perhaps more energetic, than those in England, but it is nevertheless the duty of the Convention to see that they are protected in their rights, and this protection can only be afforded by means of the secret ballot. It seems to me we should be exceedingly cautious in adopting a measure abolishing this time honored usage, which prevails in almost every State in the Union, and thus awaken unnecessary hostility against the whole work of the Convention, which

will contain many practical and excellent reforms, without a shadow of doubt. It then becomes a question of fact whether the condition and circumstances of our citizens are so different from those in England, where the operations of the secret ballot are approved, as to render this measure necessary. I join issue with the gentleman from Philadelphia (Mr. Woodward) upon this question of fact. I say this dependent class of our citizens is a numerous one, for although a landed or inherited aristocracy are unknown to us, yet we are building up an aristocracy which will be more portentous and more important in the future. I see the dark cloud overshadowing the country, and hear the low mutterings of the storm of indignation which will burst for against the overwhelming power of these vast monopolies. This is the evil to which we will be subjected in the future, and to say that these vast organizations will not exercise their power over their employees, by controlling their votes, if they are not protected by the secret ballot, is to me absurd. I listened with interest to the remarks of the gentleman from Columbia, (Mr. Buckalew,) who terminated his speech with an expression of his opinion that the secret ballot is rendered necessary by the existing condition of affairs, or at all events until a change is made in the manner of voting. He referred to the free vote system, I presume. The gentleman, in his argument, said that the secret ballot may be necessary, but I say it is necessary, and that he has conceded the ground in dispute. It is not a mere question of votes. We are bound to protect the humblest and the poorest by such means as the secret ballot, which the gentleman conceives is the only protection to the weak, the dependent and the shrinking. We must legislate for the average man. We must protect the weak and the shrinking in their rights, no matter whether they possess the distinguished talents or wealth of those who can afford to vote in an independent manner. I am not in favor of tying the poor man, hand and foot, and then leaving him to the mercy of heartless monopolies and corporations, with no principle or mercy at heart or souls, to be damned. I am indisposed to entrust the protection of the humble classes of our citizens to a power

which is gradually extending over the land. I am not in favor of destroying the secret ballot, for I revere the opinion which has been expressed by our forefathers in respect to this provision in the Constitution. I can see no sneaking in its exercise, as the gentleman from Philadelphia has seen fit to describe it. We have never regarded that it was necessary to sneak up to the ballot-box and deposit our votes as if afraid of the opinion of our neighbors. We have always regarded it as a proper and necessary protection for ourselves and the interests of society.

Let us then see whether this section, if it is adopted as it has been reported by the committee, will destroy this sacred right of the secret ballot. The section reads: "All elections of the citizens shall be by ballot; the ballot to be voted MAY be open or secret, as the elector shall prefer, and they shall be numbered by the election officers when received. Each elector shall write his name upon his ballot, or cause it to be written thereon, and attested by him by another elector of the district, who shall not be an election officer."

It seems evident to my mind that the wording of the section, when it says that all elections of the citizens shall be by ballot, either open or secret, as the *voter may* determine, only adds insult to injury. The ballot is not secret when a man is compelled to call up a neighbor, and ask him to write his name upon it. It certainly cannot be a secret ballot when the tickets are numbered and the names of the voters are written upon them, so that they can be overhauled in a contested election case. There is no escaping from the conclusion that such a provision as this will completely destroy the secrecy of the ballot. I think the whole principle is wrong, and I hope it will be voted down. I am as anxious as any other member of this Convention to apply an adequate remedy, but I am unwilling to destroy a great principle.

In the subsequent articles to be reported by the Committee on Suffrage, many schemes or propositions will be found designed to protect the ballot. I do not doubt that they will be found to afford adequate means to accomplish this object, and whether they will not only bring discredit and disgrace upon the Convention;

the work of the Convention will doubtless be opposed in many points, but I trust the views of that large class of our citizens inhabiting the rural districts of the State in regard to this important question will not be treated lightly, when it is finally disposed of. I hardly know whether I have made my remarks intelligible upon this question. If I have not it has not been my fault, but my misfortune. I have endeavored to convince the Convention if this measure is adopted it will destroy the secrecy of the ballot. I hope this injustice will not be done, and that this feature be retained in its purity, without the adoption of such an extreme and unsatisfactory measure as is reported by the committee.

MR. MANTOR. Mr. President: I desire to make only a few remarks upon this question. In glancing over the second section of the report of the committee under consideration, I come to the conclusion that the idea is a new one and somewhat novel, and can result in no good. In speaking of the section itself, as reported, I have no hesitation in saying that I am in favor of so much of the section which reads as follows: "All elections of the citizens shall be by ballot; the ballot voted may be open or secret, as the elector shall prefer." I am strongly in favor of this portion of the section, but it seems in my opinion to be all that is really necessary in the section, and really more than is contained in the majority of Constitutions in the several States. The privilege of an elector is one of the noblest privileges that can be bestowed upon any citizen, but it is only when it can be exercised without restraint that the citizen's right is fully protected. In the concluding portions of the section there are so many restraints and restrictions imposed upon the voter, and so much red tape exhibited, that a person living outside of Pennsylvania would suppose that the rights of our citizens require more than usual protection. This I do not believe. I do not think the rights of the voter in this State are any more imperilled than in other States, and I think the committee who reported this section has merely fancied that the experiment of numbering and requiring the name of the voter to be written on the ballot, would remedy the

evil that is sometimes perpetrated in our midst when elections are held.

The section goes on and says: "They shall be numbered by the election officers when received. Each elector shall write his name upon his ballot, or cause it to be written thereon, and attested by another elector of the district, which shall not be an election officer."

Now, sir, what I object to is this, that all of the foregoing declared rights of the citizens, as to the privilege of how he may cast his vote, are entirely destroyed. This section says that he may cast his vote open or secret. It is all at the option of the citizen. That is, the secret ballot, according to this section, if carried out to the full extent, shall be numbered, and shall contain a written name, shall be attested to, for the elector who votes and signs it, by another citizen, &c. Why this, sir, will rob the citizen of all the right he has under the secret ballot, for the number on such a ballot, the name and the endorsement, leave it no longer a secret ballot. Its purposes can now be easily traced out, and the object for which this secret ballot was given becomes public property, and will, in my way of thinking, take from the citizen one of his dearest rights. I see no advantage to be derived from this. I know that some of the States have adopted *viva voce* voting, but I feel sure that there are few advocates of that system of voting among the delegates to this Convention who will endorse a sentiment of that kind.

The secret ballot carries with it all the citizen voter can desire or even wish. In fact, it is made potent because of its secrecy; because, by the ballot we can express our preference without fear or hindrance. I see no good reason why this Convention should adopt this language in this section, because it is certainly offensive to the honest voter with all the impositions and the demands on him, which I think he will not willingly accept, and would not be apt to sanction when asked to do so, when our labor is completed, and when the work we have done requires his vote to give life to this Constitution. I should prefer to give the citizen voter protection in another way, and it would be this: To disfranchise that miscreant who tried to carry out his designs to that extent of committing frauds by stuffing the ballot-box, or extracting therefrom the

votes of the citizen, and this seems to me to be the better way to protect the right of the voter, and keep our elections pure. If we insert such a section in this Constitution, I think it will tend greatly to check such frauds as it is represented have been committed by designing politicians. It would, I think, strike terror into the hearts of the evil-doers, and by the time a few examples were made, we should not hear of any more frauds being committed.

I am in favor of giving the citizen every right to protect his franchise against the impositions of designing men against his ballot. Yet, I cannot favor the insertion of a clause in this Constitution, saying that a citizen may cast his vote openly or secretly, and then say it shall not be secret, but that some one must endorse it to make it valid.

In short, these are my views on this subject, and I trust that the better judgment of every member of this body will see this matter in this light, that he will seek to present a section to the citizen voters of this Commonwealth, in such form as will meet with their approval, when we shall ask them to endorse what we are doing here. It may seem severe to the committee, who have reported this section, that their work should be so frail as not to stand criticism yet, I feel it a duty to myself and those I represent, to express my disapproval of a measure which, I think, is an innovation on that sacred privilege so long guaranteed to us by the fundamental law of this old Commonwealth.

MR. J. PRICE WETHERILL. Mr. Chairman: I shall occupy the attention of the committee but a short time in expressing my views upon this section. In the first place, I oppose the amendment as offered by the gentleman from Somerset (Mr. Baer) for this reason: That if you have the names of candidates printed upon separate tickets, you in a measure impair the value of the section as presented by this committee, for the reason that an endorsement upon one ticket can be easily made, but an endorsement upon a great many tickets will be troublesome and vexatious to the elector, and for that reason the section would be defective. In listening to this debate, I find the only opposition that seems to exist in the minds of members of this

Convention against the section as reported by the committee is this, that it deprives the ballot of its secrecy—nothing else.

Now what is the advantage of the secret ballot? The advantage of the secret ballot, it is urged, in the first place, is that the laboring man desires to cast his ballot in secret. That he, because, forsooth, he receives so much per week from his employer, and because his employer may think differently politically, therefore he desires to exercise his judgment in the first place, and in the second, to deceive his employer, because he wants to convey to him the idea that he is not voting as he sees fit and in accordance with his judgment and his prudence. I stand here to-day to say that I do not believe that the laboring classes of the State of Pennsylvania would be actuated by any such motives. I believe the mass of voters of that class, although they may not be so well educated, although they may not possibly possess the advantages of many more favored, still know what is right, and reason for themselves, and act accordingly. I am satisfied that what they desire is not so much a secret ballot as this, when they go to the polls and put in their tickets, that the ticket may be properly counted. If you were to ask the laboring classes of the State of Pennsylvania which they would prefer, the secret ballot, with the chance of fraud, or the open ballot, and fraud prevented, let me say here in my place that the laboring classes would favor the open ballot.

What is the other argument used? The other argument, advanced by the gentleman from Lancaster, (Mr. Carter,) is that we must take care of the weak; that the timid voter desires quietly to arrange his ticket and timidly to go to the polls, with the full knowledge that that secret is with him and with him alone. I do not believe anything of the sort. I do not believe that such a class of voters exist in the State to any such extent that we should either legislate for or protect them. I am satisfied of this, and I appeal to the experience of every member here whether there is any such class of men so weak and timid that when they put in their ballots they must be assured that the names upon the tickets they vote are known to themselves alone. No, sir; if there are dissatisfied men who desire to vote thus se-

cretly they are dissatisfied with their party for no good reason. They are dissatisfied because, perhaps, they did not receive their full share of the loaves and fishes. If they are the class to be injured by the open ballot let them be injured.

What are the facts in regard to this question? Have we a secret ballot? I ask any of the delegates whether they cannot say with me, that although the ballot may be on the surface secret, that it is actually open to all intents and purposes. Tinted paper, peculiar type, peculiar headings, indicate the ticket as thoroughly as if it were voted without attempt at concealment. Why, sir, from what little I know upon this subject, I will guarantee that I can go to the party that held the window-book of any precinct in Philadelphia, or possibly the window-book of any township or county in the State, and I will find he will have all the persons in the precinct ticked off with the ticket each man voted. And he will come, in his calculation, to within five per cent. of the actual vote given in his division or his district. Now, necessarily, as that is the case, it is very well known by all the delegates here that to-day we do, to all intents and purposes, vote an open ballot.

Now if there is any advantage in this frank and open manner of stating, as the committee have done, that there shall be an endorsement upon the ticket, and that the ballot may be open or may be secret; if the advantage to be derived is this, that we can check frauds, that we can lessen corruption, then, if for that consideration alone, we should certainly support the action of the committee and vote for the section.

I do not want to weary this committee by any long tirade in regard to the existence of corruption, either in this city or in the country. We have had enough of that, I think. The experience of the city seems to be the experience of the country, and perhaps it is true, we are living in a carnival of crime. If that is so, let us endeavor, by every means in our power, to correct, if we can, all future possibility of fraud and corruption. I do not believe in curing this evil by cutting down the tree. That will not do it. We must pluck up every root and fibre, and we must not leave one element of corruption. This may be one of these little fibres. If it is,

it seems to be our duty to pull it out and destroy it.

Mr. HOWARD. Mr. Chairman, if I understand the point of the arguments of the advocates for a secret ballot, it is that a portion of the people are not capable of self-government, that they have not the courage or the manhood to stand up fairly to the rights that have been conferred upon them by society. We have a great majority of honest and courageous electors. That, I believe, is conceded. Then we have a small fraction that are weak. They are timid and they are cowardly, and they must be covered with a mantle of secrecy in order that their vote may be got into the ballot-box. Now, Mr. Chairman, while a fraction may be cast by honest men, a portion of that fraction will be manipulated as it has been in the past, and it will be far better for society that it never was cast at all.

That is one way of looking at this question. Another way of looking at it is upon fundamental principle. Now, Mr. Chairman, does this ballot belong to the individual at all? That is a question worthy of consideration. I say the ballot does not belong to the individual at all.

It never was given him to be exercised for his individual benefit. Look abroad in society. We find men with all their rights of sovereignty, we find them with all their rights of citizenship, and yet they have not the right of the ballot at all. The elector belongs to a class selected and elevated above all the balance of society. We bring the voter up to the dignity and stature of the exercise of sovereignty; we give them the position of elector; and then we are asked to say that, because there are a few so weak and so timid that they dare not exercise this great right for fear of some other man, the rights of the courageous and honest voters are to be put in jeopardy by that fraction who are controlled by others.

Mr. Chairman, I have no doubt that the honest people of this Commonwealth will be perfectly willing to support any plan by which we shall be able to purify the ballot-box.

What is the present system? The only means that we have of detecting fraud is by tally lists, corresponding with the number of votes in the box; and yet it is in the power of the election officers to

change those tickets. They can use the paste pot and paste over the names. They can deface those tickets, and they can put in others, and in this way they can and do deprive the voters of their rights as electors. They deprive them of that right by cheating them out of their choice, and it is done yearly, and we know it, especially in the large cities of this Commonwealth.

I am perfectly aware, Mr. Chairman, that we cannot establish any general rule that will not work hardship in some cases. That is the objection to all general rules. Now what is our object here? To purify the ballot-box. That is one purpose for which we are met. It is to get rid of the old way in which so many frauds have been perpetrated. The gentlemen who are in favor of this amendment say, let us go back to the old system, the old plan, the secret ballot, that was made secret only that it might cover the votes of a few weak persons who had not the courage to step up to the polls and vote without fear or favor.

Now if it has been discovered that it has worked badly, that it has worked injuriously, that it has put it into the power of a few men, I do not care whether you call them bosses or whether you call them politicians, to control just enough of these weak men, who want the blanket of secrecy thrown over them, to carry the election; then it is time that we adopt some provision like this, because, in a doubtful contest, where the two political parties are very nearly balanced, the men who have not the courage to cast an open vote are the men who turn the election in favor of the party which can control them, so that the honest men, and the courageous men, and the good citizens, are cheated out of the ballot, because we have left the door open to fraud in this mode of polling of votes. When we confer the rights of an elector on a man, we do not do it for his personal benefit. It is to be exercised for the benefit of the people, and he ought to have the manhood and courage to come up and say, when he casts his ballot, "I cast my ballot so and so." Let him write his name upon it, let him do anything that may indicate it, so that we can detect these terrible outrages and scandalous frauds that have brought such disgrace upon us, that in the estimation of a great

many people, they have been willing almost to surrender democratic and republican government. This is a great evil, and I know very well that this secret ballot, while it might answer a good purpose for a few honest men, yet the purpose it would serve for those who wish to prostitute the ballot-box would be so much greater that it seems to me we should accept this report of the committee as it came from them.

If these amendments are all voted down, when we come to vote upon the section as reported by the committee, I would like if an amendment were offered, requiring that the officers of election boards should be sworn to secrecy, that they never should disclose, in any manner, the vote of a citizen, unless they were called upon to do so in some judicial proceeding called to investigate the fairness of an election. With that oath administered to election officers, the violation of which should be perjury, and punished as such, we have given all the protection that I think we should give to these weak and timid citizens who are not willing to vote unless they can do it under the cloak of secrecy.

Mr. JOHN R. READ. Mr. Chairman : As I understand it, one of the primary objects of the calling together of this Convention was to promote and secure the rectification of the ballot-box. This can be obtained in two ways. First, by preserving the sanctity and maintaining the security of the ballot-box itself; and secondly, by providing for the detection and punishment of those who are willing to lay rude hands upon it, and, reckless of its ancient and manifest purpose, consider it only as a facile method of accomplishing an unrighteous end. In my opinion the method suggested in the report of the committee will manifestly accomplish the first purpose, because, by it, the ballot-box itself is made the means of detecting the fraud practised upon it, and thus is made self-preservative. It enables the law-abiding citizen to ascertain when crime has been committed; it enables courts of justice to purge the box and to eliminate from it the votes cast by those who had no right to vote, and that, too, without requiring them to throw aside the whole poll, as has been done in numberless instances in our late elections. Then, why should

gentlemen hesitate to do this? They would not, in the conduct of their own affairs, hesitate to receive back stolen property, because they could not catch the thief. There may be, and doubtless are, other and better ways by which we can provide for the detection and the punishment of those men against whom we wish to protect ourselves in the future, but the course that has been suggested by the committee, preserving, as it does, to a certain extent, the form of secret voting, and enabling those who do not wish to disclose to their neighbors when they vote the persons for whom they are voting, will make the *ballot-box*, as was intended by our forefathers, the clearest and best evidence of the sense and the sentiment of a free people. It enables the elector to vote, with a secret or open ballot, as he may see fit. It may relieve society of those timid and shrinking men who hesitate to fulfil the duty that they are appointed to discharge, but it will enable those who are willing, frankly, honestly, and manfully, to come up and vote for [the man and the measures which, in their opinion, are best to do so, with the knowledge that they are not to be overcome by the bludgeon of brutality, or the stilleto of cowardice. This Convention has almost unanimously, upon every occasion upon which it has had an opportunity, enlarged the restriction upon voters for a wise purpose. We have lengthened the time of residence within a ward or precinct, and we have made it requisite for a naturalized citizen to hold his certificate of citizenship one month before he shall be allowed to reap the benefit of it, and now, when we are offered an opportunity which is above and beyond all others that have been offered in this Convention for purifying our elections, I see hesitating and timid men shrink from applying a caustic, which will eradicate and destroy the disease, the diagnosis of which is complete and well defined. I cannot understand it, sir.

If voters are afraid to express their honest convictions openly, when by so doing they will contribute to the lasting benefit of the body politic, then let them tarry at home, and learn that they have duties to discharge as well as rights to protect.

We all know that if any one is disposed to attend a poll upon an election day, he can, within a few votes, at six o'clock on the evening of the day of the election, ascertain almost exactly how that poll has gone, as has been said by my colleague (Mr. J. Price Wetherill.) Thus you will see there is no secrecy in the present form of voting. They have different headings and different colors, so that it can be ascertained when the citizen is depositing his vote exactly for whom he is voting. Then only cling to this relic of antiquity, which is sacred only on account of its age, and which has clearly shown its inutility in the last decade.

I believe that the secret ballot is nothing more than the swaddling clothes and the nursery wraps of representative government, and am convinced that it is time that the men of this State and of other States, who desire the greatest good for the greatest number, should assume the garments of men, and in them assert their strength, and with the power that manhood confers, sweep from the face of the earth the parasites and creeping things who have succeeded in making our Republic and our State a by-word and a shame in the mouths of men. I am in favor of the report of the committee, and I will go as far as the farthest, with my voice and my vote, to do that which I believe is necessary for the maintenance of our present form of government.

MR. DARLINGTON. Mr. Chairman: I invite the respectful attention of the Convention for a very few minutes. I do not intend to make a lengthy argument.

There are two principles, antagonistic in their character, presented for our acceptance, one the registry of voters and the open vote, presented in the remarks of my learned friend from Philadelphia, (Mr. Woodward,) and the other the secret ballot. No medium has yet been presented to the consideration of this body. Are we, then, prepared to accept the views of the gentleman from Philadelphia (Mr. Woodward)? While I would go with him personally, I do not think that either the great body of the Convention or the great body of the people will accept the proposition which he offers. On the other hand, we have been accustomed, from the foundation of the government, to the secret ballot, and we have become accustomed to it all over the Union. It has met with favor in the past, and it is pro-

bable that it will be most acceptable of any other in the future. It is subject to objections. Difficulties have arisen, frauds have been perpetrated, and improper votes have been cast. Where? Nowhere but in the large cities; in Philadelphia, in Scranton. I do not know that it has been charged in Pittsburg. But so far as we learn from gentlemen here, we learn of no fraud in the rural districts; consequently we want nothing else there but the old Constitution. Still, if frauds exist, if the ballot-box requires to be purified, as no one doubts, I am prepared to go with any gentleman of any party as far as may be necessary to remedy the evil. The question is, what is the most expedient plan? I apprehend that one measure suggested in the report of the committee now under consideration, to wit, the reduction of the size of the election precincts, so that only a comparatively small number vote at each, the ordinary care of the officers of election will relieve us from this difficulty, but if that be not enough I would go further, and would say that if any gentleman will propose anything that will be applicable to the large cities, where the mischief exists, I am sure it will meet with our favorable consideration. It does not follow that the mode of voting throughout the State should be uniform. If in cities the present plan is insufficient, change it; if in the country the present plan is sufficient, why change it?

I do not think that any hybrid proposition, such as that offered here, of a "secret" ballot, with a name publicly written upon it, is exactly the thing for the country, but if it suits the cities I would favor it for cities.

The provisions of the old Constitution are what the country people want—that all elections shall be by ballot, except by persons in a representative capacity, who shall vote *viva voce*; and the reason is obvious to every one, that members of the Legislature and such people should vote openly, that their constituents should know how they were being represented. For all others the secret ballot is best.

I do not think the suggestion of the committee, that a man may vote an open or secret ballot, worth anything, for the old Constitution is precisely such in effect, the privilege being offered to every citizen to close his ballot, and to permit no

man to know how he voted. Those who wish to vote an open ticket are at liberty to do so, according to the words of the election law. The clause about closing the ballot is directory, not obligatory. You *may* vote, but are not compelled to vote a secret ballot.

I am opposed to change merely for the sake of change, and I do not see that this idea is any other but that. I think the old Constitution the right thing in this respect, and when these amendments have been disposed of I shall offer an amendment to the section, by way of substitute for the report of the committee, like the provision of the old Constitution, which for so many years has been acceptable to the people, namely: "All elections shall be by ballot, except those of persons in a representative capacity, who shall vote *viva voce*." If anybody proposes to add to that a condition that in cities over a given population the principle advocated by the committee shall be practiced I shall favor it.

MR. LAMBERTON. Mr. Chairman. The fact that this amendment was presented with such unanimity by the Committee on Suffrage, Election and Representation commends it to favorable consideration. An important change is recommended. Reflection and the arguments made upon this floor have led me to the conclusion that the clause requiring the elector to write or cause his name to be written and attested upon his ballot is proper and should be adopted.

One of the great evils which moved the people, by an emphatic and overwhelming majority, to summon this Convention into being, was the settled conviction that in some parts of this Commonwealth the ballot box was tampered with and the popular will falsified by the election officers. The proposition we are now considering is a decided step towards preventing and remedying this wrong. It strikes at the repeater, and will measurably obstruct him in plying his infamous calling. His success depends upon the rapidity with which his work is done. To require him to pause to write, even a fictitious name, is a gain of so much time for witnesses to identify him. It has been immunity from detection which has enabled this species of fraud to be successfully perpetrated. This clause further

strikes at stuffing the ballot box; it will prevent the dropping of the vote handed to the inspector and his dexterous substitution of another. It will restrain the abstraction of votes from the box and replacing them by others held in reserve for the purpose. Besides, this clause will go far to give us a true count and a correct return by the election officers.

Frauds, when perpetrated, are mainly committed or permitted by these officers. Regard for their oaths has not deterred some of them from annulling the expression of the will of the people. The fear of punishment has been inoperative because there was no fear of detection; but when almost certainty of discovery awaits the perpetration of crime a positive restraint to its commission is affixed; for if a contest should come, the box be opened, the tickets counted and examined, each number and signature upon them would bear witness as to whether the officers had honestly or dishonestly performed their duties. By the signature of the elector his ballot can be identified, and a guard, sure and trustworthy, thrown around the ballot box, giving protection to the lawful voter and assurance that the result pronounced will be in harmony with the truth.

It may be that whatever provision the wisdom of this Convention may devise, the craft and subtlety of the reckless and unscrupulous partisan will find some means to evade. But this does not relieve us from the duty of making the earnest effort to have our elections pure, free and fair.

The consideration which I chiefly rose to present is one that has not yet been touched. If this clause be adopted by the Convention, and ratified by the people, it will not only prevent frauds, afford the means of identifying each ballot deposited, in the event of a contest, but its tendency will be to promote greater care in the exercise of the right of suffrage and the consequent choice of better officers. This right, when conferred, is to be prized and defended as the means by which, under our system, those who administer the government in all its departments are directly or indirectly chosen. Its exercise is a duty, not only to be jealously guarded, but to be thoughtfully considered. When an elector, over his own sig-

nature, substantially certifies to the honesty, fitness and capacity of the persons for whom he votes, there will be many who will think before they write. This will be some progress towards the selection of the better men. Many ballots will not, as heretofore, be taken from the hands of partisan friends at the polls, and deposited without examination; they will be prepared at home, where writing facilities more abound. And he who quietly sits down to make up his ticket, in view of the fact that he is about to give it his endorsement and written approval, unless fast bound by the fetters of party, will weigh the merits of the respective nominees and withhold his signature from that ballot upon which is printed the name of one who, with little, if any, principle of his own, is put forward as the representative of the principles of a party. He will hesitate before he will favor the re-election of another, who has gone into office poor, and without other visible means of livelihood, has added houses to houses and lands to lands, using the opportunities afforded him by a trusting constituency into means for enriching himself by malversation in office.

Mr. Chairman, before election day and the heat of the campaign has come, the mutterings of good citizens are heard of their determination to repudiate obnoxious nominations, and not to be the mere machines to register the edicts of party conventions. They may mean not to be bound by the action of nominating bodies, in which they charge the delegates were bought like sheep, or overawed or bullied by roughs. But the time of high political excitement comes, the sway of party is very powerful, its ascendancy must be preserved, scruples vanish and the nominees are supported. By many, and oftentimes this is done, because the identity of the ticket voted is lost in the multitude in the box, no personal responsibility seemingly attaching to it, it is not as expressive of the individual judgment of the voter upon the qualifications of the candidates as if it contained his signature. There are thousands who have mentally revolted from voting for their party nominees, and who, with great reluctance, have voted for them at last, who never would have done so if required to affix

their signature to the ballot containing improper names.

The restraints and domination of party are growing less powerful with large numbers. Very many in our Commonwealth have resolved that the bare fact of nominations, by whatever means, shall not be conclusive of fitness and capacity. They will not wear the collar of party when required to support and endorse the profligate and the corrupt. They are eagerly looking forward to the day when it shall not be complained that in some portions of the State the wickedness of the few over-rides and nullifies the will of the many; when the elections shall be everywhere as fairly and honestly conducted as they are in the large majority of our districts. These will not hesitate to attest, by their signatures, the integrity and fitness of those for whom their votes are cast, although they are not of the same partisan faith.

The vast majority of those who compose the great political parties of the country, bitterly denounce any violation, by whatever persons committed, of the purity of the ballot-box, and will sustain and approve such safeguards as may be devised for its protection. The plan proposed by the committee may not be perfect; it will give more trouble to the elector, and may at times subject him to inconvenience; but I shall vote for it, because it will prevent fraud, will protect the lawful voter, will tend to fill our offices with the better candidates, and, when frauds are committed, will point the way to their detection.

Mr. BARTHOLOMEW. Mr. Chairman: I do not propose to occupy much of the time of the committee in the discussion of the question, that is, I do not mean to be betrayed into a speech. I am opposed to the pending amendment, and in favor of the report of the committee. If the committee should see proper to reject the pending amendment, I propose to amend the section, by moving to strike out the word "shall," in the fourth line, and inserting the word "may." I shall oppose the pending amendment, because I do not think it preserves to the section the curative properties as against existing evils that is contained in the report of the committee. It is most true that the section, as reported, would give to the large cities

and some other parts of the Commonwealth, Luzerne and Schuylkill counties, an opportunity to reach evils and restore purity to the ballot-box. It would give to the minority, or to those in opposition to a majority to the election board, or to those suspecting frauds, an opportunity to prevent, or at least to detect them. I believe, under the system, the identification of the ticket is beyond question. But, Mr. Chairman, whilst I appreciate the merits, yet with the compulsory clause striking down the secrecy of the ballot, I also fear evils of great magnitude. True, we have heard much said in this Convention upon the manhood of the American citizen, or at least of that manhood he should possess, that manhood which should impel men, without any consideration except that of high duty, to step forward and proclaim their choice at the polling place. I say, if our people were actuated by this motive alone, this proposition of open or *viva voce* voting would be all that could be desired; but, unfortunately, we are not a community of angels; we are simply men, imperfect, with all the human infirmities clinging to us. We are liable to be swayed by selfishness and interest; from this we cannot be freed. This is the lot of mankind, the common heritage of humanity. Our being Americans does not, of itself, make us better than other men, of men who have lived in other lands and who have passed away.

It has been said, by the gentleman from Philadelphia, (Mr. Woodward,) that he is in favor of *viva voce* voting—pure and simple—that he would go one step in advance of the report of the committee, as he is a firm believer in that manhood which should induce one and all of us to proclaim openly and boldly his political choice. If this principle could apply solely to the gentleman I think it would be proper, but we have other voters in the Commonwealth, and so far as the mass is concerned I am of the opinion that it would be highly improper, at least in all localities. Now let us see, what does this *viva voce* voting mean? Why at every polling booth where *viva voce* voting is the rule we have much of the same dishonesty in a portion of the voters, accompanied by interminable instances of confusion confounded, violence and bloodshed. Look at the working of the system

in England. We have the humorous sketches of Dickens, the "independent voter of Etanswill" is known to us all, and has amused us all. Bulwer has given us a more exact and reliable portrayal of the system in the bitter and bloody contests of the Buffs and Blues; and this system, so much lauded by gentlemen on this floor, is on the eve of change in this very England, where it has been tried so long, to give way, it is said, to the secret ballot, for the reason of the constantly recurring scenes of violence at their elections. And yet this people are of those who settle their disputes with muscle, with the fist; they take to the ring. There is a wide difference, however, between the English and American people, for some reason, probably owing to our inheritance of the qualities of our ancestors, those qualities that conquered a continent and made the waste places bloom, won an independent nationality and suppressed internal violence. We hold human life at too little value; we are familiar with, and, let me say, too fond of deadly weapons. And I undertake to say, if open or *viva voce* voting is adopted in Pennsylvania, and the rival parties become excited by those animosities which are usually and ordinarily engendered by a political campaign, that an election day in this State would be a day of battle from the lake to the river, and every polling booth would be a slaughter pen. Why, I remember an instance that occurred in Virginia, where *viva voce* voting is the mode of expressing the will of the people. Major Dixon, in 1860, lived at Culpepper Court House, and in that year had the temerity to vote for Abraham Lincoln. He had scarcely uttered the name before four pistols were fired at him, two of which took effect. The name of Lincoln was unpopular in that section at that time, and it was exceedingly unhealthy for any one to support him.

This would be repeated in other States. Who can doubt it? Everywhere the pistol, billy and bludgeon would be used; the old argument, "wid sticks," would be in vogue, and I fear a prevailing violence throughout the land. I am in favor of the optional principle. I believe if it is adopted it will not only prove a benefit to those parts of the State where frauds have and are likely to be practiced, but will give satisfaction to those who cling to

the old landmark of secret ballot. Frauds can then be detected in corrupt localities, and the people relieved from the great burdens, otherwise imposed upon them by this section, where there is no apprehension of frauds. In the event of investigation the provisions contained in the section supply ample remedy for identification of the tickets, and will secure a count of votes honestly cast. Courts will have an opportunity of ascertaining, with some degree of certainty, the perpetration of fraud.

I desire, however, to say just a few words upon the other branch of the question—the retention of the secret ballot provision, or rather the proposed insertion of it by the amendment I have indicated. In every land upon which the sun has ever shown, from the beginning to this hour, there has existed an aristocracy, or a class who have secured to themselves special privileges, and with rights above other men. This class has been designated, in some lands, the nobility, and they are esteemed to be of the best blood of their race, or pre-eminent for some quality. In this country we recognize no such class, and hold that all are free and equal before the law; that all stand alike; but for this nobility we have substituted another—the railroad corporations now covering the land. They to-day are in the exercise of special privileges, such as no aristocracy of the world could ever boast, and I take it that any man, in the light of coming events, one who looks a few years into the future, one who now sees the growing, the expanding, the overwhelming power of corporations, the power they must necessarily exercise in the future over the political affairs, nay, the fate of the country, is willing to strike down the secrecy of the ballot, the only protection he has against his master.

The gentlemen from Philadelphia (Mr. Woodward) says it is peculiarly necessary that the secret ballot should be adopted in England, and that there are many reasons for it there that do not obtain here. He says, in England the lands are owned by the nobility, that the tenantry are poor and humble, that in the exercise of election or suffrage they are under the watchful eye of the middleman, the agent of the landlord, and they hold them accountable for the way in

which they exercise this privilege. I say to him there is an aristocracy to-day in Pennsylvania which is as far above the aristocracy of England, as the sun exceeds in brightness the star, grasping and jealous, demanding an unquestioned support from their retainers—this we will soon realize in less than a life time. Why we know that there is one corporation, in our midst, that holds eighty thousand acres of land, and has untold millions of wealth beneath the soil ready for development, and every man who lives upon the soil is a serf, as much a serf as Wamba, the son of Witless, who was the bondman of Cedric, the Saxon, and for these I claim that the secret ballot, not for the poor shrinking creature, afraid of his daily bread, but every man in favor of individual enterprise, every man who desires the uncontrolled exercise of his energy and talents, let them retain this protection against that principle and those who desire to absorb all material and political power to themselves.

The State is already divided. Two or three corporations possess the fairest portions of our Commonwealth. Can we rest under the illusion that they will be content with the aggregation of material wealth? No, power is grasping and will not be satisfied with this power alone; it will aim at political power as incident and accessory to the other, and for this purpose strive to control those in their employ absolutely to the coercion of their individual will or conviction. I am, for these reasons, opposed to striking out the principle of secret ballot. None of us are free from the motive of interest. I know that men cannot withstand its blandishments. I am not of those who claim great purity for myself. I only desire to stand with the ordinary average of mankind, at least in profession. I am not a stilted moralist; acts I judge from. The "proof of the pudding is in the eating," and it is for poor weak humanity, such as I am myself, that I claim the principle of secret ballot as against power, and I beg of the committee not to take from the people the only power they possess and leave them armless and defenceless to the control of the greatest of apprehended evils in this land. Give them this at least, together with that which is

curative of fraud. Our danger is great, our enemy powerful, but this principle we can struggle on, and, like the Argyle, fall with our feet to the foe.

Mr. AINEY. Mr. Chairman: It is evident this discussion will not be closed to-day. I therefore rise to move that the committee rise.

If members will turn to rule six that this Convention has adopted, they will find that after to-day we shall have no president *pro tem*.

The CHAIRMAN. Does the Chair understand the gentleman from Lehigh to move that the committee rise, report progress and ask leave to sit again?

Mr. AINEY. Yes, sir.

The motion was agreed to. The committee rose, and Mr. Walker resumed the chair.

IN CONVENTION.

The CHAIRMAN of the committee of the whole reported that the committee had further considered the report of the Committee on Suffrage, Election and Representation, reported progress and asked leave to sit again.

The PRESIDENT. When will the Convention grant the committee of the whole leave to sit again.

Monday and to-morrow were both named.

The question was first taken on Monday, and a division being called, less than a majority of a quorum voted in the affirmative. So to-morrow was named for the next session of the committee.

THE PRESIDENT PRO TEM.

Mr. Ainey. Mr. President: I offer the following resolution:—

The PRESIDENT. That can only be done by common consent.

Mr. NILES. Mr. President: I object.

Mr. AINEY. Will the Chair be kind enough to state on what grounds?

The PRESIDENT. The Chair cannot tell. A single objection will prevent the reception of the resolution.

Mr. AINEY. Mr. President: Then I move that the rules be suspended to allow the resolution to be received.

Mr. MACVEAGH. Mr. President: May we not have the resolution read for information?

The PRESIDENT. The Chair has no objection.

Mr. STANTON. Mr. President: I hope the objection will be withdrawn, so that we may act upon it without further loss of time.

[Several members. "I object!" "I object!"]

Mr. BOYD. Mr. President: Can a resolution be read when it is objected to, at this time?

The PRESIDENT. If the gentleman from Dauphin, or any gentleman, desires it to be read for information, the Chair will allow it to be done.

The CLERK read:

WHEREAS, Ten days having expired since the appointment of a president *pro tem.*, and

WHEREAS, Rule six provides that a president *pro tem.* shall be chosen by this Convention after ten days shall have expired,

Resolved, That Hon. Wm. H. Armstrong be and he is hereby chosen President *pro tem.* of this Convention.

The motion to suspend the rules was not agreed to.

Mr. HAY. Mr. President: I move to adjourn on this motion.

The yeas and nays were required by Mr. Worrall and Mr. Heverin, and were as follow, viz:

Y E A S.

Messrs. Baer, Bailly, (Perry,) Baker, Bartholomew, Black, J. S., Boyd, Brodhead, Broomall, Brown, Campbell, Cassidy, Craig, Cronmiller, Curtin, Darlington, Dunning, Edwards, Elliott, Ellis, Ewing, Fell, Guthrie, Hay, Heverin Hopkins, Hunsicker, Kaine, Knight, Lamberton, Lawrence, Lilly, Littleton, M'Allister, M'Canant, M'Clean, Mann, Niles, Patton, Porter, Smith, W. H., Turrell, Walker, White, Harry, White, J. W. F., Woodward and Worrell—46.

N A Y S.

Messrs. Achenbach, Addicks, Ainey, Alricks, Beebe, Biddle, Black, Chas. A., Carter, Church, Collins, Corbett, Corson, De France, Gilpin, Hanna, Hazzard, Howard, Landis, MacConnell, MacVeagh, Mantor, Metzger, Minor, Mott, Newlin, Parsons, Patterson, T. H. B., Read, John R., Reynolds, James L., Russell, Sharpe, Simpson, Stanton, Temple, Wetherill, J. M., Wetherill, Jno. Price, Wherry and White, David N.—38.

So the motion to adjourn was agreed to.

ABSENT OR NOT VOTING.—Messrs. Andrews, Armstrong, Bailey, (Huntingdon,) Bardsley, Bowman, Bannan, Barclay, Buckalew, Carey, Clark, Cochran, Curry, Cuyler, Dallas, Davis, Dodd, Finney, Fulton, Funk, Gibson, Gowen, Hall, Harvey, Hemphill, Horton, Lear, Long, M'Culloch, M'Murray, Palmer, G. W., Palmer, H. W., Patterson, D. W., Pughe, Purman, Purviance, John N., Purviance, Sam'l A., Reed, Andrew, Reynolds, S. H., Rooke, Ross, Runk, Smith, H. G., Smith, Henry W., Stewart, Struthers, Van Reed, Wright and Meredith, *President*—49.

Mr. ARMSTRONG. Mr. President: Before the Convention is adjourned I desire to be heard for one moment.

The PRESIDENT. It will require unanimous consent. Unanimous consent was given and Mr. Armstrong proceeded.

I certainly feel very grateful to the kind feeling on the part of my friend from Lehigh, (Mr. Ainey,) which has doubtless dictated the resolution which has been presented. It has taken me quite by surprise, and was offered wholly without

my knowledge. Of course, I am not insensible to the high honor which would be conferred upon any gentleman in this Convention, by being called upon to preside, at any time, over its deliberations. But it so chanced, and very casually, that I called upon Mr. Meredith this morning, as I have done before, and had a very pleasant interview with him. This morning he was able to be up, sitting in his chair, feeling much more comfortable than he had been previously, and he told me that he expected to be in the Convention to-morrow. If not to-morrow, he said he certainly would, no doubt, be able to be here on Monday. I therefore think it would be, under these circumstances, wise and best that no further consideration of this resolution, or of any similar resolution, should, at this time, engage the attention of the Convention.

I desire to so express myself that I might not be misunderstood in relation to the action which has just been taken.

The President then adjourned the Convention at half-past two P. M., until eleven o'clock to-morrow morning.

FORTY-FOURTH DAY!

SATURDAY, *February 15, 1873.*

The Convention met at eleven o'clock
A. M.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

ACOUSTICS OF THE HALL.

Mr. ADDICKS. Mr. President: With your permission I would like to make a short statement with reference to the acoustics of this hall. At the suggestion of various members of the Convention, the Committee on the House, for the purpose of endeavoring to improve the acoustic properties of the hall, have had wires stretched across from the windows upon one side to the windows upon the other, as you will perceive. I mention this fact, as the Committee on the House is desirous of ascertaining whether there is really any improvement in reference to the hearing, and that the committee may know the effect of this device from the experience of to-day.

PROTHONOTARY'S REPORT.

The President presented to the Convention a report from the prothonotary of Greene county, which was referred to the Committee on the Judiciary.

PROHIBITION.

Mr. HAY presented a petition of certain citizens of Allegheny county, praying for an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors, which was referred to the Committee on Legislation.

STATE BOARD OF EDUCATION.

Mr. NEWLIN offered the following resolution, which was read and referred to the Committee on Legislation:

Resolved, That the Governor, Attorney General and Superintendent of Common Schools shall constitute a State Board of Education. They shall appoint county superintendents, and shall have supervision of public instruction, subject to such regulations as may be prescribed by law.

LEAVES OF ABSENCE.

Mr. J. W. F. WHITE asked leave of absence for Mr. T. H. B. Patterson, of Allegheny for a few days, which was granted.

Mr. LANDIS asked leave of absence for Mr. Curry for a few days, which was granted.

Mr. NILES asked leave of absence for a few days for Mr. Bowman, on account of sickness in the family, which was granted.

Mr. CHURCH asked leave of absence for Mr. Parsons for a few days, which was granted.

QUORUM.

Mr. HARRY WHITE. Mr. President: I would like to inquire whether we have a quorum present?

The PRESIDENT. Does the gentleman desire a count of the Convention?

Mr. HARRY WHITE. I desire it because I think there is not a quorum present, and, if not, we can spend the time profitably in committees.

Mr. PARSONS. Does it not require fifteen members to demand a call of the Convention?

The PRESIDENT. Any member may require a count of the House.

The House being then counted, a quorum of members was found to be present.

LEAVE OF ABSENCE.

Mr. BEEBE asked leave of absence for Mr. Dodd for a few days, which was granted.

Mr. LAWRENCE. Mr. President: I hold in my hand a resolution which was referred to the Committee on Townships, Counties and Borough, which was erroneously referred to that committee. I do not know what committee it can be referred to, but I am instructed to return it and ask that the Committee on Townships, Counties and Boroughs be discharged from its further consideration.

Mr. HOWARD. I ask leave to make a statement in regard to that resolution.

The PRESIDENT. That is not in order. The question is not before the House.

Mr. HOWARD. I understood the resolution had proceeded to a second reading.

The PRESIDENT. There is nothing before the House.

Mr. HOWARD. Then I move that we proceed to the second reading of the resolution.

The motion was agreed to.

The clerk read the resolution, as follows:

Resolved, That the officers of all primary meetings or primary elections, for nomination of candidates for office or election of delegates to put in nomination said candidates, shall be sworn or affirmed, before entering upon their duties, to fairly and truly conduct the proceedings and fairly and truly make up the result. And any wilful violation of said oath or affirmation shall be perjury, and indictable and punishable as such.

Mr. HOWARD. Mr. President: I have presented this subject to the consideration of the Convention at the request of a large number of our citizens. I know it is a subject surrounded with difficulties, but yet it has received the consideration of very many of the best men in the Commonwealth. I do not know that we have any committee to which the subject might be properly referred, and for that reason I move that a special committee should be appointed by the President of the Convention to take charge of the matter and report a plan to the Convention for its adoption.

Mr. NEWLIN. I second the motion.

The motion was agreed to.

The PRESIDENT. Of how many shall the committee consist?

["Five."]

The PRESIDENT. A committee of five will be appointed by the Chair. The next business in order is the further consideration of the article upon suffrage, in committee of the whole.

SUFFRAGE.

So the Convention, as in committee of the whole, Mr. Lawrence in the chair, proceeded to the further consideration of the report of the Committee on Suffrage, Election and Representation.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Somerset, (Mr. Baer,) as modified

at the suggestion of the gentleman from Fayette (Mr. Kaine.)

Mr. ELLIS. Mr. Chairman: I rise to say nothing on this subject, barring a very few remarks. It is fashionable in this committee for gentlemen to preface their remarks by the assurance that they do not propose to occupy the attention of the Convention for any considerable length of time, and I will therefore preface my remarks with the same statement. I hope I shall succeed in making good the assertion. As I cast my eye over the hall this morning, I cannot help observing a great many vacant seats. Even if I had a long speech to make, out of pure malice I would not afflict it upon the committee this morning, inasmuch as there are too few members present to suffer. I observe, also, a great many chairs vacant which were filled yesterday when the yeas and nays were called, by gentlemen who voted against adjourning to-day. I am sorry to see this. I have nothing to say in censure of the motives of any gentleman who voted against adjourning on Saturday; but I will say, without being charged, I hope, with any high crime or misdemeanor, that if consistency be a jewel, there are some gentlemen of this Convention who do not wear jewelry of that particular pattern.

In order that I may not be misunderstood as I proceed in the desultory remarks which I have to make, I will state that I am in favor of the report of the committee. It is proposed as a measure of relief for supposed existing evils. We have had various descriptions from gentlemen upon this floor of what the evils are that affect the body politic in the State of Pennsylvania. I listened with very great attention to the able gentleman from Dauphin, (Mr. MacVeagh,) chairman of the Committee on Legislature, the other day, when he described what he considered the actual evil underlying the administration of our present government. He very ably demonstrated that it was the greed of gain—that insatiable greed of man for grasping money that does not belong to him, and in ways that are reprehensible—that was the crying evil of the country. This has been an evil which has existed in every country of which we have any knowledge. Even in the inspired writ it is said that love of money

is the root of all evil, and in profane writings the Roman satirist says that there is no wickedness in the heart of man that compounds more poisons; and the great painter of human motives, in our own language, must have had this poison in his mind when he describes the witches' compound:

"Lizard's leg and owl's wing,
For a charm of powerful trouble,
Like a hell-broth boil and bubble."

The gentleman described this evil as an ulcer upon the body politic. If I am at all familiar with this disease, an ulcer is a deadly disease, and the gentleman demonstrated very ably that it had taken effect upon the vitals of the country, and our liberties were being sapped and the life of the Republic was in danger. But, very suddenly, glancing over the country, he took a more cheerful view of things. As it were the sun purpling the east, he paints a goodly land, where everything was prosperous and happy and bright for the future; where he saw Virtue, Liberty and Independence, like the three Graces, hand in hand, together tripping it down the coming centuries. And thus we were relieved from the great gloom that the gentleman cast upon the affairs of this country, and presented in the opening of his address.

When this spectre had passed away my colleague, the gentleman from Schuylkill, (Mr. Bartholomew,) told us that there was a greater and more fearful evil threatening the country. He described to us, in his glowing language, that the monster that threatens our liberty and will destroy our government, is that offspring of aggregated capital—corporation. In discussing the question before the committee, he dwelt in detail upon the horrors that would attend an open election. He drew largely from eminent authors upon the British system, such as Bulwer and Dickens. He described our existing affairs as in bad condition indeed. He spoke of those who lived under this overshadowing aristocracy, corporation, as wearing a collar as did the bondman, Cedric the Saxon, in *Ivanhoe*. I could not help thinking, as the gentleman minutely described the collar, that it should be inscribed with Pope's couplet:

"I am his highness' dog, at Kew—
Pray tell me, sir, whose dog are you?"

But, I believe, Mr. Chairman, that a great and glorious future is destined for

this country. I am glad to agree with the gentleman from Dauphin (Mr. MacVeagh.) I listen with great pleasure to his argument. Our country is young, vigorous and lusty, and will substantially mature to a well developed manhood. These evils that afflict us now are such, perhaps, as are incident to every country, but it is our duty to mitigate the evils as much as the ability in us lies.

This proposition to number the ballots and write the names of the voters upon them, I take it, is a step directly in favor of purity of elections. I would be willing to agree with the gentleman from Schuylkill, (Mr. Bartholomew,) to strike out the word "shall" and insert the word "may," provided we could know where the contemplated fraud is to take place. If we knew who it was that would commit the fraud, precautions could be taken by those who were to be defrauded by writing their names upon their ballots, thus securing that purity in such a shape that an investigation might secure to the properly elected person the office. But in our experience, in that wilderness of Schuylkill, I must confess that I cannot see how this would help us out of the difficulty. We have had in our elections, frauds as often, I might say, as elections for members of the Legislature as proposed—that is biennially; but this is certain, that in the township in which it has occurred one year it has not been perpetrated the next. The thing is with us a good deal like lightning—it does not strike twice in the same place. If any good friend who understands what is to be done would inform the party to be injured where it is to be done he could take this precaution, as provided in the proposed modification. But we do not know. We have never been informed of it; albeit I have heard the gentleman from Schuylkill (Mr. Bartholomew) say that he knew that "Billy Patterson" would be struck, and he knew who was going to strike "Billy Patterson."

Yet I have no expectation at all that in future we will be any better off than we have been in the past. I have, therefore, thought the provision should be made compulsory and obligatory. I, for my part, do not see slaughter-houses staring me in the face any more than I do the death's-heads and cross-bones of the cor-

porations of Pennsylvania, which the gentleman held up to our vision. By no means. He cites instances from the very able and very authentic writings of Bulwer and Dickens. He might have added to those eminent authors the more grave and authentic description of elections in the old country, as described by Mickey Free in "Charles O'Malley."

But I must confess that those gentlemen who see these difficulties in the plan proposed are scarcely to be relied upon when they deduce from the novels of Dickens and Bulwer these facts, deduce stern reason and logic. In our own country, the gentleman from Schuylkill (Mr. Bartholomew) altered his position by selecting an unfortunate gentleman away down in the south somewhere, of whom I never heard before, and perhaps of whom nobody else ever heard here, and may never hear again. He selected this instance of where a man voted *viva voce* for Abraham Lincoln, and received, as a reward for his independence, three or four bullets in his body. If this is really as true as those described by Dickens and Bulwer, why of course we have to take it. But I cannot think that the gentleman himself was an eye witness to the transaction.

But these asserted instances are nothing to draw a principle from, and in this way of voting by a number of ballots there is no more publicity at elections than there now is. In fact, publicity only comes in where a judicial investigation is ordered, and not otherwise. Then, for the security of the ballot-box, for the purpose of preserving the rights of the people, if contests should arise, it is of the utmost importance that we should endeavor, as far as in us lies, to enact such measures as will restore again to the American people their confidence in that great bulwark of liberty upon which the foundation of our institutions rests. I take it we have no more important duty before us than this, none equal in importance to it. The confidence of the American people in the purity of the ballot has been shaken. Unless it be restored and the ballot purified, our country is in serious danger, not from any one spectre or another, not from love of gain, or the overshadowing power of corporations, as the gentleman from Schuylkill (Mr. Bartholomew) would have us sup-

pose, but from all and every one of them: the country is in danger, if something is not done to purify the ballot-box.

Now, I take it, there can be no serious argument made against this question. At least I have heard no serious argument yet. The question simply of publicity has no weight whatever.

There may be a distaste in some parts of the rural districts, to requiring the name to be written, but that will very soon wear away. It is more in fancy than fact. But it will be a wholesome condition of things in the State if it is known that when a man votes he must write his name, or have it written, upon his ballot. It will have a wholesome effect upon the rising generation to know that when they come to exercise this important function they will be required to write their names. It will be an incentive to them to acquire at least that much education as will enable them intelligently to discharge this important function. It will elevate the ballot, and make it a thing of intelligence—not, as now, a matter in which ballots are held in the pocket of the window man, while one-half of the voters really do not know for whom they are voting. It will give greater security to the ballot, and all those fancied evils drawn from fiction should not weigh a feather in the estimation of the committee; upon this question.

MR. J. W. F. WHITE. Mr. Chairman: I have often heard it suggested that there is no inspiration in empty benches, and if I desired to make an eloquent and inspiring speech, I certainly should not attempt it this morning; but, desiring to present, simply a few plain, practical thoughts on the question before the committee, I may as well try that this morning as at any other time, because, although we may have but a bare majority of our Convention present this morning, yet I believe we have the working part of the Convention here; and perhaps we are as well qualified for talking and considering as if we had more persons present.

In the first place, I do not favor the proposition of the gentleman from Somerset, (Mr. Baer,) the immediate question before the committee. If we require—and that, I understand, is his proposition—a separate ticket for every office, we will have at some of our elections fifteen, twenty, and sometimes as high as twenty-

five distinct and separate ballots to be voted. Now if you require every voter to write his name on his ballot, or, if he cannot write himself, to get somebody else to write his name and to attest his signature, you will require very large slips of paper for ballots.

Mr. BAER. The proposition made by me does not contemplate that on these separate ballots the electors should write their names, but, on the contrary, there are no names to be on them whatever.

Mr. J. W. F. WHITE. I did not understand the gentleman (Mr. Baer) as favoring the proposition to put the names on the ballots, but that question has been argued here. He very properly, I think, concludes that his amendment is in direct opposition to the theory of writing the names on the ballots. Still, we might adopt the system of voting separate ballots, and at the same time adopt the system of writing the names. I am opposed, sir, to both. I think we had better leave to the Legislature the question whether voters should vote separate ballots for every office, or whether for certain offices they may be united. For instance, I believe at present we have one slip containing all the names of the State officers, then another slip containing all the names of the county officers, and so on. Now, my experience is that that is a better plan than separate ballots for every officer.

It has been suggested here, I think, perhaps, by the gentleman from Centre, (Mr. Curtin,) that if a person desires to throw out a candidate from his own party and take one from another, he can do it more effectively and securely when we vote by the separate ballot system. I beg leave to differ with him on that point. I believe it can be done much more effectively and securely when we vote by the slip system, and I will tell you why :

I presume we all know that when the different parties get out their party tickets, they have them nearly always printed with different and distinct styles of type and paper. The Republican ticket, for instance, can be readily distinguished from any other by the type and paper on which it is printed—the outside readily indicating what is within. Parties almost always strive to preserve this difference. We know the fact that party leaders generally want to draw the reins

of party very tightly, and therefore will have the type and paper of their several tickets entirely distinct. Now if separate tickets be used and a man who belongs to one party wishes to vote the ticket of the opposite party for one office, he is almost sure to be detected by the type in which the heading of the ticket is printed and also by the color of the paper. But if he votes the slip ticket, he can quietly erase one name from it and insert another without any person knowing whether he has voted the entire ticket or not. I have done that more than once myself, and I presume other gentlemen in this Convention have done it, and I can say from experience and observation, that the system of voting by slip tickets, where we have a number on the same ticket, is more convenient to the voter. It enables him more easily to strike out one of those on his own party ticket and substitute another, and for that reason, as well as others, I am opposed to the substitute of the gentleman from Somerset (Mr. Baer.)

Now, sir, on this other question. As a member of the Committee on Suffrage and Elections, I could not and did not join in this report requiring every voter to have his name written upon his ballot. And, sir, I cannot vote for it in the Convention for many reasons. I will try to avoid repeating what has been well said and better said by others, and will give you a few thoughts that have occurred to my mind, and that have not been presented so strongly, or at least have not struck me so forcibly in their presentation, as they impress my own mind.

In the first place, what is the object to be gained by writing the name of the elector on the ballot? We have heard a great deal of talk about purifying our elections, and about the great good to be accomplished by having the name written. Pray, sir, what has it amounted to? If I can understand it, it can accomplish nothing whatever, except after the ballot is deposited in the box, and you come to raise the question afterwards—has there been a fraud perpetrated upon the ballot-box?

I cannot conceive that that is to have any good influence upon the voter before he deposits his ballot. On the contrary, I believe it would be very objectionable to him. But after the ballots have been deposited in

the box, when you come to investigate the matter afterwards, and to ask: "Has some person voted who ought not to have voted?" "Has some person voted twice?" "Has some person voted in the name of some other person?" Or, "have the election officers, or anybody else, tampered with the ballot-box?" I apprehend that here is all that can be accomplished by this mode.

Well, sir, then I object to requiring every voter in the State of Pennsylvania to write his name upon his ballot because of frauds that may have been perpetrated in a few localities of the State. As a citizen and voter of this State, I protest against the sweeping charges that have been made about frauds in the elections of the State of Pennsylvania. I know, sir, whereof I affirm, when I say that these frauds do not exist generally in this State. I have voted in several different localities in my life and am pretty well acquainted with the county in which I live and the counties adjoining, and I appeal to the members here—to you, sir, (Mr. Lawrence,) from one of the adjoining counties, and to other gentlemen here from western Pennsylvania, to say whether these sweeping charges are applicable to that section?

Mr. HAZZARD. They are applicable to Monongahela city.

Mr. J. W. F. WHITE. Well, sir, if it is true of Monongahela city, it is the only place in Washington county of which it is true. I know it is not true of the districts where I have voted. It is charged that it is true of the city of Philadelphia. I do not know whether the ballot-box in Philadelphia is so utterly corrupt, and every election district so entirely demoralized, as some say they are. Some of the city delegates deny it. I know not whether in every election in the city of Philadelphia, from the election of presidential electors down to the lowest county or ward office, these frauds are practiced or not. It may be true that in some districts represented by the gentleman from Carbon (Mr. Lilly) and elsewhere, these frauds are practiced; but I do insist that they are not general throughout the State of Pennsylvania, and it is almost wholly untrue in reference to the rural districts of the State.

Now, sir, I object to this provision, even if it were necessary for the city of Philadelphia. I object to making it a universal provision for the State of Pennsylvania, and I object to it because of the annoyance and vexation it will be to the voters themselves. I object to it because of the trouble it will give to the officers of elections. It will, Mr. Chairman, be a great burden to the electors. There is no disguising the fact that there are electors in almost every district in this State who cannot write their names. And the plan proposed is that the elector shall write his name, or that it shall be written for him by some other elector and attested by that other. Now, sir, I venture to say that in some districts there are hundreds of men who cannot write their names upon their ballots, besides the trouble and vexation it will be to every man that votes.

I speak now, sir, my own feelings on this subject as a voter. Although I have never felt like telling a lie in reference to my ballot, I never told anybody that I voted for him when I did not, or that I intended to vote for him when I did not intend to do so. I believe, sir, that I have never lied, nor wanted to lie, to anybody about how I voted; yet, sir, I confess to you that I have voted at times when I did not want everybody to know how I voted. I apprehend there is scarcely a man on this floor that has not felt that way.

I look upon this right of voting by ballot as a right to guard and protect the voter himself, not because I wish to play false, not because I wish to deceive or impose upon anybody, but because I have a right, as a citizen, to express my convictions of what I think ought to be done, or who ought to be elected, without being questioned by anybody. That is my ground, sir. I say I have a right, as a voter of Pennsylvania, to vote for whom I please, and it is nobody's business how I vote. That is a matter for which I must answer to myself, my God and my country. My neighbor has no business to ask me, "Mr. White, how do you vote?" nor has anybody else the right to ask me how I voted or how I intended to vote, with one exception. If it becomes necessary to contest an election, and in the contest

it becomes necessary to inquire into the question of fraud, whether the election officers or others have perpetrated frauds, and it should be found desirable for the public good, and in order to correct any frauds that may have been committed, to know for whom I voted, then it becomes my duty to say just how I did vote, but on no other ground whatever. And I insist that this thing of voting by ballot is one of the great and inestimable rights of the electors of this State; and I do not wish that right to be frittered away; and I do not wish the men that cannot read and write to be placed in a position that I myself would not wish to occupy.

I have heard it suggested that if we had this mode of voting, the elector might take his ticket home, and in the quiet and deliberation of home write his name. So he might. But that voter can now take his ticket home with him, as many of us do, and in the quiet of home determine how he shall vote, then put the ticket in his pocket, go to the election poll and vote it. How will it be with the great mass of the people in the State? They must first get from somebody a ticket. They must write their names on that, either before they leave home, or on the way to the election poll, or at the poll, when about to deposit the ticket. Whoever cannot write his name must call upon somebody else to do so for him, and attest it, which places the voter in the power of three or four men to impose upon him, when it would be, without this plan, in the power of but one now. Of course, if he cannot read, he must ask some friend for his ticket, and after getting it he must ask another person to write his name upon it, when it would be a very easy matter for the friend to put that ticket out of the way and substitute another for it.

I can see no advantage on that ground; but I object to it, because, first, it strikes at the ballot itself. I confess I can hardly conceive of this thing called an open ballot. The very idea of the ballot, as we have had it in Pennsylvania since the origin of the State, is that of a rolled up ticket—a ticket with the name of the candidate concealed, the outside indicating what office it is for—and the voter walks up and votes by ballot, by depositing that little slip of paper in the ballot-box; and when it goes in there, no person standing

there, no election officer or other person, has any business to inquire of him, "How, sir, do you vote?"

Now, believing there is no advantage in this thing except simply as a means of detecting frauds that might be perpetrated after the ballot is put into the ballot-box, and, as that applies only to a few localities in Pennsylvania, and is only necessary in these localities, I object to this "open" ballot clause in our Constitution. Why, sir, it seems to me that it is the worst kind of special legislation. I shall object to every provision in our Constitution that applies simply to a few localities. I want this Constitution to be the Constitution of the entire State, applicable everywhere, and not have provisions peculiar to this locality or to that; for the worst kind of special legislation is that which is applied to all, while intended simply to meet the wants of a few localities.

If in Philadelphia or in Carbon, or any other locality where it may be necessary, you desire special regulation on this subject, I am willing to leave it to the Legislature to accommodate them, but I am not willing to burden down the whole State of Pennsylvania with a provision of this kind, intended only to meet the necessities of a few localities. Hence I am quite willing to vote for this—that the ballots may be numbered or marked in some other way for the purpose of identification, and in such manner as the Legislature may prescribe. I am willing to give the power to the Legislature to do this for such localities as require it, where we may want to correct the evils complained of; but I am unwilling to put this oppressive clause into the Constitution by which a large number of the voters of Pennsylvania will be substantially cut off from the ballot. Far better leave it to the Legislature than for us to put in the Constitution a provision designed mainly for a few localities, which would be a great burden upon the entire State.

MR. KNIGHT. Mr. Chairman: I do not rise with the view of making a speech, but I merely rise to say that I am opposed to this clause, as presented by the committee, for various reasons.

In the first place, we have voted in this State by ballot for nearly a hundred years.

In the second place, I find, by examining the Constitutions of the various States of this Union, that there is only one State—Kentucky—in which they vote by anything but the ballot. Kentucky votes *viva voce*, and gentlemen on this floor can judge, from their knowledge of that State, whether their elections are better and purer, and whether the people have more freedom than elsewhere in the United States. Delaware, Oregon and Indiana vote on what they term the “free and equal” system, which I suppose means the ballot.

I do not propose, sir, to answer any of the arguments that have been made on this subject. But I think the voters are as well able in this city, and indeed in every section of this Commonwealth, to protect their own interests, as they are in the other States of this Union. I think the proposed remedy in this case tend very much to demoralize the people, and it would give the powerful corporate bodies of this Commonwealth great advantages over their liberties. If there are laws required to purify the ballot-box, let them be enacted to punish the parties who are chosen to be election officers, who are sworn to do their duty, and who are paid for their services. These parties are not compelled to accept these positions; but if they do accept them, and swear to perform their duties faithfully, and then violate their oaths, let them be punished severely, but do not undertake to trammel the voters themselves.

It is my impression that, so far as the city of Philadelphia is concerned, a law that will suit the whole State will suit us in the city. The guards that we have already thrown around the ballot-box are very efficient—one requiring a residence of sixty days in the district, another requiring naturalization papers to have been taken out a month before voting, together with the proposed further amendment limiting the precincts to not exceeding two hundred votes to each. These provisions on themselves will have a very great effect toward purifying elections in the city of Philadelphia, and in other places throughout the State.

There are, however, other requirements, other changes, which it would be advisable to make in order to purify our elections. Let the aldermen be appointed by the judges of the courts, during good be-

havior, with fixed salaries. Let them be men qualified to fill the position, and have their appointments confirmed, if you please, by the Senate and Governor of the State. Then we will do away with one evil.

Another great evil exists in connection with the offices of sheriff, prothonotary, register of wills, and such offices. Some of these positions, as we have had them here, are said to be worth from \$50,000 to \$75,000 a year, and corresponding efforts are made to get them. If you reduce the compensation for the duties of these offices to a salary, giving a liberal compensation, say \$10,000 a year, or more if you so please, you do away with that gross evil.

The great frauds, in my judgment, do not take place with the citizens who vote, but with the men inside the windows, who are sworn to do their duties faithfully. The cry about election frauds reminds me very much of the country lad who, on visiting the city, observed a banking institution which was made secure at the doors and windows by heavy iron gratings. While contemplating the prospect, an officer of the bank inquired of him why he was so keenly observing the window gratings? “Why,” said the boy, “I was just thinking how unwise the owners of this institution are for putting these thing there.”

“These things,” said the officer; “Why, they are to keep dishonest people from coming in.”

“I do not see any advantage in that,” said the boy, “when the dishonest people are generally inside.”

If you can cure this great evil complained of you will be accomplishing a great deal, but do not take this great ballot privilege away from the people. As I have already observed, I have examined the Constitution of every State in the Union, and find only one, Kentucky, voting by the *viva voce* system. In every other of the States they vote by ballot.

Whilst I desire to assist the Convention in every proper way to protect the purity of the ballot-box, I am opposed to curtailing or restricting the present rights of honest and legal voters of this Commonwealth.

MR. KAINE. Mr. Chairman: I have listened with some attention to the remarks that have been made upon this question, and I am not satisfied that this

proposed amendment to the Constitution would be an improvement.

The single and secret ballot has been voted in Pennsylvania since the adoption of the first Constitution, in 1776; re-enacted in that of 1790, and retained, exactly as it had been, in the Constitution of 1837-38. The single and secret ballot with which our people have become familiar is the simplest and best in my opinion. The act of 1866, that provided for a different manner of voting tickets, was an innovation upon the old system, and the act of 1869 was a further innovation. I am opposed to trammeling, in any way, the right of elective franchise; still I will go as far as any gentleman upon this floor to surround it with guards that will protect its purity. Much has been said about frauds upon the ballot-box, some of which I have no doubt are well founded, but they cannot, I am sure, be prevented by an amendment to the Constitution, such as this section reported by the committee.

The report of the committee would be, I think, a violation—if not of the letter at least of the spirit—of the Declaration of Rights, that “all elections shall be free and equal.” You compel voters in the country, where there are five or six hundred votes polled at a single place—a school house, if you please—without any facilities for writing, and not a dwelling, perhaps, within a quarter of a mile of the place, to write their names on their tickets. It would be impossible to carry out the provisions of this report of the committee if put into the Constitution.

Under the act of 1866 you will vote generally five ballots. Now if it is required that a voter shall write his name upon every one of these, and that that signature shall be attested by some other voter, who is not an officer of the election board, it would take several days to get through with an election under a process such as this. Why, sir, it would deter men from going to the polls; it would deter them from exercising this great privilege which has been so much talked of; fraudulent voting, which the amendment now pending is intended to prevent, is not so likely to be indulged in under that system as the other. Why, sir, I am told that they have now got to printing tickets in such a way as to make it impossible to alter or change the face of it. They print them upon some kind of slip of paper upon

which nothing can be stuck, and they print the names so close together that there is not room, if you erase one name, to put on another instead. “Ring” tickets of this kind are gotten up. Nominations are made, and tickets gotten up by those who manage elections; and while there might be good persons on them—men that possess the confidence of the voter—there may be others that are not in that position; and a voter is compelled, if he votes at all, to vote for all on the ticket. But give us the old plan of a single ticket for every office, and a man could then vote for the man he deemed best fitted for the position, and it can be done quietly and no one will know anything in regard to his vote except himself.

That is the reason why I prefer the single ticket. It was an innovation on the time-honored custom of Pennsylvania when these changes were made. Under the old plan we had no frauds, no ballot-box stuffing, or anything of that kind; and it is only since we got to making these new rules that frauds have been committed.

The act of 1869 put all elections together, the spring and the fall elections all in one. That was found to be utterly impracticable, and the spring elections have, therefore, been separated from the fall, and put back where they were before. We have, fortunately, adopted a provision for the regulation of this matter hereafter. But that act of Assembly contains forty-three sections, twenty of which only apply to the State of Pennsylvania, and twenty-three apply to the city of Philadelphia. That is the law under which the elections in Philadelphia have been held since that time; and it is under it that these frauds have been perpetrated.

There has been a great deal of talk here about “rounders,” “repeaters” and ballot-box stuffers. I do not exactly know what they mean. I suppose, however, that a “rounder” and “repeater” are the same thing; that a “rounder” is one who goes from one poll to another and votes a hundred times or so during one election day, and a “repeater” is the same thing—a man who goes around and repeats, votes for A here and A there, and so on until he has voted in all the precincts of the city. As I understand it, the proposition now before us has been introduced

with a view of preventing these outrages. It might result beneficially in that regard; but, can they not be prevented otherwise? Where are your election officers? Who are the men that perpetrate these frauds? These rounders and repeaters could not do it unless they were aided by the men who had been put in office, sworn and paid to do their duty. They are the men who are guilty, because they are responsible for the frauds, and, indirectly, the cause of them. Is it possible, that in a precinct where there are two or three hundred persons to vote, that five gentlemen will be selected for their ability and their integrity as election officers—a judge, two spectators and two clerks, who would not know the voters of that precinct or that district? They are the men who perpetrate the frauds. They are the men who take out tickets and put in others. How are you to prevent that? Will this provision do it? I think not. What is to prevent these election officers from adding name after name and number after number to their tally lists, and numbering the tickets accordingly, and placing them in there when they are not voted at all. How are you to prevent the greater frauds that have been perpetrated here? an instance of which we had at the organization of this Convention, by two delegates claiming seats, from this city. There the fraud had been committed after the votes had been counted, after the tally papers had been made out, after the whole return had been filed. The unfaithful return judge, whose duty it was to take these returns to the place where they were to be counted, altered the figures and changed the result. How are you to prevent that? This amendment will not do it. It is very well to talk about these “rounders” and “repeaters.” They are one party to the frauds, but they are the less evil of the two. It is the election officers who perpetrate the great frauds.

This subject reminds me of an anecdote that I once heard of John Randolph, who was at a horse race. Some jockeys present knew that he was fond of that kind of sport and of betting. They went to him and asked him if he did not want to bet upon the race. He told them he would bet, “but,” says he, “who will hold the stakes?” They had a com-

panion with them who was ready to hold the stakes and run away with them, whom they called ‘Squire Jones. They told him that ‘Squire Jones would hold the stakes. “Yes,” said he, “but who the devil will hold ‘Squire Jones?” So in this case; you may make all the guards, as you suppose, around the ballot, but who is going to hold the election officers. How are you going to prevent them from doing this mischief, because the truth is that there is the difficulty. Is it possible that there are not honest men enough in Philadelphia to hold their elections? They got up this peculiar system—whether for good or evil—in 1869, called the registry law, and it has worked badly. Every year, for the past two or three years, there has been an application made to the Legislature of Pennsylvania to repeal or alter that law, but it has always failed. An effort is now being made by Col. McClure to change it. I have before me a copy of it. It is a very long act, it is true, but not as long as the act of 1869. So far as I have been able to look over it, I think it will go very far to prevent the perpetration of frauds by these election officers.

You must begin deeper down; you must go farther back than the “rounder” and the “repeater.” The gentleman from Philadelphia, (Mr. Knight,) and men of his stamp, must pay some attention to these election officers. If you place five honest men in the board I have no doubt you will correct the evil. If you get honest men who live in the precinct—a judge, two inspectors and two clerks—I think it would be utterly impossible, I know it would be, in our county, for anybody to perpetrate a fraud upon that election board. I cannot conceive how it is possible that five intelligent gentlemen, selected to hold an election in a precinct in Philadelphia, where there are only two or three hundred voters, could not detect every fraud that was attempted to be perpetrated.

MR. SIMPSON. I would say to the gentleman that I had occasion once to investigate a contested election case in the country, and it was proved that one officer out of five cheated to the extent of getting forty-nine fraudulent votes into the ballot-box.

MR. BOYR. In what county was that?

Mr. KAINE. I have no doubt that gentleman had learned those very tricks from some person skilled in them in the city of Philadelphia. I do not pretend to know the corruptions in Philadelphia. I know there may be some corruption in different parts of the State; but the great cry that has come up has been from the city of Philadelphia, and that cry has been for the correction of the evils that have become so overpowering. If the citizens of Philadelphia cannot protect themselves from these rounders and repeaters; if they will admit, as they have admitted on this floor, that they are entirely powerless in this regard, I will vote to put a provision in the Constitution that the citizens of Philadelphia shall be entirely disfranchised, and that they shall not vote for State officers at all. But I do not believe it. I believe that the people of the city of Philadelphia are capable of preventing these frauds. There cannot be any doubt about it.

I am opposed to the report of the committee. I am in favor of the amendment of the gentleman from Somerset, (Mr. Baer,) because it is getting us back to good old times, when we had no frauds. I do not like to hear of these charges that have been made about the frauds in the elections of the State of Pennsylvania. I do not believe that the people of Pennsylvania are any worse than the citizens of our neighboring States. I believe that we are just as pure and just as perfect as they are. I have no notion that this corruption exists to the extent it has been complained of on this floor. I do not think we need such a clause in the Constitution as this reported by the committee. I think it will be an incumbrance. I am sure it would be in the country, and I am satisfied it would be in Philadelphia. Laws can be passed by the Legislature that will prevent the frauds here complained of. I, for one, desire to see placed in the Constitution some alterations and some amendments that have come to be necessary with the growth of our State, but I do not want very many of them. I prefer the Constitution of Pennsylvania to-day, as it stands, to the Constitution of any other State of the Union. It is a better Constitution than that which has been so much talked about and sought after, the Constitution of the State of Illinois. I do not want such radical changes as the one proposed by the report of the committee.

Mr. MINOR. Mr. Chairman: Listening to this discussion, sir, I have endeavored to pay the closest attention, in order that I might receive light for my own vote, and be able to have a reason for the faith that I might adopt. The result of that listening is, that I feel we must come back to the place from whence we started—like the first dove from Noah's ark. We have not been able, as yet, to find a place upon which we can rest the soles of our feet. We must come back to the provision of our Constitution as it now stands, or that which is equivalent to it, the amendment suggested by the gentleman from Cumberland (Mr. Wherry.)

Now, sir, as briefly as possible, I will give you the reasons for my belief.

First, as to the report of the committee: it is admitted if that report is adopted it will necessarily destroy what is termed the secret ballot. It is claimed for it, on the other hand, that it will prevent, or largely reduce certain evils that have become prominent in this State. Now, sir, I do not propose to deny that there is any virtue, whatever, in that provision. I will not undertake to say that, if adopted, it will not reduce, any evil or promote any good; but I must not stop there. It may, perhaps would reduce rounding, repeating and stuffing; but that is, by no means, all it would, accomplish. Let us see if, while it shuts one door, it does not open another to, at least, greater evils and frauds. The gentlemen who have spoken upon this subject have confined themselves to the inside of the ballot-box, and all the evils that they have referred to have had their birth and existence there. We must look outside. It is well enough to look inside, but we must see what is being done outside, and know where we leave the voter, for unless we leave the voter in proper shape it is of no account what vote may be inside. Is it not true that when you compel a man to vote an open ballot, as is now proposed, that you place the voter in just this position? If, in the first place, there are two men, personal friends of his, and he is made to choose between them, and he expresses his choice openly, as he must, in nine cases out of ten he makes one of those his enemy, perhaps for a life time. It will give rise to jealousy, to opposition, to slander; and there are very few men—while it is true

that there are some—who will incur the risk of the enmities and hatreds, of the ill-will and slander and opposition that will thus be incurred. Sooner than do it they will abstain from voting, and what will be the result of such a course? There are hundreds of men, yea, thousands in this State, when you compel them to make known their vote, who will say, “I will not vote at all: if I alone am to incur displeasure and suffer, I will not vote at all.” So that while you are endeavoring to protect the vote after it is put into the box, you are preventing the honest voter from casting his vote at all; I will not enlarge upon that. I suggest to members that they reflect upon the practical effect of this provision upon that class of men. Now, sir, add to that this further consideration: Where a man is compelled to make known his vote, and how he votes, he will be spotted by the dangerous classes of the community. There are men who have been mean enough, in other States of this Union, within the last ten years, to have spotted the honest Union voter to the risk, many times, of his property or his life, and who knows what may occur again in the future? when we take into consideration all the facts, the nature of these various influences and means to drive away from the polls the men who would vote honestly under all circumstances, then, sir, you will have left your franchise, simply, in the hands of the roughs, if you adopt this measure. It is putting a premium upon intimidation. It is holding out an inducement to bring to bear influences upon individuals so that they shall not come and vote. I repeat, sir, that we must look at it in a practical light, and while we would protect the inside of the ballot-box, we must see to it that we do not prevent the honest voter from coming up and casting his vote untrammelled by fear, and uninfluenced by favor.

It has been said by the gentleman from Philadelphia, upon my right, (Mr. Simpson,) and the gentleman from Allegheny, upon my left, (Mr. Howard,) that we must require our citizens to come up and vote openly, and if they are not willing to do it they must be trained to it; that these members themselves are willing to do it. I doubt not that these gentlemen are willing to face the music, whether that music

be a dead march or whether it be Hail to the Chief, in the hour of victory; but there are thousands of honest voters throughout this Commonwealth who desire to vote, and who have not the courage which these men possess; and we are making a Constitution not for ourselves, but for the thousands and the millions residing all over this State; we must then apply it to them. I will not enlarge upon that point, but I believe these evils will be encouraged by such a provision in the Constitution. They exist, and we cannot get rid of them without a terrible struggle, and others will spring up greater than those which now exist.

Then, again, this is a new movement. Where is the experience, in the wide world, upon this subject, that can give us any light upon it? Has any State that has had an existence in modern history tried this method of writing names upon the ballots, and having them witnessed? Never. It comes to us new, untried, unsanctioned by any experience, or even by the opinion of political writers; and yet, if we put it there, it may, instead of proving a means of liberty, be a chain upon our hands; it may be a mill-stone around our necks to sink us on account of the evils that it will promote, in comparison with those which it will destroy. Gentlemen have seen the force of this, because there are some who advocate the report of the committee in a modified form, and say that we must accept it, but we must have it secret, and hence they say, let the election judges be sworn to secrecy.

Does not every man know, although a juror has no business to reveal the secrets of the jury room, you can always learn them? Does not every man know that whenever an election is going on and a challenged voter is taken inside that the witnesses are there, and the attorneys and clerks with their tally list, and it is possible, by a wink, a nod, a hint, a mark, or by anything, to make it known—in fact it is utterly impossible to keep it secret? As well might you undertake to swear a rattle-snake, and say that he would not bite because you had administered an oath to him, as to expect secrecy from some of these judges of the election, because they had been sworn. There are plenty of ways of learning all these things. If the ballot is to be in this form it will

be open, and swearing the election board will not help it, because you can never prove it upon them.

What is the next modification that has been suggested? It is that electors should vote *viva voce*. It is claimed by some that this form will do away with the great existing evils. Men should register and be numbered and vote *viva voce*. I will admit that in some places, and in the hands of some men, that would be a very wise provision, but I will dispose of this point by a single illustration. The time was when the leader of the Philistines came out to defy the hosts of Israel; and when young David went forth to meet him, all exclaimed to him to take the armor and sword of the man who stands head and shoulders above the people and go forth to meet this enemy of the Lord's hosts; and the young warrior tried them on, but he said they were not adapted to him; they had not been proved, and he laid them aside; and what was the result? Although he declined to use the armor and the sword of a king, yet he went forth and slew a giant. So I fear that if we take this armor, although it may be the armor of men who stand head and shoulders above us all, yet when we go forth to meet the giant fraud in this State the armor in which we shall be compelled to be clad will prove only an encumbrance and a hindrance, instead of a defence. I therefore dismiss that subject.

Then again it is said that we must adopt the amendment of the gentleman from Somerset, (Mr. Baer,) which provides for a single ticket, and which has been advocated most eloquently by the gentleman from Fayette (Mr. Kaine.) It has its good points, and yet it has its evil points. Frauds have been committed under it. I myself have seen great evils arising out of it, independent of frauds themselves. It is not practical at all times and under all circumstances. Like the system of what is called slip tickets, it has a great many points about it that are good, and a great many that are not good. But I will leave the Convention to decide between the arguments of the gentleman from Allegheny (Mr. J. W. F. White) on the one side, and the gentleman from Fayette (Mr. Kaine) on the other. I will not undertake to decide between them, but I will suggest that we

cannot, by the insertion of five lines or twenty lines into our Constitution, prohibit all the present evils and prevent future evils from existing in this State. As good as the provisions may be, we cannot anticipate evils. If I may be allowed to express myself in the language that a humorous wag once used, "it is a great deal easier to foresee afterwards than it is beforehand," and I think we can foresee ten or twenty years after this the evils that may then exist easier than we can now.

Passing over all these matters, I will simply say that if we adopt some of the measures which have been proposed we will, in some respects at least, hamper our future legislation.

I have no doubt that in the future, as in the past, the frauds which are attendant upon government will have their name legion. The shapes that they will assume will equal in variety human passions and human frailties, obtaining their individuality from the circumstances and the surroundings of the people amongst whom they will originate. We know not what shape they will take, we know not their number, we know not the form, we know not the thousand devices that interested iniquity in the future will suggest as means of escaping any provision that we can insert in the Constitution. This binding the Legislature hand and foot for the next twenty-five years, as is contemplated by some, may be a source of great inconvenience and annoyance.

There are many plans with merits in them. The method which has lately been adopted in England, of the government printing the tickets, is a subject worthy of consideration. The tickets are there printed upon uniform paper by the government, and contain the names of all the candidates on all sides. The voter takes the ticket, looks over the names, and makes a check-mark opposite those for whom he desires to vote; the ticket is placed in the box, and only those which are checked are counted. This method has been adopted in England, where they have had a great deal of observation and experience on the subject of elections. We may wish at some future time to adopt the same method, or we may need something different, and hence we should be careful how we adopt any of these

amendments, any one of which, in my opinion, will be ineffectual in curing all the evils that may come upon us.

Finally, our business here is to make a Constitution that will serve as a limitation upon the powers of the Legislature and the people, and not as a means of conferring power, for that they already possess. If we insert this report of the committee into the Constitution, or any amendment to it that has been already suggested, the important question arises whether it will not tie up the hands of the Legislature so that it cannot provide for other methods, should the necessity for them arise. At all events, whether this position is well taken or not, it is true that it does tie up the Legislature, so that it cannot pass any law which will be inconsistent with or contrary to that provision. Insert any provision that has been suggested here, and you will tie up the Legislature to that provision as a part of their law. They cannot do anything contrary to it without violating the Constitution. How much further to limit them I will not undertake to say, but to that extent will the limitation go.

Now suppose that in the course of events it should be found necessary to adopt some plan, and some plan should be discovered, which would be effectual as a remedy to some evil, and a provision inserted by us in the Constitution should stand in the way of its adoption, what would be done?

[Here the hammer fell.]

MR. NEWLIN. Mr. Chairman: I shall vote against this part of the report of the committee but for a reason which I have not yet heard given in the debate which we have had on the subject. The principal objection which I have so far heard urged is in regard to the secret ballot. There is a diversity of opinion, as to whether the provision will or will not do away with the secret ballot. I do not propose to touch upon that, nor upon the main question of the secret ballot, whether a man should vote as a man, and like a man, or whether he should, as has been said before, sneak up to the polls and drop in his ticket, shielded by secrecy as to his real motives, and as to what he does as his part in the work of self-government. My reason for voting against this proposition is this: That it does not reach the difficul-

ty; that the remedy cannot cure the disease. Every one who has spoken upon this subject has said, in substance, that in the rural districts there are no frauds of any moment, and that all the frauds of any magnitude are committed in the great cities. Now there must be a reason, which arises from the people themselves, and not from the machinery of the election. The machinery of election that is now provided, if it were carried out, and if the provisions of the law were enforced, would secure a just and fair election, if the people themselves took the trouble, and were sufficiently interested in the details of self-government, to assert their rights. And I take it, sir, that therein lies the disease, and this remedy is not even directed towards the real evil. It is well known by every one upon this floor, from the city of Philadelphia, that in general society, amongst our friends, it is not even considered polite to allude to political subjects.

There are two great classes of the community, those who are occupied throughout the day in labor and toil, those with greater means, and more comforts, and opportunities for luxury and pleasure. Now the vast majority of the people belongs to these two classes. The time of one class is, to a great extent, occupied in amassing wealth and enjoying pleasure, and the other class with the stern necessity of providing, from day to day, for the actual requirements of life. Neither class, in this city or in any great city, at this time, devotes any real substantial care and thought to the details of self-government. There is, unfortunately, a third class, which does devote both time and energy to the details of self-government, and that class has produced all of the political evils under which we are now laboring. Therefore, it seems to me that the remedy is with the people themselves; and until the great mass of the people, earnestly, and as thinking men, take an interest in politics, and see to the details of their own self-government, you can have no substantial reform in this direction. This proposition, though seemingly good, does not reach the disease, and it will effect no real substantial benefit, and therefore had better not be adopted.

MR. HAZZARD. Mr. Chairman: It has given me great pleasure to hear that

there are no election frauds in the country. I was glad to hear members from Allegheny say there are none committed in the city of Pittsburg, and to hear my friend from Fayette (Mr. Kaine) say that there are no election frauds in his county. They all belong to Philadelphia.

Mr. KAINE. Not all.

Mr. HAZZARD. Well, most of them. I am glad to hear it, because it argues this to me—that these honest people go up to the polls, cast their votes honestly and go away, suspecting nothing wrong. Now the chairman of this committee knows very well, and I wish to say here that he is about as vigilant to see that an election is conducted fairly and honestly as he is to see that his own party vote is entirely polled, that in our county of Washington—and I believe that the whole State will say for us that we are about as honest as the average voter—even in the little township adjoining the village in which he resides, while he was standing at the polls with all his argus eyes and with all his anxiety that the entire vote should be polled, and polled honestly, a thimble rigger, equal in skill to anybody you can turn out in the city of Philadelphia, elected a commissioner and a prosecuting attorney just as easily as he could snap his finger. Still there is no dishonesty in the country! I am glad there is none in Pittsburg and none in Fayette. Mr. Chairman, how did it turn out a few years ago when there was a congressional contested election in that district? I believe in every township in the gentleman's county, and in every township in Westmoreland, the adjoining county, there were found to have been dishonest votes polled! How does it turn out in all these contested election investigations? Have we not heard from the gentleman from Philadelphia (Mr. Simpson?)

Mr. KAINE. Mr. Chairman: I rise to explain. The gentleman is entirely mistaken when he says there were fraudulent votes found in the contest between Foster and Covode in Fayette county. There were a few—a very few—fraudulent votes found in one or two townships of that county, but not enough to amount to any considerable number. I merely rise to make that explanation here and now. I could tell the gentleman why

and wherefore, if I saw fit, the report was made otherwise.

Mr. HAZZARD. I do not know anything about it, only it was reported that there were fraudulent votes in the gentleman's county and in Westmoreland county; whether it was so or not I do not know. I presume that there are honest people in Fayette county and all throughout the country, but they are not all honest in Washington county. Is it possible that all this hullabaloo about fraudulent voting is moonshine? Is it possible that I have been mistaken all this time? Is it a fact that all the newspapers in Philadelphia and throughout the country, all over the land, have been daily filled with reports of fraudulent votes, and now it turns out that it is all a myth? As the boys used to say at school, it is a good sign of a duck's nest when you see a drake on the woodpile. [Laughter.] Perhaps it may be that the gentlemen from Fayette and Allegheny are unsophisticated, but they certainly are mistaken. In every case where there has been a contested election there have been fraudulent votes discovered. I was astonished to hear the gentleman from Philadelphia (Mr. Simpson) say that in one case alone there were found forty-nine fraudulent votes, and this, you must bear in mind, was in the country—"the honest rural districts!" This proves to me that perhaps it was a mistake.

They say there are fraudulent votes in Philadelphia. It is their own fault. There are enough honest men in Philadelphia to control their elections honestly if they wish to do it. These men that cast the illegal votes are not the rascals that do the mischief. It is the honest people. Why? Because they do not pick out men who will hold the elections honestly. Look at that old gentleman who witnessed the extraordinary vote that was given for President last fall. He is honest and he cast his vote honestly and went home; but he found out there was a vast majority. Some said it was a fraudulent vote. He deplored it very much, but he rejoiced that his party was successful and he sat back in his easy chair and bore the great outrage upon the ballot-box with great christian resignation and fortitude, and he will talk to his grandson about it and say it is a terrible

thing, but, like Uncle Toby's recording angel, in the story of Tristram Shandy, he will drop a tear of sorrow upon the page and blot it out forever, and stay away from the election when the election board is to be chosen.

I do not like this part of the section about writing the name upon the ballot. It is too cumbersome. Ink and paper and facilities for such a thing around the polls in the country are not first-class. Two years ago, when State and township elections were held together, those who voted the full ticket would have been required to have written twenty-one names had the proposed system been in practice. There is not time to do it. It is a cumbersome and inconvenient thing, and I think we ought not to adopt it.

Now about this single ballot.

It may be in the eastern part of the State that the laboring men vote at the direction and dictation of their bosses, but it is not so with us. When the bosses come to the polls they have their own votes, no more. The men whom they employ cast their votes without restraint, and if they are influenced by their masters, it is that they vote against and not with them. This dictation by employer to employed may be true in some departments of the State. But I live on the banks of the beautiful Monongahela, and when a steamboat comes into the landing, crowded with men on election day, they will jostle their bosses, and as they go to the polls tell them that they intend to vote against them. I suppose such is the case in the mining regions, and perhaps there is a reason for it. If a master says to his men that they must vote the ticket he gives them or be discharged, the men know that he is not the only employer in their district. They will say to him: "I will not vote with you, and if you discharge me, I will go to the next mine and work for the boss there. He is of my politics."

As I said before, it is embarrassing to write a name on a ticket. We cannot do that. We ought not to do that. But we can put a number on a ticket, and that will not destroy the secrecy of the ballot so much as the writing of a name would. Election officers are curious, and when they are counting the vote, and come to a particular name, they will want to know

how that man voted. With the number it would not be so easy. Let the tickets be numbered, and the election officers sworn to secrecy, like a grand jury. Suppose a ticket be numbered 301. The number will be as good for the purpose of detecting fraud as if the name were written on it by the side of the number. But when the officers are counting the votes, if somebody asks who voted 301, it will require the clerks' tally list to answer, and that will be too much trouble to refer to all the time. The name has to be given at the window anyhow, and identification takes place there. If a man comes to vote as John Smith in our city, we know whether he is John Smith or not, and whether too many John Smiths have voted or not. Fictitious persons may represent citizens in some localities, but they could not with us. We know when a man offers to vote whether he is the person whose name he gives or not. We have the identification of the man and the name at the window. What more do we want but to number the ticket before it is dropped in the box?

It will answer every purpose to put a number on it and save the inconvenience of writing a name in addition. The number will go into the ballot-box, and if irregularities occur and it is desirable to correct them, the box can be opened and the ticket referred to, when the number will be sufficient to identify it. I think that this is about as it should be. If guards are needed for the protection of the purity of the ballot, the numbering of the tickets will afford all the protection necessary. Identification will be given by the numbers, while it would be to many a serious trouble to be compelled to write a name on a ticket, and many more could not do it at all.

Mr. CASSIDY. Mr. Chairman: I have not, heretofore, been willing to trouble the House with remarks upon any of the subjects that have been presented to its consideration. But, as I am mainly responsible for that portion of the report of the Committee on Suffrage which has elicited this discussion, I feel bound to say a word or two in vindication of my course.

I understand the great purpose of gathering this Convention together was to enable us to do that which my friend and

colleague from the city (Mr. Newlin) complains is not done, that is, to afford a reason and a justification for the decent people of the land taking part in public affairs. The great step, or rather one of the great steps, in my judgment, to enable the people to do that is to satisfy every citizen that when he deposits his ticket at the polling place it will go into the count and be some evidence of the expression of his will in relation to public affairs and public matters. Hitherto, I regret to say, for many years past, that assurance we have not been able to give to every citizen and to every voter.

I confess, Mr. Chairman, that I am not much impressed with the remarks made by gentlemen upon this floor; that I beg leave to say, with great respect, that many of them sounded to me somewhat sophomorical as to the sacredness of the ballot. I do not understand what there is sanctified or sacred about the ballot. Its surroundings have been far from holy, its companionship more than doubtful, and it has not even the sanctity of any very great age about it in this country, and for usefulness, I undertake to say, the experience of the last twenty-five years has shown it to be an absolute failure. It is only a means adopted by our forefathers and predecessors for the purpose of ascertaining the will of the people. For a quarter of a century, it may be safely asserted, it has failed in its purpose. If it has not enabled us to, and clearly, ascertain the will of the people, it ought to be stricken out of the law, and we who are gathered here to make a rule for all time to come, or until the advancing civilization of the times compels us, or those who come after us, to still further advance in accordance with the spirit and enlightenment of the age. So far as I am personally concerned, the system that I would adopt would not be, perhaps, the *viva voce* plan of my friend, the gentleman from Philadelphia, (Mr. Woodward,) but I would adopt the plan of requiring every voter to present an open ticket, so that it might be seen and known of all men for whom he voted, and the ticket itself could be kept as a voucher, in order that it might be used as evidence for or against that vote when the time for investigation comes.

Not being able to secure the adoption of that plan, in the committee, I desire to go as near to it as possible, and therefore advocate the present plan. I am glad to be told by the gentleman from Washington (Mr. Hazzard) that the purity of elections was not entirely unknown in the country. But I venture to say, even without his assertion, that the "*slight irregularities*" that my friend from Philadelphia (Mr. Knight) characterizes as existing in many of the election precincts in this city are not unknown to our country friends. I thought that the wanton and wicked violation of the election law was not confined to the cities. I had some knowledge of the county of Washington, and of the county of Schuylkill. I have heard of the county of Allegheny and occasionally of Somerset, in contested elections, that reflected no great credit on some of the people there; and, occasionally, I have heard in the same category of Luzerne and Bucks. I might go on and name numbers of other counties that have figured in the various evidences, which have been offered to the people of the country, how elections are managed in Pennsylvania, so that it does not do to stand up here and say that this is an effort, simply, to purify elections in Philadelphia. It is an effort made to conduct elections throughout the Commonwealth, so that all men may be satisfied with the result.

What harm can come of adopting this plan? Let us in the first place see, Mr. Chairman, if there is any secret ballot to-day. It is a nice thing to talk about, and it gives our friends an eloquent chance to declaim in rounded and beautiful sentences; but is there, in fact, any secret ballot? Is there a man upon this floor who does not know in his township or in his election district nine-tenths of the voters, and how they vote at every election? Why, certainly not. Do not we all know, as a practical matter, that in order to enable the man with the window book of each party to keep his accounts, to know how to tally his vote and know how to send for this man who has neglected to vote, and that man who is away; how to bring up his voters, that he is furnished with information of how each man votes, and all the parties so

arrange their tickets on election day that the headings indicate to the men at the window exactly how the vote is being polled? There is practically no secrecy about it. But if there were entire secrecy about it and we have found, by experience, that persisting in this ballot enables people to commit frauds upon the election, our duty is to do away with it. Is it not discreditable to be declaring in favor of a secret ballot when all you can say of it is that it enables the citizen whom we are in the habit of talking about here as a freeman, armed with the glorious panoply of American citizenship and all that sort of Fourth of July oratory that we indulge in from time to time, that this power of secret voting enables him simply to do the cowardly thing of cheating somebody about his vote. That is all that can be said about it. That men who are entitled to vote are so weak or so fearful of the great privilege which somebody has characterized as a great social right, and others as a great natural right, and others as some other kind of a right, that this American freeman, whom we are talking about so constantly, is afraid of exercising this almost God-given right like a man, but to exercise it covertly and in a way that none may know how he exercises, or even that he exercises it at all. We have grown far beyond any such sentiment. We are here to adopt a plan for recording the will of the people. The secret ballot, as heretofore exercised, has failed, and this amendment enables us to arrive at more reliable results.

It is proposed that each elector shall have his ticket numbered, and he shall put upon his ticket his name. The effect of that, in many respects, is to require the voter to do a little thinking as to the serious and important act he is about to perform. He will either prepare his ballot at home, and if he does he will consider that which he is about to do, or he will prepare it at the polls, where he also must stop and think before he casts his ballot. If he prepares his ticket at home, he will think: "Are these names on this ticket the proper men to be voted for?" "Are these the men that I ought honestly to cast my ballot for?" "Are these honest, competent and capable men?" He will think about that in the quiet of his home, as he sits down to put on the ballot his name. And if he does not do it at home,

when he gets to the polling place it is not simply going up and taking a ticket from somebody, simply because he is of his party, and putting it in the window and walking away. He must stop long enough to write his name, and therefore he must think about the exercise of this great right, and the more he thinks about it the more he will be liable to exercise his power wisely and for the benefit of the community.

What more will come of the adoption of this plan? Why, you stop this system of cheating inside, which has been done in various ways. For example: An honest voter walks up to vote. He hands his ticket in, in various localities of the city of Philadelphia; and I beg leave to say that these frauds are not confined to any particular party. There are men in my party, as there are men in the opposite party, who do this thing. A man walks up and hands his ticket to an election officer and turns from the window, and, as he turns away, the ticket is dropped, and an entirely different one is put into the ballot-box. That is an old practice, constantly and repeatedly done. If that is done by the election officer, and you open the ballot-box and there is no ticket there with that voter's name on, written by him or his witness, the conclusion is inevitable that a fraud has been committed, and it points directly and unerringly to the man who committed the crime, so that we may promptly punish him.

That is not a single instance. That has occurred in hundreds of precincts in this city, and I will venture to say it has occurred in hundreds of precincts throughout the State. It is not a question merely of contested elections, either; for when a judge of an election, or an inspector, deposits a ballot, he knows that if that box upon being opened, and the ballot is not found there, having upon it the voter's name, that he is liable to detection and to conviction and punishment; and he will not dare to exercise any of these fraudulent practices, and it is an additional safeguard thrown around the ballot-box.

What is another source of fraud? It is, that after you have polled the vote, and after the votes are counted, a conspiracy is entered into, not only in the precincts of this city, but we know from what has been said here upon this floor, in hundreds of precincts throughout the State,

that the officers are bought, *are bought*, and they will enter into a conspiracy, to do what? Why, to change the whole vote, and the tickets are taken out bodily, and new tickets and new boxes substituted. Is not detection inevitable under this rule? The opening of the box at once discloses the fact that the ballots in that box are not the ballots deposited by the voter. And then what takes place? Not that you set aside the election, merely; and I beg to call your attention to this, for that is the smallest of this matter, but that you unerringly point out the men who committed the fraud, so that punishment may follow. Nobody could commit a fraud in that case but the men in the window in the polling place, and conviction is inevitable.

What other good can be brought about under this rule? Why the system of repeating, now reduced to a science, will pass into history. Point me out the repeater, the professional repeater, who will walk up to the window and look the judge in the eye when he knows he has to stay long enough to have his ticket numbered and long enough to write his name upon it or have some one else write it. I tell you no scoundrel will look an honest man in the face while that is going on. He dare not stay long enough. The chance of repeating now is because a man can shove a ticket through a little square hole, when his face is not seen, and leave the poll immediately. When the repeater knows that he has to write his name on his ballot, and look the election officer in the face, so that it may be impressed upon their memory and that the election officer can identify him, the whole of this business will cease.

And accompanying this amendment, are amendments still further protecting the ballot, by which precincts will be divided into precincts of two hundred voters. If we have open polls, elections in broad daylight away from the grogeries and their wicked surroundings, I tell you, with this amendment the purity of the ballot will be settled and elections will, throughout the Commonwealth, be acquiesced in and respected. It is not enough, I submit, to adopt the plan suggested by my friend from Columbia, (Mr. Buckalew,) that is, of giving the voter the privilege of doing this thing Of

course, if we cannot go farther, I am willing to take all we can get; but I am for making this compulsory. Let every man be compelled to do this thing, so that the evidence may be around and about us all the time, in order to detect frauds. If this section will have the effect contended for, as I submit there can be no dispute it will, why should it not be adopted? It is said that it should not be adopted because it exposes the voter as to the way he votes. Do you believe, Mr. Chairman, that any great number of people in this Commonwealth would hesitate upon such a subject as that? If they were asked whether, in order to punish fraud, or to detect fraud, they should vote an open ticket, have not you and all of us faith enough in the people of this Commonwealth to believe that they would say, without hesitation, "adopt any plan, any plan, sir, that will enable us when we go away from the polling places to say, we have deposited our votes and we know that now, at least, they will record the will of freemen."

Mr. Chairman, the adoption of this plan will, in my judgment, tend to elevate the sentiment upon the subject of voting. If a bad man is placed upon a ticket, the voter will feel that he must record his protest against it, if he would have the respect of the good of his neighborhood, for they will know that he deliberately aided in the wrong if he votes for him. He will no longer be able to shelter the desire to help bad men by voting a secret ticket, or be able to claim that he voted for a party nomination, when his duty to the people requires him, not secretly, but like a man—aye, like an American freeman, openly to record his protest against it.

In addition to this, it gives notice to parties that mere party organization, of which secret ballot is one of the most important pieces of machinery, is no longer powerful, but that the bold, true men of the Commonwealth will show by their open votes that honest men alone can be elevated to place.

Beyond all this, Mr. Chairman, we are here to make laws for the great body of the people. It cannot be safely asserted that more than a very small per centage of votes can be possibly aided by the secret ballot, while on the other hand we

have been grossly unmindful of the discussions on this floor, if we have not been taught, that under the present system of voting, whole sections of our people have been practically disfranchised.

The necessity for a change is therefore overruling, and believing that this section will tend to correct the evil that is slowly, perhaps, but certainly sapping the foundations of republican government, and that the people are not only prepared but demanding this change, I am earnestly for it. If all that has been said for the secret ballot be true, the great doctrine that we are to labor for the good of the greatest number still remains, and I am thoroughly convinced that to adopt the section will enable us to take a long stride toward that system of purity of elections, so necessary for the preservation of good government, and I therefore trust it will be adopted as reported.

Mr. TEMPLE. Mr. Chairman: I shall occupy the attention of the Convention but for a few moments in the discussion of this question. I was somewhat surprised with one argument advanced here by the distinguished delegate from Schuylkill (Mr. Bartholomew.) One reason that he presented to this committee against the adoption of the report of the Committee on Suffrage, Election and Representation was that aggregated capital in the shape of corporations would prevent a proper expression of the will of the people. He went on to state that one corporation in the State of Pennsylvania owned and possessed eighty thousand acres of coal lands; that it controlled a vast amount of labor, and that that class of people, when they went to the polls to vote, would not properly cast their ballots, and that we would never have a proper expression of the will of the people. Now I always listen with the greatest respect to what falls from the lips of the eloquent delegate from Schuylkill, but I think the utterance of this language, or language like unto this, by such a distinguished gentleman as this, could certainly have been spoken but for one purpose, and that for the purpose of convincing gentlemen of the truth of a proposition to which he was already committed, without believing in the sincerity and in the propriety of the reasons which he gave for it.

Mr. BARTHOLOMEW. Mr. Chairman: If the gentleman from Philadelphia will allow me to explain, he certainly misunderstands my position on this question. I stated distinctly, when I arose to my feet, that I was in favor of the report of this committee, but that I was in favor of it with a conditional clause, which I proposed to have inserted in it; but that if I could not have that which I deemed best, that still I was in favor of the report of the committee. I cannot understand the position the gentleman has taken. My language was very plain.

Mr. TEMPLE. Mr. Chairman: With very great respect to what my friend has said, I take the liberty of insisting that when he was discussing this proposition he was in favor of substituting the word "may" for the word "shall."

Mr. BARTHOLOMEW. Yes; leaving it merely optional.

Mr. TEMPLE. Mr. Chairman: Then I undertake to say that the gentleman is not in favor of the report of the committee, but in favor of a directly opposite principle being adopted. The word "shall" makes it incumbent upon the voter, when he deposits his ballot, to place some kind of an ear-mark upon it, by which it can be known. But if we strike from the report of this committee the word "shall," and insert therefor the word "may," it changes entirely the character of this proposed change, and makes the report of the committee an entirely different one.

But, in answer to the statement made upon this floor by the gentleman from Schuylkill, I beg leave to remind him that the class of people who are generally in the employ of corporations, and who are subservient to wealth in any form, if they had the opportunity of expressing themselves properly through the peaceful channel of the ballot-box, would correct the very evils of which the distinguished gentleman speaks. I undertake to say to this committee that the only class of people which could be included in his remarks are a class of people which could be used by corporations for the purposes designed by them, by the use of money without any fear or favor from any other direction. Therefore I say that the honest voter who goes to the poll to deposit his ballot, upon any point of principle, will not be swayed in any direction,

by any consideration of any character whatever, and that man, I undertake to say, who is in favor of casting his ballot, or who would, under any circumstances, cast his ballot in favor of a particular candidate, because he feared incurring the displeasure of railroad corporations and masters, is unworthy the right to exercise that privilege. When you admit that any considerable portion of the people of this Commonwealth will cast their ballots as dictated by others, that very moment you acknowledge an eyesore and a cancer upon the body politic, which should be gotten rid of at the earliest possible moment.

A few remarks more and I will have done, because I do not expect to speak over ten minutes. I cannot see, Mr. Chairman, why the latter part of this second section is not a proper restriction to be placed upon the ballot. Now there is no gentleman upon this floor, I undertake to say, who has had greater experience in the investigation of election frauds in the city of Philadelphia and in the State of Pennsylvania than the gentleman who last addressed this committee (Mr. Cassidy.) He is one of the committee who reported this section. He has given his views upon it, based upon his experience as a practising attorney in the investigation of election frauds, and the remarks and advice of that gentleman should be taken with a great deal of consideration by this committee. The gentlemen from the rural districts, who have never seen these great frauds practiced in the city of Philadelphia, must give us some relief and if we can get it, through an amendment such as is proposed by the Committee on Suffrage, let us adopt it.

I say further than that, that it is, in my opinion, one of the greatest checks, or will prove one of the greatest checks that can possibly be adopted to prevent fraud. As to this thing of secret voting, I say here in my place, as I said upon another occasion, that the man who goes to the ballot-box and sneaks in his vote is unworthy the right of the ballot. He is unworthy to vote, for he does so from no honest consideration. Do you believe that any man who deserves the right to cast a ballot at all would hesitate for one moment to go up to the window and say: "I am going to vote for Mr. Jones," even

although his master might stand by the poll and say that his men must vote for Mr. Smith. I believe that no man would hesitate, and I believe that this is a proper restriction to be placed on the exercise of this right. I am therefore in favor of the amendment.

Mr. GOWEN. Mr. Chairman: I have no hesitation in saying, very boldly and very plainly, that I am in favor of open *viva voce* voting. Notwithstanding the remarks of the gentleman from Schuylkill, (Mr. Bartholomew,) which I was unfortunate enough not to hear yesterday, but which I have read—and I desire to say that I am very much obliged to him for the delicate courtesy which prompted the argument that he made up a subject of such importance. I know, from the very best reason in the world, that is from a long experience; that the class of people who are vulgarly, very vulgarly, supposed to be controlled by corporations are not so influenced. The fact is that the corporation is controlled by the voter and not the voter by the corporation. The corporation to which my friend from Schuylkill referred, yesterday, as having some designs upon the ballot-box—

Mr. BARTHOLOMEW. Mr. Chairman: I desire to interrupt the gentleman. I do not want to be misconstrued or any remark of mine mistated on this subject. I simply illustrated my argument by a reference to a corporation and the principle that a corporation having power would endeavor to gain more power, whether it might be that which would arise from the aggregation of capital or that which might arise from the control of political influence. I did not state, for one moment, that such a design was ever entertained, had been practiced, or that it was in process of fulfilment, I simply illustrated what I then said by a reference to a corporation such as this. That is all I said upon that subject, as an illustration of argument without any reflection; and when the gentleman says that my remarks were ill-timed, because of his absence, I will say to him, frankly and candidly, that I did not know he was absent. I am only sorry that he was not present, because he would not have mistated me if he had been.

Mr. GOWEN. Mr. Chairman: This great, overshadowing corporation of which

my friend has spoken as exercising a great influence over the ballot in this State, has a rule posted in every shop, in every work-place, in every office it possesses, that any boss, superintendent or foreman that directly or indirectly, in any manner whatever, attempts to control the vote of an employee will be punished by instant dismissal. I know very well that the foreman or superintendent of most corporations in this State, so far from having any control whatever over those who are under him is, if anything, controlled by them; the great principle of the American workman being that one man is not only as good as another, but a great deal better. [Laughter.]

I am, as I said before, in favor of open *viva voce* voting. The highest duty that the American freeman is called upon to perform is the duty of voting. The greatest evil that we are called upon to overcome is the evil of impurity of elections. In my humble opinion the best way to secure purity of elections would be to make the highest judicial officers of the Commonwealth the persons who, in the most public and solemn manner, should receive the vote of every citizen openly, publicly and notoriously. I believe the citizen should come before such officer and, in a bold, firm tone of voice, looking him in the face, say for whom he intends to vote; say it so boldly so that every citizen standing around could know for whom his vote is cast. If this were done, Mr. Chairman, there would be at every election, or polling place, fifty witnesses who, when the polls closed, would know exactly how the vote had stood, and in the face of such testimony as that, protected as that would be protected, it would be utterly impossible for any fraud upon the ballot-box to be committed, utterly impossible.

The next best plan to this is: That every citizen should vote an open ballot, written or printed, as he pleases, with his name at the bottom of it, attested, if necessary, by a witness, and that these ballots, one after the other, should be put upon a file, and when the election is over counted, and that file of papers itself would certify to the result. I will vote, whenever I get an opportunity, for open *viva voce* voting. Next to that, I will vote for an open ballot, signed by the name of the party who votes. Next to that, if I can get nothing

better, I will vote for the report of this committee, provided the word "shall" is in it, and not the word "may," so that it is incumbent upon everybody to vote boldly and openly as a man, and tell whom he intends to vote for.

I know that we have giants to fight; not giants like Goliath, as my friend from Crawford (Mr. Minor) said, giants who would not be much hurt if they were struck in the region of the brain; giants, like Briarius, with one hundred hands, giants, like Antæus, who, whenever they have been stricken down, have risen up again, refreshed by a Governor's or a President's pardon, more powerful for harm than they ever were before. These are the giants we have to fight, and the smooth pebble stones and the sling of Goliath are as harmless against them as would be that other celebrated weapon, which we are told in biblical history created such consternation in the ranks of the Philistines.

Mr. HAZZARD. David had the stone. [Laughter.]

Mr. GOWEN. David had the stone. It was Sampson that wielded the other weapon, I believe. [Laughter.]

The CHAIRMAN. Gentlemen will preserve order.

Mr. GOWEN. I trust I will not be considered personal.

Now then, as I have not got the opportunity to vote for *viva voce* or open balloting, as I have not got the opportunity to vote for a compulsory open ballot, I shall vote for the report of this committee, which gives to the citizen the protection which he knows he will receive the moment that his vote is signed by his own name, and witnessed, if necessary, by somebody else.

Why should we adopt this? In the first place, Mr. Chairman, one great advantage is this, and it is an incalculable advantage, that every citizen will go to the poll with his ballot prepared. He will not go to the poll prepared to receive a ballot from an officer of the particular party to which he belongs, and to put in the ballot-box without looking, thereby giving full opportunity to that particular class of fraud which has been practiced, not only in Philadelphia, but at all country polls, of bribing the man who distributes the ballots of his party to receive those who rely upon his integrity.

The voter will prepare his vote at home. If there are separate ballots for each office so much the better, for he will be obliged to examine each one, and to sign his name upon it. The man that cannot write will be the very one who will make this preparation at home. He will call in some neighbor, in whom he has confidence, and together they will prepare the ballot which the man who cannot write is to deposit. And the very fact that some notoriety and some publicity may at some time or other be given to the unfortunate citizen who cannot write his name, will be an incentive and an inducement greater than any compulsory educational law which you can pass to the acquisition of knowledge, for it will make every man educate his children, so that when they go to the ballot-box they will not be shamed by exhibiting a ballot upon which they have not been able to write their names.

Another and a great advantage is the absolute ability to protect the citizen against one peculiar kind of fraud, the stuffing of the ballot-box. If every ballot is signed, whenever there is a contested election case, the ballot-box can be opened and it can be purged in a proper manner. Every illegal vote can be excluded and every legal one can be protected, and we will be spared the disgraceful system, which has grown up in this country, and has had the sanction of high judicial authority, the disgraceful system of throwing out, in any election district, all the ballots, in the entire poll, because eight or ten fraudulent votes may happen to have been cast in it. Why is it not known, is not the fact, that in this city, in election districts, where one particular party, or the other, has a well-known majority, admitted to be so, that troubles are gotten up by the other party, at the particular poll, for no other purpose than to give the court an excuse in a contested election case to throw out a whole district? You may have a thousand legal votes—every one of them cast solemnly and properly, and because you have ten or twenty or even one hundred illegal ones a judge throws out a whole poll, and you disfranchise nine hundred citizens, as a punishment, for the crime of ten bad ones. If the ballot-box contained within itself evidence sufficient

to demonstrate the validity of every ballot in it that was legally cast, this thing could never be repeated.

Again, my friend from Philadelphia (Mr. Cassidy) has alluded to one of the greatest protections that this will throw about us, and that is this: That if illegal ballots are found in that ballot-box the custodians of that ballot-box will surely be held responsible for it. If out of a thousand votes you find two hundred votes without the proper names upon them or with fraudulent names upon them, the man whose business it is to protect that ballot-box, who is bound by the solemn obligation of an oath to protect it, that man, in the opinion of the old style jury of the vicinage which would be collected around that poll, would be condemned *es instanti*, and a short shrift and a long rope would probably be his doom, and if we had had a little more of such justice in the city of Philadelphia there would have been less necessity for the assembling of this Convention.

These are all the advantages that I propose now to speak of. It is a reform which does not go far enough, but which, so far as it goes, gives to every citizen the protection and assurance that his own vote shall have something upon it which he has placed there that he can follow up in a court of justice, and it renders it almost impossible that one of the greatest sources of evil which has afflicted this community shall be in future continued. I shall, as I said, vote in favor of the proposition as it came from the committee, provided that it is made obligatory upon every one to sign his name to his ballot. At any future stage of the Convention, when I can get an opportunity, I will join with any number of gentlemen to secure greater reform; first, if I can, by making an open ballot obligatory, and second, and better still, if I can, by requiring an open *viva voce* vote.

MR. HANNA. Mr. Chairman: I move that the committee now rises, reports progress and asks leave to sit again.

The motion was agreed to. The committee rose, and the President resumed the chair.

IN CONVENTION.

The chairman of the committee of the whole, Mr. Lawrence, reported that the committee had further considered the report of the Committee on Suffrage,

Election and Representation, and had instructed him to report progress and request leave to sit again.

The Convention granted the committee of the whole leave to sit again on Monday.

PROHIBITION.

The PRESIDENT asked and obtained leave to present three memorials from citizens of the Commonwealth, asking the adoption of an article prohibiting the sale of intoxicating liquors, which were referred to the Committee on Legislation.

THE COMMITTEE ON PRIMARY ELECTIONS.

The PRESIDENT: The following committee has been appointed under the resolution passed this morning: Messrs. Howard, Clark, Mantor, Baker and Newlin.

Mr. NEWLIN. Mr. President: I move that the Convention do now adjourn, to meet on Monday at eleven o'clock A. M.

The PRESIDENT: The motion is not in order. A motion to adjourn cannot be to any particular time.

Mr. NEWLIN. Mr. President: I move that when the Convention adjourns it be to meet on Monday at eleven o'clock.

The PRESIDENT: The gentleman from Philadelphia will give the Chair leave. The gentleman from Philadelphia asks

leave to make a motion at this time; shall he have leave?

[Cries of "no," "no;" "I object."]

The PRESIDENT. It is not agreed to.

Mr. HEMPHILL. Mr. President: I move that the Convention do now adjourn.

This was agreed to, and the President said:

"This Convention stands adjourned until Monday morning at ten o'clock."

Mr. BARTHOLOMEW. I beg the Chair's pardon; it is eleven o'clock.

The PRESIDENT. The resolution adopted by the House provides that from and after Monday next the sessions of the Convention shall be from ten A. M. to two P. M.

Mr. BARTHOLOMEW. Mr. President: The resolution says "from and after Monday," which certainly means that it shall commence only upon Tuesday.

The PRESIDENT. The Chair does not so understand it. The Chair understands that if the gentleman from Schuylkill were to come from Pottsville on Monday that he would not stay there until Tuesday morning. [Laughter.]

Accordingly the Convention, at two o'clock P. M., adjourned to meet on Monday at ten A. M.

FORTY-FIFTH DAY.

MONDAY, *February 17, 1873.*

The PRESIDENT took his seat at ten o'clock A. M.

The PRESIDENT. There does not appear to be a quorum present. The Clerk will call the roll of members, in order to ascertain whether there is quorum present.

The CHIEF CLERK proceeded with the call of the roll, which resulted as follows:

PRESENT.—Messrs. Achenbach, Alricks, Andrews, Bartholomew, Black, Charles A., Black, J. S., Boyd, Broomall, Brown, Campbell, Clark, Collins, Corbett, Corson, Craig, Cronmiller, Curtin, Dallas, De France, Dunning, Edwards, Elliott, Fell, Gilpin, Guthrie, Hanna, Hazzard, Hopkins, Horton, Kaine, Knight, Lamberton, Landis, Lawrence, Lear, M'Allister, M'Clean, MacConnell, Mantor, Minor, Mott, Newlin, Niles, Patton, Reed, Andrew, Ross, Sharpe, Simpson, Smith, Henry W., Smith, W. H., Struthers, Tarrell, Walker, Wetherill, John Price, Wherry, White, David N., White, Harry, White, J. W. F., Wright and Meredith, *President*—30.

NOT PRESENT.—Messrs. Addicks, Ainey, Armstrong, Baer, Baily, (Perry,) Bailey, (Huntingdon,) Baker, Bannan, Barclay, Bardsley, Beebe, Biddle, Bowman, Brodhead, Buckalew, Carey, Carter, Cassidy, Church, Cochran, Curry, Cuyler, Darlington, Davis, Dodd, Ellis, Ewing, Finney, Fulton, Funck, Gibson, Gowen, Hall, Harvey, Hay, Hemphill, Heverin, Howard, Hunsicker, Lilly, Littleton, Long, M'Camant, M'Culloch, M'Murray, MacVeagh, Mann, Metzger, Palmer, G. W., Palmer, H. W., Parsons, Patterson, D. W., Patterson, T. H. B., Porter, Pughe, Purman, Purviance, John N., Purviance, Samuel A., Reed, John R., Reynolds, James L., Reynolds, S. H., Rooke, Runk, Russell, Smith, H. G., Stanton, Stewart, Temple, Van Reed, Wetherill, J. M., Woodward and Worrell—73.

Mr. NEWLIN. Mr. President: If it is in order, I would move that the Sergeant-at-Arms be sent for the absentees.

The PRESIDENT. Such a motion is in order.

Mr. NEWLIN. I then make that motion.

Mr. BROOMALL. I would suggest that the usual motion is the martial one of closing the doors and sending for the absentees.

The PRESIDENT. A call of the House cannot now be made, as there is not a quorum present.

Mr. CORSON. Mr. President: I think there is a misapprehension in regard to the time of the meeting of the Convention this morning. I understand the resolution adopted by the Convention reads, from and after Monday the Convention would meet at ten o'clock A. M. I certainly was under the impression that the Convention met at eleven o'clock to-day.

The PRESIDENT. The Chair will state that when he returned to the Convention on Saturday, after his illness, he found a resolution had been adopted by which the Convention ordered the hour of meeting at ten o'clock A. M., "from and after Monday next," which is to-day. When a man makes a journey from Pottsville the journey begins when he starts from that point. When the Constitution says that the Legislature shall meet on the first Tuesday of January and hold its sessions until some time in March, it means that the session shall begin on the first Tuesday of January. The Chair regrets very much that there should be any mistake about a common English phrase, upon which it seems impossible to place but one meaning; but as there seems to be some misunderstanding, the Chair does not feel disposed to adopt any harsh measures and therefore he would suggest that the gentleman from Philadelphia (Mr. Newlin) withdraw his motion, as it will necessitate the adoption of rather harsh means to secure a quorum of the Convention.

Mr. NEWLIN. I withdraw my motion.

A QUORUM PRESENT.

Messrs. Gowen, Heverin, Church, H. G. Smith, Russell, Temple and Porter, having entered the Hall, the President an-

nounced that there was a quorum present and called the Convention to order.

FEMALE SUFFRAGE.

Mr. DE FRANCE presented a petition from citizens of Mercer county in favor of female suffrage, which was laid on the table.

PROHIBITION.

Mr. CRAIG presented three memorials, requesting the Convention to incorporate into the Constitution a clause prohibiting the manufacture and sale of intoxicating liquors, which were referred to the Committee on Legislation.

LIMITING DEBATE.

Mr. BROOMALL. Mr. President: I offer the following resolution:

Resolved, That general debate be closed in committee of the whole on the section pending, but that any member offering an amendment shall be allowed five minutes to advocate it, and the same time shall be allowed to some one opponent.

On the question of proceeding to second reading a division was called, which resulted—forty-three in the affirmative and eleven in the negative; so the resolution was read a second time.

Mr. M'CLEAN. Mr. President: I hope that this motion will not be adopted. I consider the question now before the Convention as one of surpassing importance, and insist that every gentleman who desires to express his views upon it should have the opportunity of doing so. I hope, for this reason, therefore, that this resolution will not be adopted, and that the debate will not be limited.

Mr. BROOMALL. Mr. Chairman: I offered the resolution thinking that the House had fully discussed the measure that is now before the committee of the whole. The rule that I propose is known as the five minute rule, under which any gentleman, proposing an amendment, shall be allowed five minutes to advocate it, and any one opposing it allowed the same time for reply. Clearly the resolution ought to be adopted. After the full debate that we have had on this subject, certainly five minutes is sufficient to explain any amendment. I desire to see progress made in the work of this Convention. We have made but little headway, and we will not get through in five years unless gentlemen will submit to some such rule as this at some time. I foresee that the whole of this week will be used in discussing this very question

unless debate be restricted. The debate is instructive, and the question is very interesting; but it is one on which every man has made up his mind, and we are prepared to vote upon it. It is true that some amendment may require a little debate, but I have provided for that.

Mr. M'ALLISTER. Mr. President: I call for the reading of the resolution. It was not distinctly heard in this part of the Hall.

The CLERK again read the resolution.

Mr. M'ALLISTER. Mr. President: I would simply say that I have for three days listened to the discussion on this subject without saying a word, and I desire, as chairman of the committee whose report is under consideration, a few minutes, to answer some of the numerous objections that have been made to it. I do not object to anything that will facilitate the work of the House at any time; but, under these circumstances, I submit that if the chairman of the committee is in duty bound to attend every day's session of the committee of the whole, and to hear all the arguments, with a view of answering any questions that may be asked him, I submit it is not his right that he should be permitted to make some remarks in reply upon the subject matter under discussion?

Mr. WHERRY. Mr. President: It seems to me that the proposition to cut off debate comes with a very bad grace from the gentleman from Delaware (Mr. Broomall.) Granting the right which the chairman of the Committee on Suffrage, Election and Representation undoubtedly has to advocate his report, after it has been discussed upon the floor by other gentlemen, it is the right and the privilege of the humblest member of this Convention to express his views upon a question of such vital importance as this. I know that there are gentlemen here to-day who desire to speak upon this subject, and who desire to put their views on record. Not only so, but I have been waited on by a delegation of the county in which I live, desiring, nay, almost commanding, me to place myself right on the record on this question, and I trust I will be given an opportunity to do so.

Mr. BROOMALL. Mr. President: I desire only to say that this rule allows the gentleman a full opportunity of putting himself on record. Under this very rule it is provided that he be allowed five minutes to do so, and at this stage of this de-

bate is not this long enough? I have seen this rule adopted in Congress, and it has worked well. Some of the very best speeches that have ever been made in that body have been made under it, in five minutes.

Mr. HEVERIN. Mr. President: I am convinced that no question will come before the Convention, or the committee of the whole, which is more responsible, probably, for the existence of this body than this very question; I certainly am opposed to any attempt to limit or circumscribe debate upon it, and I hope any opposition that may exist may be withheld, that we may have a full, fair discussion of its merits.

Mr. TEMPLE. Mr. President: I would like the resolution read for information.

The resolution was again read.

Mr. TURRELL. Mr. President: I have occupied, so far, very little of the time of this Convention, and I propose to take, perhaps, as little in the future, but if questions are debated here at length, it is a difficulty that we cannot avoid to some extent. I believe that every man here is the peer of his fellows, and he has the same right to be heard, and it is simply a question of judgment and discretion with him, for which he is answerable to his constituents. Therefore, I am not at present in favor of limiting debate more than we have limited it. I would leave the time open, and leave it with the gentlemen who are yet to speak upon it, and let them answer for it. It may be that the other members of the Convention may think differently from me in reference to this, but I hold that it is the right of every man here to be heard, and that we should give every man a full hearing, and judge of his argument.

Mr. PATTON. Mr. President: I heartily concur with the gentleman from Susquehanna, (Mr. Turrell,) in what he has just said on this subject.

Mr. BROOMALL. Mr. President: Inasmuch as there are so many who have not been heard upon this subject, in order to give them a chance to speak upon it, I will withdraw the resolution, promising to renew it again, this day week.

The PRESIDENT. That cannot be done, the House having acted upon it. Does the gentleman move to lay it on the table?

Mr. BROOMALL. Mr. President: I move to postpone it for the present.

The PRESIDENT. Does the gentleman move to lay it on the table?

Mr. BROOMALL. No, sir. I move to postpone it for the present.

Mr. D. N. WHITE. Mr. President: I offer the following amendment:—

Mr. HOPKINS. Mr. President: I inquire if a motion to postpone is amendable.

The PRESIDENT. No, sir; the amendment is not to the motion to postpone. It is to the resolution. The amendment will be read.

The CLERK. Mr. D. N. White moves to amend, as follows:

To strike out all after the word resolved, and insert, "that debate on the article on Suffrage, Election and Representation, now under consideration, shall be limited in committee of the whole to five minutes speeches."

Mr. DUNNING. Mr. President: I move to indefinitely postpone the whole subject.

On agreeing to this motion a division was called, which resulted: Thirty-nine in the affirmative, sixteen in the negative. So the resolution and amendment were indefinitely postponed.

CONVENTION PRINTING.

Mr. MANTOR. Mr. President: I offer the following resolution:

Resolved, That the Committee on Printing be requested to confer with the State Printer, and have all printed matter that is necessary for the Convention, ready each day, by nine o'clock A. M.

Mr. MANTOR. Mr. President: I have offered this resolution because we have changed the time of holding our meetings. Heretofore we have met at eleven o'clock. We have now ordered that our sessions shall commence at ten o'clock. This morning we have no printed matter before us, and I am informed by those officers and pages who put the printed matter on the file, that it will require from one and a half to two hours to properly arrange and distribute the files in the morning. Therefore, if our printed matter only reaches us at ten in the morning, when our sessions commence, we will be without our fresh files until noon. It is the duty of the State Printer to send this matter to us so that we can have it every morning at ten o'clock.

On the question of agreeing to the resolution, a division was called. Less than a quorum of a majority voting in the affirmative, the resolution was rejected.

LEAVE OF ABSENCE.

Mr. KAINE. Mr. President: I ask leave, at this time, to ask leave of absence for my colleague, Col. Collins, of Fayette, for a few days from to-day.

Leave was granted.

Mr. W. H. SMITH asked and obtained leave of absence for Mr. Baer, of Somerset, for one week.

Mr. BOYD asked and obtained leave of absence for Mr. Darlington, of Chester, for a few days.

Mr. ELLIOTT asked and obtained leave of absence for Mr. Mann, of Potter, for a few days.

POSTAGE ON DEBATES.

Mr. NEWLIN. Mr. President: I desire to state, for the information of the House, that, in accordance with the resolution adopted last week, I addressed a note to the Postmaster General in relation to mailing the Debates from Harrisburg, and have to-day received a reply stating that the necessary order had been issued.

PRINTING THE DEBATES DAILY.

Mr. DALLAS. Mr. President: I ask leave, at this time, to inquire of the chairman of the Committee on Printing (Mr. Newlin) what action has been taken on the resolution calling for information as to the arrangement of the State Printer to have the Debates published the day following that on which they are delivered.

Mr. NEWLIN. Mr. President: I will state that no action has been taken, except that a copy of the resolution was furnished by the Committee on Printing to the State Printer.

I would also take occasion, at this time, to correct a misapprehension that seems to exist in the minds of members of the Convention, of the exact position of the Committee on Printing and on Binding in relation to this matter of the Debates. The Committee on Printing reported a resolution soon after the Convention met in Philadelphia, which, in detail, arranged fully for the very difficulties, and sought to provide in advance for the very troubles, which have since arisen in the Convention. A motion was made in the Convention to strike out all after the word "resolved," and insert a resolution of instruction to the Committee on Printing, and that resolution carried. The Committee on Printing have since acted in accordance with that instruction, made a contract with the State Printer or with B. Singerly, which is the same thing, and re-

ported that contract to the Convention, and it was approved.

The committee went just as far as the resolution of instruction permitted them to go, and, in fact, went even farther, by putting in the contract a provision that if the State Printer did not fulfil his contract to the satisfaction of the Convention they might either order the printing at his expense or annul the contract.

All of the provisions which were inserted in the original resolution of the committee, in relation to the time of delivery, and in regard to having the Debates on the desks of the members of the Convention on the day following their delivery, were stricken out, so that the printer is not, nor has he been at any time, under instructions from this Convention to have the Debates on the desks of members the following day. The committee has, I know, been privately complained of, and the printer too, and for no just cause.

I will further state that until the fifteenth of January the Convention did not decide what kind of type should be used; that when they did they adopted leaded minion, and the printer has had types specially cast for this purpose, and it took the founders, here in town, a week or ten days to get up the necessary type, which would bring the printing up to about the twenty-second of January, so that the printer has only had since the twenty-second of January to bring up the Debates, when the Convention was nearly two months ahead of him.

THE BALLOT.

The PRESIDENT. The next business in order is the further consideration of the report of the Committee on Suffrage, Election and Representation.

So the Convention, as in committee of the whole, Mr. Lawrence in the chair, proceeded to further consider the report of the Committee on Suffrage, Election and Representation.

The CHAIRMAN. The question is upon the amendment to the first section, proposed by the gentleman from Somerset (Mr. Baer.)

Mr. HAY. I rise simply for the purpose of stating, that if the pending amendments are not approved by the committee, it is my intention to propose an amendment, to strike out in the second line the words, "may be open or secret, as the electors may prefer, and they," and for this reason, that it seems to me that the

first clause of this section is inconsistent with the remaining portion. The first clause provides that the ballots voted *may* be either open or secret, as the electors shall prefer, and it seems to me that that is inconsistent with the remaining clause of the section, which substantially requires that the ballot shall *not* be secret in any case, but shall be known at any rate, and under all circumstances, to the election officers. I can see no reason for retaining the second line of the section if the remaining clause is adopted by the committee.

Mr. M'ALLISTER. Mr. Chairman: I would say that I am instructed by the committee to substitute "folded" for "secret," so that it would read, "open or folded."

Mr. HAY. That, of course, will remove some objection to the language, but it does not remove the objection that the section is redundant in language and inconsistent in its different parts. I can see no reason for the insertion of the greater part of the second line. The voter of course can hold his ballot open as he approaches the polls now, but it is impossible to put an open ballot into the box; it must be folded before it is put in. If that provision should be stricken out, it would read substantially as it does now, and it would include the fundamental ideas of the section, namely: The numbering of the ballot and the writing of the elector's name upon it. In my opinion, no measure will be more conducive to the detection, and therefore to the prevention of frauds upon the ballot-box than a provision for the identification of the ballots actually cast by legal voters. The section under consideration effectually provides for such identification, and believing that if adopted, it will secure to the citizens of this Commonwealth some protection against such frauds in elections as have heretofore disgraced our State by their perpetration in some localities, I shall vote for the section even if its present form be retained.

Mr. M'ALLISTER. Mr. Chairman: I have listened with considerable attention and with great interest to the discussion of the last three days, principally because of the importance of the section under consideration. I consider it the foundation stone of the various provisions intended to protect the lawful exercise of the right of suffrage. I am fully convinced that there is not a provision reported by the committee to

protect the right of suffrage against which more plausible reasons cannot be advanced than against the one now under discussion. I cannot over-estimate, I am sure, the importance of protecting the ballot. That it has been desecrated—that it has been abused to such an extent that the representative body is no longer an epitome of the body represented, cannot be doubted. The right of suffrage has been struck at. We are in danger of having our republican institutions undermined, unless we do something to prevent the frauds that have been perpetrated upon the ballot.

The objections, Mr. Chairman, to this section may be summed up in a few words: First, that it destroys the secrecy of the ballot, and next that it is a combrous restriction upon the exercise of the right of suffrage. These are the sum and substance of the whole of the objections which have been raised by the opponents of the section under consideration. The gentleman from Indiana, (Mr. Harry White,) at the very commencement of this debate, worked himself into such a state of excitement that he invoked the aid of ten earthquakes to shake earth and sea, in order to prevent the consummation of such iniquity.

Mr. HARRY WHITE. Mr. Chairman: I do not desire to be misapprehended. I will state to the gentleman that I only invoked the aid of one earthquake.

Mr. M'ALLISTER. He invoked the aid of one earthquake then. He called for a commotion of the earth, sea and air in order to prevent, what? To prevent an inroad upon the secrecy of the ballot. Now what is this great secrecy for which he invokes the aid of supernatural power? It has been well denominated by the gentleman on my left a myth. In practice it amounts to nothing. In the borough in which I reside there are six election districts—two township districts and four borough districts. Regularly, at every important election, the result is announced by the men who stand at the windows, in advance of the counting of the ballots. The result so announced is often wonderfully accurate. How every man votes is known to every other man; and these results we have, annually and statedly, at every important election; and yet it is said the ballot is secret. It is not secret in practice. But if it were this section does not take away what secrecy that the ballot has. The endorse-

ment of the name of the voter upon the ballot by himself does not expose the way in which he votes. The endorsement of his name by another elector, if he cannot write, does not necessarily destroy the secrecy of the ballot. The majority of the electors receive their tickets from other persons; and if they cannot read they must get some one to read for them. The secrecy of the ballot is therefore taken away by that very act; and it is no more taken away by getting another person to endorse the name upon the ballot. Then when a man comes to the window with the ballot endorsed, is there any violation of secrecy? This section leaves to the Legislature to prescribe upon what part of the ticket the endorsement shall be made, how it shall be made, and in what manner the ticket shall be prepared. These are all matters of legislative action. Laws can be enacted in minutiae by the Legislature, and this duty should be left to it. The endorsement may be upon the outside, with the name of the office to be filled, if the Legislature so direct; and most probably the Legislature will direct that the endorsement shall be so made that it will not expose the person for whom the elector votes. If this be done the required endorsement will not destroy the secrecy of the ballot, but it will aid in unearthing the frauds which strike at the root of this great right of suffrage. Until there is an investigation before the proper tribunal the name of the person for whom the elector votes will not be divulged; but when such investigation takes place it is necessary that it should be divulged. Without such development being made there can be no exposure—no detection. All of these sections are designed to afford evidence of how the elector casts his vote in order to detect the fraud. That knowledge is essential to a conviction, and there can be no conviction of any criminal offender against the election laws unless we obtain witnesses to the frauds; and in the designated endorsement is afforded just such evidence. Has it been shown, or is it even pretended to have been shown, that this endorsement upon the ballot will not furnish the evidence upon which those who deplete upon the right of suffrage can be arrested and convicted?

Three or four principal modes in which frauds upon the ballot are usually committed. It has been shown that repeaters come in different dress to the same poll, or go from poll to poll repeating their

vote. Why is this done? Because there is no mode of identifying the person who casts the vote and connecting him with the vote in the ballot-box. Will not this afford that evidence? Will you not have the handwriting of the repeater, or the handwriting of another, to testify as to the identity of the person? Surely you will.

Then, again, the ballot has been taken from the hand of the voter, and by skillful manipulation another has been substituted for it, and dropped into the ballot-box. Will not that be detected when the box is opened, and the witness and voter is called? Surely it will. And, again, the ballot-boxes, with their entire contents, are changed. This fraud will also be detected, and the guilty perpetrators punished. Then, Mr. Chairman, the means are sufficient to correct the evils. The enormity of the evils is admitted, and the means of their correction are found in this very provision. Gentlemen are mistaken if they suppose that this great wrong upon the ballot is to be prevented without some trouble. It may be a little cumbersome, it may be somewhat difficult, for a man to write his name, or to get another to write it, but what is that trouble compared with the great end to be accomplished—the preservation of the ballot?

It is said that these frauds relate only to cities. They have been shown, however, to exist in the country as well. But if this were not so, if these frauds did not now exist elsewhere than in the cities, what assurance have we that they will not be carried into the country before another year? They spread, and spread rapidly; but suppose, for the sake of the argument, that they are now, and will continue to be, confined to the cities. Is not every voter in the country interested in the result of the election of the chief magistrate and other executive officers, including the State Treasurer? Is not every voter deeply interested in our judiciary, which is elected upon the general ticket? Are we to entrust those who do not receive a majority of rightful ballots with the administration of our laws? Surely not. We are then all interested, and should be willing to subject ourselves to some inconvenience.

The gentleman from Allegheny, (Mr. J. W. F. White,) whom I do not now see in his seat, argued learnedly against this section. I am ready to confess, Mr. Chairman, that if I had framed a Constitution at home, instead of coming to this Conven-

tion to deliberate, I should not have had the section now under discussion in it, because I was then wholly ignorant of the frauds which render such section necessary. It is well known that we are all fond of our bantlings, but it must not be forgotten that we came here to deliberate with a view of changing our minds when our judgments have been in error. This is the great advantage of deliberation and discussion.

We come here to ascertain the truth, and having ascertained it, let us march right forward to it. This is what I hope the Convention will do. The gentleman from Crawford (Mr. Mantor) has said that "a mountain has been in labor, and a mouse has been brought forth." The committee are sorry indeed that they did not have the advantages of that gentleman's superior judgment in order to the production of an elephant rather than a mouse. The committee endeavored to do the best they could, and certainly this is all that can be expected of anybody. The committee acted according to the best of its judgment, and we have had a great deal to do in order to provide a way to get ahead of these frauds that are being perpetrated, election after election upon the ballot.

It has been said, Mr. Chairman, that there are classes of people who object to presenting their votes at all, because they cannot be permitted to vote the secret ballot. The principle reason which has been assigned for this is that they are afraid of their employers. The classes of people to whom reference has been made in this connection are said to be miners, employees of railroads, and iron works, and tenants. Let me tell the gentlemen who made this assertion, that they are entirely mistaken. I come from a mining district, where coal and iron are mined in profusion. I come from a district where there are iron works and great numbers of employees. It is also a farming district, and tenants are numerous, and I say here, without fear of contradiction, that these men would consider it an insult, even to insinuate that they need the secret ballot for protection against their employers, or that they desired it. Instead of being unpopular with this class this measure would be hailed as the harbinger of good results from the labors of this Convention. There is not within the boundaries of the State a more independent class of people than these very laborers, nor is there any class of people less under the control of their employers in

the exercise of the right of suffrage. This class, I repeat, do not desire the secret ballot.

The gentleman from Allegheny (Mr. White) has said that he often scratched his ticket, and that he desires the right to do so. He says he desires this right, because he does not wish the manner in which he votes to be known. Now, the gentleman may desire to act upon this principle, but I must be permitted to differ with him, not only as to the propriety of his action, but as to its strict morality. I was taught, Mr. Chairman, on my mother's knee, to do no act which required concealment; to cherish no sentiment I would feel either ashamed or afraid, when called on, to express before any person on the face of the earth. That sentiment influenced alike my boyhood and my riper years.

Independence of character—that independence which influences a man to do right, and to desire no concealment in the doing of it—never leads a man astray. I submit then, although the gentleman from Allegheny would act upon a different principle, it is a principle upon which the community should not be encouraged to act. It is a principle productive of no good, but much evil. I prefer not to carry my ballot to the polls in a sneaking manner, though I may incur the displeasure of some politician, who afterwards, should I become a candidate, may mark me. Not at all. I would not inaugurate so cowardly a course of conduct for any cause, much less would I have it made an argument against a restriction necessary for the protection of the right of suffrage. I would not have the invaluable right of suffrage jeopardized and destroyed to secure the secrecy of the ballot to any man, whether employee or politician.

Mr. Chairman, considering this the foundation-stone upon which rest all the provisions tending to the preservation of the sacred right of suffrage, I hope these amendments will be negatived, and that when the Convention reaches a direct vote it will adopt the section as it has been reported, and substitute in place of the secret ballot the section as reported by the Committee on Suffrage.

Mr. COLLINS. Mr. President: I deem it my duty to say a few words upon this question, for I deem it to be a practical one, and one which I hope the Convention will examine with a great deal of care. It is a question in which the people of the State are eminently interested, and their

action will depend, in a great measure, upon the disposition which shall finally be made of it by the Convention. The proposition, as it has been reported by the committee, embodies a radical change in the manner of voting in the Commonwealth of Pennsylvania, and I would like to inquire what benefits are to be derived from such a radical change. If this measure which has been strongly urged in the Convention as the great panacea for all the election evils which afflict the State, will remedy the trouble under which we have been suffering for so long a time, we should certainly give it our support, unless in doing so we run into a greater error by the adoption of such a remedy. It is said that great frauds are practiced upon the people of Pennsylvania, and that this provision will remedy these frauds. Now, Mr. Chairman, every member of this Convention is certainly cognizant of how his own county is likely to vote, and has been for years. I know we have no difficulty in the county from which I come, and we are not troubled with any election frauds there. When I say that there have been no election frauds, I do not wish to be understood as meaning that there never were any fraudulent votes cast there, because probably three or four have been cast at the various elections. It is true that illegal votes are sometimes cast, but it is generally in the case of those who are justly entitled to vote, but they have not resided in the district the requisite length of time, and the votes are given under a misunderstanding. Systematic election frauds are, however, unknown to us, and consequently the county which I represent does not require this law which has been proposed for the protection of the ballot-box. There are, however, counties in the State where these election frauds are carried on, and it is evident that some protection against the recurrence of these evils should be afforded them. There are certain independent classes of people throughout the State, even among the laboring people, who do not care who knows how they vote, but there is still a large number who desire the secret ballot, because their daily occupations will not permit a free and independent exercise of the elective franchise in any other manner. It is this class of our citizens who need protection, and it is in their interests that I shall cast my vote. I have only made these few remarks in order that I might

place myself correct on the record when the vote shall be taken.

Mr. WHERRY. Mr. Chairman: I am glad that this discussion has narrowed down to the simple question, shall we retain in our organic law the principle of the secret ballot, or shall we require every elector, in the exercise of his elective franchise, to subject himself to the supervision of his fellow electors? That, Mr. Chairman, I understand to be the simple question under discussion.

Now, sir, for one, I am not willing to give my support, here or elsewhere, to any measure which will take from the ballot that distinctive feature which made it, in times past, so great a boon to people struggling for self-government. We, to-day, are struggling for self-government.

There are, as the gentleman from Schuylkill (Mr. Bartholomew) has well said, as many and as powerful engines of injustice, as many and as powerful forms of tyranny and oppression, in this State to-day as ever existed in England, where the secret ballot was counted a God given shield to the humble citizen. These monsters exist. They have but changed their forms, and if they wear shorter horns their hoofs are just as hard as they ever were.

I do not propose to repeat the arguments which have been adduced in support of the secret ballot. They have been clearly and eloquently stated. More than that, the burden of proof does not lie upon those who are in favor of the secret ballot. It is for the advocates of this strange and remarkable reform to show cause why we should introduce such a novel and untried feature into the Constitution of Pennsylvania. What are the arguments advanced in support of the open ballot?

In the first place, it is said "voting is a public function and therefore ought to be discharged in a public manner." Let us see if this is true.

There are two theories of the elective franchise maintained on this floor. On the one hand, it is held by the gentleman from Centre (Mr. M'Allister) that the elective franchise is a natural, inherent, in-born right; that it belongs exclusively to a certain superior being for whom I can find no generic name, either in the Bible, or in the dictionary, nor even in Darwin, [laughter,] who, as the representative head-centre, is to do all the voting for the family or tribe over which he is chief.

Now, sir, if this be true that the elector is the representative of his family or his tribe, then I deny that the elective function is a public one, that voting is a public duty. I deny that the representative citizen is accountable to the body politic or to the main body of his fellow electors for the manner in which he discharges his representative functions. When was it ever heard, sir, that a representative was answerable to his peers for the fidelity with which he discharged his delegated functions? The thing is totally absurd.

But, say others: "Suffrage is not a right; it is a trust—a public trust—and therefore ought to be discharged in a public manner." Now, sir, I admit the premise. I admit that the elective franchise is a trust simply. I will admit, even, that it is a public trust. But what is the trust? And for whom is that trust exercised? "Oh! for the State, of course!" That is the answer. "For the body politic; for the common weal of the aggregate mass of the citizens." Very well. I will accept that statement, too. The trust is held for the advantage of the body politic, for the common weal of the mass of citizens. But I want to know when and where it was ever held to be the duty of a trustee to administer his trust under the supervision, direction and control of him for whom he holds the trust? Who ever heard of such a doctrine? It is not so in private trusts. It is not so in the grand jury. It is not so in the petit jury. In truth, it is a principle of common law, founded upon common sense, that it is the first and chief duty of a trustee to administer the trust according to his own best judgment, for the advantage of him for whom he holds the trust. It may be, and it often does become, the duty of the trustee to carefully conceal from him for whom he acts the thing which he is about to do, or leave undone. So, also, must the voter, as the trustee of the people, have the right to determine for himself whether the interests of those for whom he acts will be best subserved by an open or secret exercise of his electoral functions.

But it is said by the gentleman from the city, (Mr. Simpson,) that "this open ballot is absolutely necessary to secure a fair expression of public sentiment at popular elections."

I am far from being convinced that the measure proposed would secure all, or half, or even a tenth of what is claimed for it by its advocates. There never was

a legislative enactment devised in the world that would hinder weak or bad men from the commission of crime. But granting that the proposed method of open voting would secure with certainty the result indicated by the ballots cast, it by no means follows that the vote would be a genuine expression of the honest opinions of the electors. On the contrary, I affirm that there is not an intelligent man in this Commonwealth, living in a district in which large aggregations of capital are employed in operations, who does not know that whenever the interests of those corporations demand it, the poor employee, the humble laborer, is first instructed, then advised, then persuaded, and then induced, and if these fail, is then compelled to give his support to a certain ticket, or to a certain candidate who will best represent the interests of the corporation by which he is employed.

God save the Commonwealth when this flood-gate of bribery, and corruption, and force is opened upon the voting population. Now mark an authority, I quote from Mr. Grote, who is confessedly the Thucydides of modern times, the most astute, as well as the most philosophical historian, who has written in the English language. Mr. Grote says:

"Publicity of votes cannot convert a single voter from dishonesty, but it will make a thousand honest voters dishonest against their own intentions."

There you have this argument crystallized into a single sentence. Publicity of votes cannot convert a single voter from dishonesty, but it will make a thousand voters dishonest against their own intentions.

Well, Mr. Chairman, the gentleman from Philadelphia (Mr. Woodward) says, "it is not manly to go sneaking up to a dark window with a little hole in it and stick in a dirty pellet of paper secretly." "It is not manly." Is it manly to buy your neighbor's stocks at par to-day, when you know that to-morrow they will be ten above, without telling him of the prospective rise? Is that manly? Is it manly to try to out-do your business rival by fair and legitimate plans and schemes without informing him what your plans and schemes and prospects are? Is that manly? I submit that all this cry about manliness is not argument at all. It is a false appeal to a false sentiment of the human heart. It is nonsense. This doctrine of manliness is platonic. It is Utopian. It is super-sentimental. It is the

opium-inspired dream of Coleridge, resounded in the dream-fugues of DeQuincey. It may be an easy thing for the gentleman from Philadelphia on my right (Mr. Woodward) to march boldly up to the polls with banner flying and trumpet sounding, and to proclaim aloud for what and for whom he votes. For, either from disgust or from a sense of superior virtue—I can't tell which—he has here at his seat, publicly renounces forever, the world, the flesh and the devil of politics. [Laughter.] It may well suit him to vote in the face of his fellow-men. It may well suit the gentleman from Philadelphia on my left (Mr. Gowen) to cast his ballot freely and openly, because, according to his own confession, he was sacredly set apart in his infancy from the contamination of political influences and political aspirations. [Laughter.] It may suit them, and others like them. But their testimony is of no value in a case like this. They live high enough above all these influences, and all this force, and all this compression, that may be brought upon the great mass of public voters. Their testimony is of no value. But take the testimony of the hundreds and thousands of poor day-laborers, in this Commonwealth. Put them on the stand. Those whose happiness, whose prosperity, aye, whose daily bread and the bread of whose children depends upon the good will and favor of their employers. Put them on the stand and ask them what voice they give in answer to this question. I dare you to ask the people of Pennsylvania on this question.

MR. HEVERIN. Mr. Chairman: I have but a word to say in reference to this subject, and that only under a realization of its importance to my constituency. I do not propose to advert to the arguments which have already been so ably presented to this body, both by those who are willing to hazard any experiments in the interest of reform, and those whose experiences enable them to perceive in the adoption of this amendment the correction of existing abuses; but I do desire to say, for the sake of those who are sensitive over the sanctity of an ancient institution, and in answer to those who have spoken so eloquently upon the secret ballot, that it does not merit our endorsement, either on account of what it has accomplished in the past or what it promises for the future.

In the first place I do not appreciate the punctillious reverence and the sentimental

superstition which hesitate to assail an existing institution on account of its antiquity. In our country, which is founded upon a system of innovation, where there are no endeared traditions to foster a false reversion for veteran abuses, and where there should be no desire to perpetuate them, these trite and ingenious appeals should have no effect; but, independent of this, experience teaches that this system does not deserve the oratorical homage which has been bestowed upon it by members of this committee. These extravagant laudations have been expended upon what history has condemned as a failure, and all this enthusiastic declamation about a great sacred right is a delusive fiction and romantic illusion. It is not a great right, and it has not been a great success; for nowhere, from the time of the *Dikasts* of Greece and the *Gabiniana Lex* of Rome has the secret ballot been used or practiced with salutary results, except, probably, in the colonies of Sydney and Melbourne, where the independence characteristic of the inhabitants of a new country in a manner diverted its evil tendencies.

Gibbon, in his history of the decline and fall of the Roman empire, dates the decline of the republic from the introduction of the secret ballot. That philosopher traces from the inauguration of this system, the destruction of public confidence, the loss of the ancient relation between patrician and client, the abuses of freedom which accelerated the progress of anarchy and despotism, and the general demoralization of the people which brought ruin to that country. So when it was adopted by the Legislature in Scotland during the revulsion against the court in the reign of Charles the Second, it failed to invest the voters with the protection anticipated, and there it left no monuments of its operations to bespeak it merit or invite imitation.

So in France, in the Chamber of Deputies, where it was a rule for five years from 1840 to 1845, it produced no good results. It disappointed its progenitors, and its advocates, and it was abandoned as a source of evil and abuses; whether it has been a success in the United States or not, we know this much, that no other system could afford greater opportunities for fraud, and greater obstructions to a free expression of the will of the people, and I certainly cannot enlighten gentlemen as to the effect of this system upon the city of Philadelphia. Its evils have been de-

tailed here by gentlemen who are competent to speak from experience in the matter, and certainly, if the narration of these have done nothing else, else I think they have enabled the members of this Convention to locate the modern Sodom and Gomorrah, and I fear if they were to hear much more in reference to our sinful and wicked condition, they would be prompted to an industrious pursuit of those possible *ten* who represent the sole prospect of our final salvation. Therefore I say that these gentlemen who admonish us to keep our sacriligious hands off this great and sacred right, should adduce some historical evidence to justify their position and to invite our support.

Another fact, Mr. Chairman, was adverted to by the gentleman from Cumberland, (Mr. Wherry,) that this franchise is not a private power, but a public trust. If it be such, certainly there is no other manner of exercising it, consistently with the spirit of our government, except in an open and frank manner? It is conferred upon certain conditions, and under certain qualifications. It pre-supposes in the recipient a competency to participate in the administration of our government, and any other exercise of it, than that which is open, public and frank, is subversive of the motives which prompted the institution of our system of government. As I said before, I do not intend to refer to the arguments which have been made in opposition to this measure, because the practical advantages which must result from this change in our election system, has been already elaborately discussed by my colleague from Philadelphia, (Mr. Cassidy,) but, when gentlemen say that this is the last protection of the working man, that to take it away destroys the last immunity of the artisan against the autocrat, that it enables the employer to prostitute a necessary dependence, to utilize and perpetuate with detrimental effect a relationship imposed by nature, and necessitated by the exigencies of society, that it enable the employer, through an enforced relationship, to pervert to private ends, and the gratification of political ambition, the exercise of a great right—I say, if they can adduce only such argument in support of their cause, then let us hasten the time and invite the means which will effect the abolition of a pernicious system that gives countenance to bribery, intimidation and coercion. Let us encourage the efforts and speed the work which seeks the destruction of an autocratic tyr-

anny, and the freedom of our enthralled yeomanry.

For these reasons, considering this question in an abstract view, and for the reasons which have been presented under a practical phase of the subject, I shall cast my vote in favor of this amendment, as reported by the committee.

Mr. DEFRANCE. Mr. Chairman: I do not know whether I will be able to be heard, or be able to say much. I am, at all times, in a great deal of pain when I am standing, but I desire to say a few words upon this question.

If there is anything that is important in this Convention, it is the question which is now before us. There is not a State Constitution in the United States which does not maintain that all just governments are the result of the consent of the governed. Unless this consent is fairly had, republican government is a failure; it is worse than a failure, it is a farce. Perhaps the forms of it will keep it up for a while, but eventually it will tumble together and become extinct.

Now the main question before us is this: Has our present Constitution, and the laws made under it, prevented fraud in elections? Is it certain that, at all times, our Executive has exercised his functions with the consent of the voters of this Commonwealth? Is it certain that the Legislature of Pennsylvania has always done so? Is it certain that county officers have not exercised their functions without having the consent of the voters? I think that is a fact beyond all doubt. I think there is no mistake that gigantic frauds have been practiced under the present Constitution; and it is our duty, and our high privilege, if possible, to change this so as to prevent it. I am not certain that this amendment will do all that is claimed for it, but I am certain that it will do a great deal that cannot be reached by the present Constitution and laws. Who are the men most likely to understand what would prevent fraud in the city of Philadelphia? I listened to the arguments of the gentleman whom I believed to be the most competent, and the most capable, and who had had the largest experience in examining into the frauds of elections. The argument of the gentleman from Philadelphia, (Mr. Simpson,) who first spoke upon this subject, seemed to me to be conclusive and positive that frauds could be found out under this system, if we adopt it. The next argument that drew my attention most closely

was the argument of the gentleman from Philadelphia (Mr. Cassidy.) It seemed to me that he showed beyond all doubt that frauds could not exist to the extent that they have done if this amendment were adopted.

Now, the main question, Mr. Chairman, is not as to the beauties of the present Constitution, how it has worked in some counties, but how it has worked altogether, everything considered. Has it worked well in this particular? In my judgment, it has not, and the committee, after thinking very carefully of all the plans that they could devise, having upon that committee the most competent men in that regard, have given us this section, and I have, after thinking upon the subject for a long time, carefully and diligently, come to the conclusion that it is a step, at least, in the direction of reform.

Now all the arguments upon the other side amount to this: "Let us alone; let the old Constitution be." They find fault with this article. They find fault with all the arguments which have been used, but they propose nothing themselves. Perhaps they propose something like an oath, or something of that kind. We have tried those things, Mr. Chairman, a long time, and we have found they do not work. We must have something by which we can ferret out the fraud and show how the ballot was given, or whether it was given at all.

I do not see so much to admire in the secret ballot as some gentlemen do. The gentleman from Allegheny, (Mr. J. W. F. White,) in speaking of it, said nobody had any right to know how we vote. That is a doubtful question, in my mind. If it is for the benefit of the republican—and we are all republicans, we all hope for the best—if it is best for the republic that the people should know how we vote, I say the State has a right to demand it of its citizens.

If there is any question upon which you and I, and all of us, have received, time and again, arguments and letters, it is this question of preventing frauds. Two-thirds of the letters which I have received have been about that question. They all ask: "Mr. DeFrance, can you not fix up some method to prevent frauds at elections?" Is not that the main question? And the point is shall we do it, or shall we just go on doing what has been done for years? I do not care for party power or anything of that sort, but I do not want it said: "I do not care how you vote; we

will hear from Philadelphia and Pittsburg." I want the thing fair and honest.

I do not care which side succeeds if that be the case.

For these reasons, and very many more that I could give had I strength, I will vote for this section.

Mr. BEEBE. Mr. Chairman: I have listened with a great deal of interest to the arguments *pro* and *con* upon this question. I have inferred from the remarks of the speakers that there is no individual question in which there is not an earnest desire, on the part of all the members of this Convention, to do what they can towards the reforming of what they assert to be a very great evil. I concede to them the right of opinion; and I will say that, in a majority of instances, the question has been discussed with fairness and fullness, and there has been conceded to others a freedom of opinion which is always commendable. In one or two instances the bravado style was assumed; the fearlessness was applauded of the man who, under all circumstances, would go up to the polls and proclaim to the world how he should vote, and would wonder that no others could be found to do as he did. That indicates to me, sir, a mind that, on general principles, presumes all other men to be bereft of individual characteristics, ideas or opinions. It may be regarded as an assertion, on the part of those who indulge in it, that they were born to supercede the necessity of others having any. When, however, they make the discovery to the contrary, they are apt to characterize those differences of opinion by such terms as "loathsome" and "disgusting;" but happily the number of these are few indeed.

After all the logic and the legal acumen that has been displayed in the discussion of this question, I have simply risen, sir, to make a few practical remarks upon the subject, as they shall present themselves to me, as a representative of what I believe to be the ideas of the masses that exercise the rights of freemen, without being interested as party politicians, tricksters, or any other of the many things bearing designations so unseemly as those mentioned by various members on this floor, the number and the kind of which I cannot even re-call, for want of familiarity with them.

The last gentleman upon the floor (Mr. De France) very well remarked, that he wished a system that shall work well as a whole, and that shall be satisfactory to the

majority. I, sir, believe that of seven hundred and fifty thousand voters that are in the State of Pennsylvania, at least five hundred and fifty thousand are ready to say that we *have* a system, a secret ballot, that is working well, and if in individual instances, as in the case of the city of Philadelphia, it has not done so, I believe it is upon the principle that *no* law will, where the majority of public sentiment is opposed to that law, where it is set at defiance by common consent, where there is neither sufficient judicial power, nor moral power, power of public sentiment, to trample these insults to the right of the ballot under foot, and put down this corruption even if it is understood that it should be done by a popular uprising, as instance New York, or failing that, by *lamp-post and hemp*.

I am not prepared to say that this necessity may not arise in the city of Philadelphia, and indeed one or other of these plans would seem to be the only means, according to the testimony of the gentlemen from Philadelphia, whereby they can ever purify their ballot-box. Why, sir, some years ago there was inflicted upon the masses of this State a registry law, by which there was a great deal of form and ceremony, and a great deal of labor and inconvenience imposed upon them. I say "inflicted" because, while I admit the propriety and necessity of a sound registry system, I cannot lose sight of the fact that just as soon as you digest a system that shall put the masses to great inconvenience and circumlocution, they become restive and dissatisfied, because in their hearts they know that they come up to the polls and vote as honest men. They do not like these restrictions. In our quiet borough, Pleasantville, the citizens—most of them business men, who pay scarcely any attention to such matters as election frauds, and the legislation relating thereto—men who had voted for twenty or twenty-five years when this law went into effect, had not attended to getting themselves registered. They went to the polls, as had been their custom, and, sir, *nobody knew them*—legally; they were not electors of the Commonwealth and were not entitled to the exercise of the elective franchise, and were compelled to go and get their "naturalization papers made out," as they facetiously termed it, and their citizenship, as it were, certified to, in order to make them respectable, and enable them to exercise the right of suffrage in that country where

they were born and had lived and voted for *twenty-five years*. We had to put up with that, and why? Because it was necessary, in order to purify the ballot-box in Philadelphia and other cities, and to stem corruption there. How many more of these special devices shall we have? Devices which of themselves are fallacious, and in no wise sufficient to accomplish the desired and intended result as *was* accomplished by the registry law.

It is not in the power of this body, or of the Legislature, to invent a system that will obviate this pollution, unless public sentiment itself shall first be aroused to its necessity, for the perpetuity of our institutions. It is not to be discussed that this section, as reported from the committee, is an emanation of the "circumlocution office," intended by a round-about way to secure an open ballot, and has been so recognized in the debates upon both sides of the question.

I apprehend, sir, that the few men who it is alleged, control the politics of Philadelphia will, if you have the open ballot, control it more extensively than now, and the seven-eighths of the people who, it is acknowledged, now take no interest in politics, except as manipulated by the other eighth, will continue to be equally indifferent, or else, in the presence of these bold, daring and blood-thirsty men—men capable of any crime in the calendar, according to several of the gentlemen from Philadelphia, the honest people will be forced to vote against their own convictions if they vote at all. The probability is, however, that they will stay at home. If the characters of the men who control elections in Philadelphia are fairly stated by the gentlemen of this Convention who have referred to them, not only will these evils follow the exercise of the open ballot, but, in all important general elections, like that of the last presidential election, these men, inflamed by passion and excitement, and stimulated by repeated visits to one or more of the thousands of dram-shops that surround them, will make the streets of Philadelphia run red with blood, for it is the admitted national characteristic of this class of men that all differences of opinion among them are speedily settled by the use of the knife and revolver.

My friend from Philadelphia (Mr. Jno. Price Wetherill) asked the other day: "Shall not the laboring men say, 'we prefer an open ballot and an honest one, to a secret ballot and a dishonest one.'"

I answer, that at least six hundred thousand of the voters of Pennsylvania will say to the gentleman from Philadelphia, (Mr. Jno. Price Wetherill,) "We are required to answer no such proposition. We vote a secret ballot and an honest one. We deem it a sacred right, and propose to retain it as such." When these men, who perform their duty like honest men, come to the polls and are told, "Sirs, there are certain restrictions thrown around this institution. You are considered dishonest until you are proved honest; you must do thus, and so; put down your name and your number, and get yourself certified to." Each man's first inquiry will be: "What politician's trick is this, to ascertain how I am going to vote, in order to whip me into the ranks, to support my party whether I will or no? What innovation is this upon my rights as a citizen—rights that I have exercised for so many years without let or hindrance?" Such, sir, will be the natural inquiry; and when you tell them that all this formality is "in order to secure fair elections in Philadelphia," the reasonable answer will be: "Let Philadelphia take care of herself; why should the whole body politic be inconvenienced to this extent for the benefit of those who do not appreciate the blessings of honest government sufficiently to make any sacrifice to maintain them?" In that answer there will be only too much truth, according to the testimony of the gentleman from Philadelphia on this subject, which, I believe, is undisputed.

Look for a moment at the practical operation of this new idea. In the month of February or in the month of November, months in which the weather is apt to be exceedingly inclement, cold and wet, men will be called upon to vote. Think of the thousands of laboring men who will have either to lose their day's work or who will have, at the close of their day's work, to go a distance of perhaps miles, to a school house, to vote; not a dwelling house within sight; no pen, no ink, nothing but cotton paper, and poor at that, upon which to write, and no means of writing. What are these thousands of voters going to say to these useless regulations? What are they going to do? Why, sir, they will be simply disgusted, and return to their homes considering themselves deprived of the right of the elective franchise.

There certainly are five hundred thousand voters in Pennsylvania who have

nothing in common with the argument of those who advocate this change. These gentlemen have discussed the question very fully, and have argued as if we had, all along, been groping in the dark, in gross and utter ignorance upon this matter of the secret ballot, and as if they had suddenly discovered that we had not understood the necessities of the human race at all; that the theory so long cherished and the practice so long established, by which we have believed ourselves to be protected in our civil rights, were mistaken and delusive, and that all men are sufficiently honest and truthful and unselfish to vote an open ticket, without fear of oppression, malice, revenge or ill-will. Why, Mr. Chairman, there is not a man on this floor who does not know of men—capitalists, manufacturers, railroad directors, contractors and others—who, when an election day should come on, under this "open" plan, would say to their employees, laborers and others: "Men, you will find your tickets in the office, as you go out, all ready and made up for you, where you can sign or the clerk duly certify, as is required by law. Take your ticket, each of you, and go up to the polls and vote it, or ——." You know the rest. Are there not men who would so dictate? Are no such influences to be detected by a careful observation? I have heard it stated that there are not; but I certainly believe there are, and there are few members of this Convention who are not cognizant of this condition of things in this and other States.

It is my conviction, sir, that instead of attempting an experiment of this kind, it were far better for us to leave this matter where it belongs—to the Legislature. I notice that there is now pending in that body, on this subject, a bill, presented by Senator M'Clure, and I ask, in all candor, and without in any manner meaning to derogate from the ability or dignity of this Convention, whether he has not—in earnest—the capacity, knowledge and ability, derived from experience, equal to the combined ability of this Convention, for the purpose?

There is another reason, however, of much weight, against the adoption of this measure. We are making a new Constitution for the future government of the people of Pennsylvania. We are submitting to them propositions of reform that should address themselves to the judgment and common sense of the people,

and we should not endanger the whole fabric of our labor by a clause, to say the very least of it, of questionable propriety.

Now, sir, I do not feel the slightest hesitancy in saying that that clause will make a difference of fifty thousand votes, upon the question of the adoption of this Constitution, if not submitted as a separate proposition.

I should like to hear the members of the Convention argue fairly this right of exercising the elective franchise. It is very easy, as Josh Billings says, for a man with eighty thousand dollars and free of debt to turn philosopher. It is very easy for men, situated as some of the members upon this floor are, to say that they do not care what people think when they vote. I apprehend one gentleman went a little too far when he said, in his zeal to carry out his idea, that he first learned at his mother's knee to do nothing which he would be "ashamed to do publicly and above board," for there are many things, Mr. Chairman, legitimate and righteous in themselves, which are not designed for the public eye. Besides, I doubt very much whether then and there the question of voting was discussed at all. Indeed, I believe the idea is of so recent a date that it can be traced no farther back than the report of the Committee on Elections and Suffrage.

I have endeavored to confine myself, sir, to a few remarks upon the practical application of this subject. I trust if the Convention decides to make a change, that it will be done with careful deliberation, and that such a change will be made as will be acceptable to the mass of our people, or that the whole subject will be left in such a way that the Legislature can control it. Change is not always reform.

MR. WALKER. Mr. President: Although I am sensible that the temper and patience of the committee is about exhausted, yet as it has been decided that this debate is to go on I would ask for a few minutes indulgence, whilst I give my views in favor of the amendment offered by the gentleman from Cumberland (Mr. Wherry.) I would prefer that the exceptional feature which it contains in relation to the single ticket voting was left out, but if this feature is retained, I shall still unhesitatingly vote for it, and if it is lost I shall most unhesitatingly vote against the section as it came from the Committee on Suffrage. Now, Mr. Chairman, I have no doubt that this commit-

tee, as well as every gentleman who has advocated the features of the provisions which have been reported by the Committee on Suffrage, are really in earnest when they urge the necessity of purifying the ballot and the ballot-box. I have no doubt of their sincerity or their honesty of purpose. I claim for myself, and I trust for those who coincide with me, some honesty of purpose. But there has been a great deal said about the sanctity of the ballot and the purity of the ballot-box. I am not one of those who worship when perhaps I ought to worship, but certainly I am no worshipper of the ballot or the box. I believe it is a principle which has been introduced into this and all other governments, in order to carry them on. It is by the ballot both you and I speak the sentiments which pervade our breasts. Our combined sentiments is the will and the power of this government, and that will and that power, thus evidenced, must be protected and rendered pure. If it is necessary to adopt the measure reported by the Committee on Suffrage, to accomplish this result, and it can be done in no other way, I am ready to vote for this measure; but I must confess that I think the gentlemen upon that committee are mistaken. Mr. Chairman, when this discussion commenced, the delegate from this city (Mr. Woodward) observed that he was in favor of *viva voce* voting, and it has been reiterated again and again in this Hall from that time until to-day. The gentleman from Philadelphia boasted that he was ready at any time to stand up and let the world know how he was going to vote.

I know the integrity and firmness of the gentleman; but I know that I am as firm and as unyielding as he possibly can be. I care not who knows how I vote. In the locality in which I live, my vote, even before the election, is always known; and if it was not, I have the nerve to stand up at the polls and to say to any gentleman who is desirous of knowing how I intend voting: "This is the vote John N. Walker casts, find what fault with it you please." But, Mr. Chairman, it is not for Judge Woodward, or myself alone, that we are here to frame a Constitution. The Convention has been assembled for the purpose of framing an organic law that will be suitable to the interests of all the people of the State. It has been assembled for the purpose of framing an instrument that will suit every variety of minds, sentiment or character of firmness

throughout the length and breadth of the State. One man may desire to vote in secret and another may not. One man may be timid and another bold. The bold man can show his hand, but the timid man may not have the nerve to do it. I think, then, that we ought not to agitate, in this Convention, the question of voting by ballot. In 1683, in Delaware county, where Penn initiated our government, the ballot was first introduced. In 1683 it was continued in the charter which was then renewed. And in the year 1696 it was continued in the amended charter. It was still continued in 1701, when the charters were all amended. The right to vote by ballot was incorporated in the Constitution of 1776, and was retained in the Constitution framed after the revolution. It was continued in 1790, and it was continued in 1838. The right to vote was not argued by the Legislature when they suggested amendments to the Constitution in 1850, in 1857, in 1864, or even in 1872. During all this time the right of voting by ballot has been the order of carrying on this government, and has it proved a failure? The gentleman from Cumberland, (Mr. Wherry,) in his argument this morning, spoke of Rome, England, France, and our glorious Union, and said that the history of all these countries have demonstrated that the vote by ballot has proved a failure.

Mr. Chairman, since the day the Pilgrim Fathers landed upon Plymouth rock, down to the present day, the vote has been by ballot in those eastern States, and I ask the gentleman if the system has proved a failure there. Is there any portion of the world where justice is administered better than in those New England States? Is there any place in the world where democracy is as pure and as genuine as it is there? Is there any portion of these United States where personal and private rights are protected and preserved as well as they are there? I am not a New Englander myself, but I know the history of those States. I know when a gentleman rises here upon this floor and asserts that the vote by ballot has been a failure in this country, that he perpetrates a libel upon these New England States. It has not proved a failure. It has not been a triumph. It has been demonstrated to be a perfect success. How is it in Pennsylvania? It has been urged that the vote by ballot has been a failure here. I deny it. From 1682 to this day, we have gone on, perhaps, as no

other people in the world in prosperity and in the accumulation of wealth, and the control of our property has been guarded and defended as well as in any other place. We have grown in riches. We have increased in population, and our government has, in the main, been pure. I know there have been impurities to which I might refer, but in Pennsylvania the elective franchise, as a general rule, has been correctly exercised.

I say, and I urge it upon this committee, that the failure of the elective franchise in Philadelphia is not in the ballot, but in those who should and do cast the ballot. It is not in the piece of paper itself, but it is in the indifference which is manifested by the citizens of Philadelphia. Its failure is owing to the want of patriotism, and in the want of interest on the part of the citizens of Philadelphia. This is the reason why so many frauds are committed in the city of Philadelphia.

Do not let gentlemen get up and say "the ballot is corrupted, the ballot has done all this," when they have the power and means within themselves to correct this evil. Why the other day it was said that throughout the city gambling went on rampant; that whenever you wished you could find a place for entertainment of that description. And one man, I do not even know his name, stood up and said "it shall stop." Siner and Kaas said "it shall not," and urged upon their friends that it should not stop. But that one man rose and like Old Hickory said: "By the Eternal! it shall!" And it did stop. I do not say that it has been arrested altogether, but I say that that evil, according to the papers, and according to general conversation, as I gather it by conversation with the citizens here, in this Convention and out of it, that evil has to a great extent been arrested. Therefore I urge that if the honest men of Philadelphia, and there are honest men here, if the intelligent men of Philadelphia, and there are intelligent men here, if those who value the institutions under which they live as they ought to be valued, and prize this government as it ought to be prized, will take a deeper, a more lasting and a more fervent interest in the administration of the government, this evil can be arrested. True, they may say, for a time, that it will not; but if our friends, such as I have described, will do as I said Old Hickory did, "by the Eternal! it shall stop," stop it will. Then the ballot will be kept pure, the elective fran-

chise shall be what it heretofore has been, and we will not degrade ourselves, for I look upon it as degradation, by inserting into our organic law a feature such as this coming from the Committee on Suffrage, Election and Representation.

Mr. CHAIRMAN: If I could not accomplish that desire in the way that I suggest, then I would even vote for this report of the committee, but I feel confident that we can otherwise accomplish it. In not one Constitution in this Union is there a provision similar to that which is asked now by this report to be introduced into ours. We have copied from Illinois, a Constitution that is but a compilation of private acts of corporations. We have copied from it until our Journals are full of extracts, and yet in that State, Mr. Chairman, there is no such provision as this. This Committee on Suffrage, Election and Representation has guarded against all frauds, as they think. They have incorporated an oath that I do not believe in, but they consider it necessary, and on the subject of the right to vote they have these words: "All votes shall be by ballot." That is what is in the Constitution of Illinois. If gentlemen are going to copy in other respects from that Constitution, in the name of honesty, in the name of integrity to ourselves, in the name of good constitution, let them incorporate that, and make that the provision in ours.

But, Mr. Chairman, I am not going over the arguments that have been used, *pro* and *con*, in this discussion. I rose simply to state some of the reasons why I shall not vote for the amendment of the gentleman from Fayette, (Mr. Kaine,) and why I wish to enter my earnest protest against incorporating in our Constitution a clause or a section such as has come from the Committee on Suffrage, Election and Representation.

Mr. WORRELL. Mr. Chairman: I desire to say a few words in support of the section, as reported by the committee, and in opposition to the proposed amendments. The provision which especially commends itself to my approbation is that which permits the elector to vote an *open* ballot. I believe that the people would, in a great measure, correct and punish frauds upon the ballot-box if the *proofs* of the frauds were presented to them at or about the time of the election. But the great obstacle in the way of remedying the evils of which complaint is

made is the fact that, at present, with the secret or folded ballot, we can, except in a few cases, do no more than *suspect* the perpetration of fraud in any particular district, unless a legal investigation shall have determined the commission of unlawful acts. And that citizen would be temerarious indeed who would express the belief that a particular election officer had not discharged his duties with propriety, for such expression might involve him in expensive and annoying litigation. Under the present system of conducting elections, except in rare instances, no one can be visited with public censure, no matter how justly merited, until, in due form of law, it shall have been adjudicated that he participated in the corruption of the ballot-box. Now I am one of those who believe that no one is entirely insensible to popular criticism and popular reprehension; and it is my firm conviction that many an unscrupulous officer would resist and overcome his inclination to violate the law if he knew that, on the day of *election*, his friends and neighbors would possess overwhelming and conclusive evidences of his fraud. And if such evidences existed *at that time*, the offenders against the purity of the ballot would, in a large majority of cases, be prosecuted and punished; such prosecution and punishment failing now, because the evidence is not at hand at the time, when the people are in the temper for indicting and convicting the offenders.

This section, however, affords an opportunity of obtaining such evidences at the moment the officers announce the result of an election. The honest citizens of any district can, under this section, protect themselves against fraudulent counts and false returns, by voting an *open* ticket and having memoranda of their votes made by some one selected for the purpose; and these memoranda, properly attested, would furnish the evidence for convicting the offender.

It has been said that, if this section be adopted, legal investigation *will* determine if any, and if any, what frauds have been perpetrated; but I approve it, because it will *invite investigation*; for, if such memoranda, as I have referred to, be made, the official returns will be examined and compared to decide and settle whether such investigation shall be had or not; for these memoranda, in any division in which they are carefully kept,

ought to furnish an absolutely correct account of the votes polled in the division.

Mr. GOWEN. Mr. Chairman: I simply desire, for a few moments, to call the attention of the delegates who do not come from the city of Philadelphia to the difficulty that exists in this city, and I particularly desire to say to the delegate from Erie (Mr. Walker) that in Philadelphia there was found not only one good man, as there was in Sodom and Gomorrah, but there were several hundreds and thousands of good citizens, who united themselves together as a reform association, and determined very quietly, but very thoroughly, that they would try to bring about reform and to punish all offenders. They did not, like old Hickory, swear to do this by "the Eternal," but they formed a compact association, and employed vigilant officers for the purpose of detecting and punishing fraud.

They found that a citizen of Philadelphia named Brown had been engaged, during the last election, in the pleasant pastime of visiting the different polls, in this city, and voting at each one by a different name. When it had been mildly suggested to this gentleman by the name of Brown, that it was improper for him to vote for Thomas Smith, he took the Bible and, with great solemnity, swore that he was Thomas Smith, and he voted accordingly. When he went to the next poll and offered to vote in the name of David Jones, the same quiet but earnest objection was made to his course, but he again took the Bible in his hand, as before, and swore that he was David Jones, and voted in the name of David Jones. He continued this during the day, until his course was arrested, either then or at some future time, by a warrant issued at the instigation of this reform association, under the direction of the United States district attorney, who is an upright and honorable officer. The case of this Mr. Brown came up before the United States district court, and the testimony was so overwhelming that the utmost a jury of his sympathizing fellow-citizens could do for him was to say that he was guilty, and to recommend him to the mercy of the court. The judge sentenced him, I think, to eighteen months' solitary imprisonment, and a few weeks afterwards he was pardoned by the President of the United States. It is currently believed that the district attorney is to be removed, in consequence of his interference with

the freedom of Mr. Brown, but whether the judge of the district court is to be impeached has not yet been determined.

I therefore say that in Philadelphia we have done all we can, and that we are powerless. It is not alone Philadelphia that is injured by the election frauds in this city. The election in Philadelphia sometimes controls the election in the whole State. It will not do, therefore, for gentlemen from districts outside of Philadelphia to say that we must take care of ourselves, for the only hope the citizens of Philadelphia have is from the people who live in the other portions of the State; and if the people outside of Philadelphia are so determined that this city shall take care of itself, they will find, when it is too late, that Philadelphia has not only taken care of itself in this particular, but has exercised so much care over the elections in the country districts that no matter how honestly the latter may have been conducted they will be set aside by the vote in Philadelphia.

The evils which exist here affect the purity of the ballot-box over the whole State, and unless gentlemen who are in this Convention from districts outside of Philadelphia will do something to help us, they will find when it is too late that they are powerless to help themselves.

The question being upon the amendment to the amendment, as offered by Mr. Baer, it was rejected.

Mr. BRODHEAD. Mr. Chairman: I now move to amend, by adding to the end as follows:

"Provided, That in elections for county, township and municipal officers the endorsement of his name upon his ballot shall be optional with the elector."

I wish to say, in offering this, that I am heartily in favor of the clause as it stands in the report of the committee. In my opinion, however, it does not go far enough. While it provides for identifying the ballot and the voter, it does not provide for the *security* of the ballot-box, and it is quite apparent that in protecting that you protect the ballot with a most material form of protection.

The CHAIRMAN. The Chair would suggest that that amendment would come in more aptly at the end of the section.

Mr. BRODHEAD. I thought of adding it to the section.

The CHAIRMAN. It will lie over until we come to the end of the section.

Mr. BROOMALL. Mr. Chairman: I ask if an amendment is now in order?

The CHAIRMAN. An amendment to the amendment is in order.

Mr. BROOMALL. Then, sir, I offer as an amendment, the precise provision of the old Constitution :

"All elections shall be by ballot, except those by persons in a representative capacity, who shall vote *viva voce*."

Mr. HARRY WHITE. Mr. Chairman: I hope the amendment of the gentleman from Delaware (Mr. Broomall) will be withdrawn until we have a vote upon the proposition of the gentleman from Cumberland (Mr. Wherry.)

The CHAIRMAN. If the proposition of the gentleman from Delaware (Mr. Broomall) be adopted it strikes out the other.

Mr. WHERRY. Mr. Chairman: I rise to a point of order. The amendment offered by the gentleman Delaware (Mr. Broomall) is not an amendment at all, but the exact provision of the present Constitution, and cannot be moved in amendment of this section.

The CHAIRMAN. He can move that as an amendment if he pleases.

Mr. BROOMALL. Mr. Chairman: If it is necessary or desirable to have a vote first upon this proposition of the gentleman from Cumberland, I withdraw my amendment to the amendment for the present.

Mr. HAY. Mr. Chairman: I desire to ask the mover of the amendment, and also of the proposition just withdrawn, whether such a construction has not been given by the courts of the Commonwealth in regard to the ballot, as to prevent the Legislature from saying that the ballot shall be "open." Under such a provision would not the Legislature be confined to such regulations on the subject of voting as would, nevertheless, continue the secret ballot exclusively in force.

Mr. WHERRY. No, sir. I would answer the gentleman by stating that it is a disputed question in this Commonwealth whether a man *can* vote an open ballot, and yet we know they are voted. I know they are voted in my district. All I want is that this matter shall be left to the Legislature to determine how these ballots shall be cast.

Mr. HAY. I think, sir, that the fundamental idea of the ballot, where there is no qualification of the expression, is that it must be *secret*. I believe our courts have so decided.

Mr. SIMPSON. Mr. Chairman: I would say to the gentleman from Cumberland (Mr. Wherry) that the law expressed so

that a ticket must be polled so that the names therein shall not be seen. That is the law, and any election officer in this Commonwealth who should attempt to take a ticket in any other manner from a voter could be prosecuted.

The question being upon the amendment of Mr. Wherry, it was rejected.

Mr. BROOMALL. Now I offer my amendment :

"All elections shall be by ballot, except those of persons in a representative capacity, who shall vote *viva voce*."

The question being upon the amendment of Mr. Broomall, it was rejected.

Mr. BARTHOLOMEW. I move to amend the section, by striking out the word "shall," where it first occurs, and inserting the word "may."

["No." "No."]

Mr. M'ALLISTER. Mr. Chairman: I think it is time now to introduce the alteration, desired to be made at the suggestion of the committee, to strike out "secret" and insert "folded."

The CHAIRMAN. The gentleman must wait until the motion of the gentleman from Schuylkill (Mr. Bartholomew) is put.

The question being upon the amendment of Mr. Bartholomew, it was rejected.

Mr. M'ALLISTER. I now move to strike out the word "secret" and insert "folded;" that the ballot shall be open or folded, as the elector shall prefer.

At the suggestion of a number of friends of the measure I withdraw this amendment, and leave the words as they are.

Mr. DUNNING. Then I renew the motion.

The question being upon the amendment of Mr. Dunning, it was rejected.

Mr. D. N. WHITE. I offer the following amendment :

"All elections by the people shall be by ballot; the names of the electors shall be entered on a list and numbered in the order of their voting; and each elector's ballot shall be numbered to correspond with his number on the list. All elections by persons in a representative capacity shall be *viva voce*."

The question being upon the amendment of Mr. D. N. White, it was rejected.

Mr. HAY. I propose to amend, by striking out the following, after the word "voted:" "May be open or secret, as the elector shall prefer, and they;" so that the section will read :

"All elections of the citizens shall be by ballot. The ballots voted shall be num-

bered by the election officers when they are received," &c.

That amendment is the one of which I gave notice this morning. I do not think it affects the meaning of the section at all; it simply cuts off redundancy of expression. I do not understand that the Committee on Suffrage has any great objection to the amendment; and it strikes me that if this amendment is not adopted, the clauses of the section will be somewhat inconsistent with each other—one clause providing that the ballot shall be secret, the other that it shall not.

The question was then taken on the amendment, and it was not agreed to.

Mr. HANNA. Mr. Chairman: I move to amend, by striking out all after the word "received," in the first sentence of the section, and inserting the following:

"Each elector shall write his name upon his ballot, but if unable to write he shall cause his name to be written thereon and attested for him by another elector of the district who shall not be an election officer."

Mr. H. G. SMITH. Mr. Chairman: I move to amend the amendment, by striking out the words "and attested for by him."

The question being upon the amendment to the amendment, it was not agreed to.

Mr. LAMBERTON. Mr. President: I move to amend the amendment, by striking out the word "elector," in the concluding sentence of the section, and insert "citizen." It seems to me by striking out the word "elector" and inserting "a citizen" that the voter who is about to vote will then be enabled to have the attestation of some member of his own family who may not be an elector. It may be a minor, his wife or his daughter.

The amendment to the amendment was agreed to.

Mr. ARMSTRONG. Mr. Chairman: I call for a division on the last vote. I desire to know if the word "citizen" includes children, babies, and idiots. There must be some sort of limitation. The word has too large a signification for using it in this sense, the signature of a person might be attested by another wholly unable to give evidence in a court of justice. It seems to me if the word citizen is used, it should be used with a limitation, as for instance, "a citizen of age," or "a citizen competent to testify." The purpose of the attestation is that it should be done by one who will be a

competent witness to prove the signature if it becomes necessary in a court of justice.

The CHAIRMAN. The Chair will withdraw his decision of the question and leave it open.

Mr. M'ALLISTER. Mr. Chairman: I desire to say only one word upon this question. It was very well considered before the committee; and there were various opinions entertained by the members of the committee; but after full consideration it seemed to be conceded that the word "elector" was the proper one to be inserted.

Mr. BIDDLE. Mr. Chairman: I am in favor of this change of the word "elector" to "citizen." I can see a great deal of good in it and no possible harm. Why should not a man's wife write his name if he cannot write it himself. Why should not his son if he is himself unable to do so. Are we to be told in this Convention that a man's wife and son who are legally competent, are not to testify in a court of justice? It is really tantamount to saying that the name can only be written by an elector. I am opposed to any unnecessary restriction of the rights of the voter, and this certainly seems to me to be an unnecessary restriction. I am in favor of preserving, so far as I can, the right of an elector to cast his vote with as little publicity as possible, and I know of none better qualified to attest the writing of his name so well as the members of his own household, and of his own household none so well qualified as his wife, if he has one. She certainly is not disfranchised from giving testimony in courts of justice, and unless some better reason than has been given in favor of retaining the original word in the section is given, I shall vote for the amendment.

Mr. BROOMALL. I would suggest to the gentleman who offered this amendment, that this difficulty can be removed by substituting, in the place of the words "citizen," the words, "a competent witness."

Mr. LAMBERTON. Mr. Chairman: The fourteenth amendment to the Constitution of the United States defines who are citizens of the nation and of the States. It is objected to the use of the word which I propose to substitute for the word "elector," that it necessarily includes minors, idiots, and persons who are non-compes. Now, Mr. Chairman, let the intelligence of this Convention for a moment think of the inconvenience which will be

undergone by an elector who is about to make up his ballot at home—the very place I wish to reach by this amendment. There may be no other elector there that he can call to attest his signature; but his wife, who will know the candidates he endorses, will be there, or an intelligent son may be there, who would be a competent witness in a court of justice. It is not likely that a husband or a father would go outside of his own home to call in a habitual drunkard, or one who is not a competent witness, to attest his signature placed upon the back of his vote. It is because I want to throw around the signature itself every protection which has been referred to, and it is because I do want to have a competent witness to attest the signature that I have named the word "citizen" instead of "elector."

Mr. ARMSTRONG.. Mr. Chairman: This Convention is evidently called upon to wrestle with a hydra-headed monster, and there is not a citizen in the State but must be conscious that the main purpose for which this Convention has been called is to arrest that tide of fraud which bids fair to sweep our institutions into confusion, if not destruction. We are here to arrest the evils that pertain to the system. We are not here to provide safeguards for honest men, but a mode to prevent dishonest men from perpetrating fraud with impunity. Now my friend from Dauphin (Mr. Lamberton) refers to the Constitution of the United States as defining what is a citizen; but he knows very well that it is not only within the letter of the law, but within the adjudicated cases, that a person born is a citizen, and presumptively a native citizen of the land; and he knows, further, that the very purpose of insisting upon the writing of the name upon the ballot is not to secure the right of voting to those who would properly vote, but to prevent those from exercising it improperly who would desire to corrupt the entire elective franchise.

My friend from Philadelphia (Mr. Biddle) suggested that the wife, daughter or sister might be a competent witness. So they might be, if they were adults, and of sound mind; but we are constructing a section; we are providing here a safeguard for the elective franchise, and although such persons, under the term citizen, would be competent witnesses, it by no means excludes the fact that the child, just able to write his name, would also be within the entire purview of this expression. Therefore, a child, just learn-

ing to write his name, whose memory would not carry his recollection of the fact of his signature beyond a year, and who would not be admitted in any court of justice whatever, as a competent witness for any purpose, might have his name written upon a vote, and it would be an attestation within the full letter of this law.

What I desire is, and I think it is the purpose of the Convention, that such language shall be used as will exclude any person who is not a competent witness, from giving evidence of the fact that the vote which he attested was properly attested. Why use this word citizen? It is too large in its meaning. It covers a scope which would be utterly useless, and would render this section inoperative, because it would be the easiest matter for those intending to perpetrate a fraud upon the election to write the name and attest it by the name of a citizen not known to the district, and not known to the citizen.

Mr. LAMBERTON. Will the gentleman permit me to make a suggestion?

Mr. ARMSTRONG. Certainly.

Mr. LAMBERTON. I will suggest that the section, as amended, would read, "by another citizen of the district."

Mr. ARMSTRONG. I will inquire of the gentleman if every man's baby is not a citizen?

Mr. LAMBERTON. No doubt; but no man would call upon a baby who could not write to attest his signature.

Mr. ARMSTRONG. That might or might not be. I will ask the gentleman by what construction of this law the baby would be excluded?

Mr. LAMBERTON. By none whatever.

Mr. ARMSTRONG. That is the answer.

Mr. BIDDLE. Allow me to make a suggestion.

Mr. ARMSTRONG. Certainly.

Mr. BIDDLE. The language is: "Must be attested." Does not that *per se*, by the force of the term *ex vitermini*, mean a person competent to testify. Attested means: Vouched by him or her who attests the witness. Does not that cover the whole ground?

Mr. ARMSTRONG. It might or might not. Suppose a child able to write his name, four years of age, were to sign as a witness, could he give evidence?

Mr. BIDDLE. No, because the laws of the land do not allow him to testify.

Mr. LAMBERTON. There is nothing in the law of the land to exclude it.

Mr. ARMSTRONG. And yet the judge, in the exercise of his discretion, would not permit it, so that it raises an unnecessary question, and it presents the question to a tribunal that is not competent to decide it. I see nothing to be gained by the amendment. This section is well and carefully guarded, and properly expressed, when it provides that the person who undertakes to attest the vote shall be a person known to the district, and who can, if necessity requires, be called upon to give evidence to that vote.

Mr. BIDDLE. Does the gentleman from Dauphin (Mr. Lamberton) object to adding the words "competent to testify?"

Mr. HOWARD. I want to ask for information, whether this is an amendment to the section, or an amendment to an amendment?

The CHAIRMAN. An amendment to an amendment.

Mr. GOWEN. Mr. Chairman: I desire to present this consideration, which strikes me as one very great difficulty in the way of accepting the amendment of the gentleman from Dauphin (Mr. Lamberton.) Let us suppose that the elector has his ballot signed and attested by his wife. Suppose, upon opening the ballot-box, there is found in that ballot-box some other ballot purporting to be signed by this elector, and he is indicted for the crime of voting twice, can his wife be a witness for him? Certainly not; she is not competent. Therefore, the very citizen himself, by asking his wife to sign his ballot, excludes all witness in his behalf.

Certainly, it seems to me, that nobody should attest this, unless it be a person who, in all circumstances, and in every proceeding in court, whether civil or criminal, would be a competent witness, not only for the Commonwealth or the officer voted for, but a competent witness to protect the voter himself, which the wife is not and cannot be.

Mr. SIMPSON. Mr. Chairman: In discussing this matter in committee, the point which seemed to rule in the mind of the committee was this: Suppose, in the investigation of a contested election case, a man who had voted had died, and his ticket was endorsed by some person, how much easier it would be to prove the handwriting of that elector, who would be known, perhaps, to forty or fifty out of two or three hundred, than if some citizen had signed it, who was not known to anybody. For that reason the word "elec-

tor" was taken, because the signature of that elector could be proved, as well as the name of the man in whom the vote had been cast.

The law now is that if a man goes to vote and his right is challenged, he must call an elector to prove his right, not a citizen; and we want to keep up the same method and the same principle. The right of a man to vote must be challenged by one of his peers.

Mr. HOWARD. Mr. Chairman: I was going to suggest that the way out of this difficulty would be to vote down the amendment to the amendment, and then, to meet the objection of the other delegates, strike out the words "another elector," and insert "by a competent witness." That is all we should ask, it seems to me.

The CHAIRMAN. Will the gentleman from Dauphin (Mr. Lamberton) agree to that modification?

Mr. LAMBERTON. Yes, sir.

Mr. KATNE. Mr. Chairman: If we are to have this provision in the Constitution let us have it pure and simple; let us have it perfect; let us have it as the committee has made it. There can be no trouble whatever if we have this thing, if an elector shall sign his name upon the ballot as a witness. We are proposing to purify the ballot-box, and if we do it in this way let us confine it to electors, both as to the voter and as to the witness.

The question being taken upon the amendment of Mr. Lamberton, as modified, to the amendment of Mr. Hanna, to strike out "another elector," and insert "a competent witness," it was not agreed to.

The CHAIRMAN. The question is upon the amendment of the gentleman from Philadelphia (Mr. Hanna) to the section. The Clerk will read the amendment.

The CLERK read:

Strike out all after the word "received," in the third line, and insert as follows: "Each elector shall write his name upon his ballot, but if unable to write he shall cause his name to be written thereupon and attested for him by another elector of the district, who shall not be an election officer."

The amendment was not agreed to.

Mr. BOYD. Mr. Chairman: I offer a substitute for the whole section.

The CLERK read the substitute, as follows:

Strike out all after the word "section," and insert: "All elections shall be by ballot,

except those by persons in their representative capacity, who shall vote *viva voce*: but in any city, borough or town, containing a population of at least fifty thousand inhabitants, the ballots shall be numbered by the election officers when received, and each shall have endorsed upon it the name of the elector, written either by himself or by another citizen of the district, who shall not be an election officer."

Mr. BOYD. Mr. Chairman: That proposition, as the committee will observe, will leave the country districts as they are. It seems to me to be plain from the debate that we have had upon this subject from gentleman representing the rural districts, that they are in favor of the present mode of voting. It is equally clear that there is a remedy called for in the cities; and it is no more than right that that remedy should be afforded, inasmuch as it is well known that there are frauds of a gigantic character always going forward at elections in the city.

Now my proposition is, that in all cities with a population of fifty thousand and upwards shall have the ballots numbered and the tickets signed by the voter. In a word the provisions of the section shall be applied to the cities and leave us in the country alone.

I do maintain that in the section of the State from which I come we have no such thing as election frauds. There may be a chance illegal vote through a misapprehension or even sometimes through design, but they do not amount to enough to change the result; and I think that is the concurred testimony of every gentleman who has spoken upon this subject, save and except, perhaps, the gentleman from Washington (Mr. Hazzard.) If that is the case, why should the people in the rural districts be obliged to undergo this kind of inconvenience.

If the gentlemen in the cities desire a remedy for these frauds, I would respectfully recommend them to vote for my proposition. Then we will vote together, but if you cannot accept it we will be obliged to vote against the section as reported by the committee. That is about the position in which the thing is.

Mr. ROSS. Mr. Chairman: I have not before occupied the attention of this Convention, and I do not propose now to take up very much time; but I desire to say one or two words in support of the amendment which the gentleman from Montgomery (Mr. Boyd) has just offered upon this subject. I am amongst the number of those who

believe that a change in the mode of casting our ballots is demanded throughout the length and the breadth of this State, and I would advocate, if that were the amendment before the committee, a *viva voce* vote upon the occasion, when we commit our suffrage to the ballot-box; but, sir, the amendment offered by the gentleman from Montgomery (Mr. Boyd) meets the difficulty which I have seen in the section as reported from the committee. I come, sir, from a rural district. I come from a district in which it will be impossible for the electors to comply with the provisions of this section. Our polls are open, as the law directs, but the voters frequently do not assemble until late in the day. They assemble, in country districts, far away from writing facilities, away from inkstands, away from pens, and from lead pencils, and to require the electors throughout the country to write their names upon their ballots would be simply requiring them to write upon the wheels and the seats of their wagons, and would delay and encumber the process of election to such an extent as would materially affect the result of an election.

Now, sir, I believe that this measure is necessary in our cities. I believe it will be wise and beneficent in its results there; but I believe, also, it will meet with opposition of a most serious character from the same portion of the State if it is sought to enforce its provisions there and, therefore, I desire to say the single word that I have said in support of this amendment of the gentleman from Montgomery, (Mr. Boyd,) that it will meet the approval of Philadelphia and the cities, while it will not meet the objection of the country districts which the section reported by the committee will excite.

Mr. LILLY. That amendment does not go far enough. The Legislature has just now several contested election cases before it, and has always had some, and there are always as many from country districts as from city districts, so that making this apply only to cities of fifty thousand inhabitants would leave the corruption still almost untouched.

Mr. SIMPSON. In answer to what has been said by the gentleman from Montgomery (Mr. Boyd) and the gentleman from Bucks, (Mr. Ross,) I would say that there are just as many frauds perpetrated outside of the city of Philadelphia as in it.

[Several delegates: "Where?"]

Mr. SIMPSON. In the country districts. In Bensalem township, in the county of

Bucks, in 1868, it was proved that twenty-seven votes were taken out of the ballot-box while the election officers were at dinner, and twenty-seven others substituted for them.

Mr. BOYD. Mr. Chairman: I have been charmed with the eloquence of the gentleman from Philadelphia (Mr. Simpson) on this subject of frauds at elections, until the thing is becoming somewhat wearying.

The CHAIRMAN. Does the gentleman from Philadelphia (Mr. Simpson) give way?

Mr. SIMPSON. No, sir; I do not.

Mr. BOYD. Oh, you do not. [Laughter.]

Mr. SIMPSON. I further desire to say, Mr. Chairman, that there is nothing in this section that requires pens, or ink, or inkstands, or anything of that kind. It simply says his name shall be written upon the ticket. I presume he may write with pencil sometimes, as I sometimes do when I wish to erase one name from my ticket and insert another.

I desire to say, in answer to the argument that, if this is put into the Constitution, it will meet with opposition; I would say there is not one single measure of reform that can be adopted by this Convention that will not meet with opposition somewhere. As was well said, this morning, these frauds are like corrupting sores upon the body politic. You must apply the corrective, not merely to the place where they now exist, but you must prevent their spreading into other localities. Therefore, you want this provision for the whole State, not merely for cities. As was observed, by the gentleman from Carbon, (Mr. Lilly,) the records now being made at Harrisburg will tell in other localities than cities. Why, sir, in 1868 frauds were proved in Bucks county, and in 1870 frauds were proved in investigating the elections in the county of Somerset, in the county of Bedford, in the county of Fulton, in the county of Adams and in the county of Bucks. So that it is not merely cities for which this provision would be necessary, but the whole Commonwealth. The design is to protect against frauds everywhere by rendering its detection easy. This section will certainly lead to the exposure of the fraud and the correction of the evil resulting from it, and I therefore hope there will be no distinction made as between the city and the country.

M. CORBETT. Mr. Chairman: I am in favor of making this provision general, and not merely applicable to cities. I am opposed to any special provisions of this sort, and prefer a provision extending throughout the whole State.

Much as is said about the country, I certainly think we can submit to a little inconvenience there. I have lived in a country district all my life, and I think we can comply with this provision entirely. I see no reason for making the provision applicable only to cities, because we do not know where fraud is to be anticipated. I shall therefore vote for the report of the committee as it stands.

Mr. HANNA. Mr. Chairman: The amendment offered by the gentleman from Montgomery, (Mr. Boyd,) is so entirely different from the proposition as submitted by the committee, that I think we ought not be called upon at this time—within a few minutes of the hour of adjournment—to vote upon this question. We ought to have a little time to reflect. I therefore move that the committee rise, report progress, and ask leave to sit again.

The question being upon the motion of Mr. Hanna, a division was called, and resulted: In the affirmative, thirty-seven; in the negative, thirty-six.

So the motion was agreed to.

IN CONVENTION.

Mr. LAWRENCE. Mr. President: The committee of the whole has had under consideration the report of the Committee on Suffrage, Election and Representation, and has instructed me to report progress and ask leave to sit again.

The PRESIDENT. The chairman of the committee of the whole reports that the committee has had under consideration the article from the Committee on Suffrage, Election and Representation, and has instructed him to report progress, and ask leave to sit again. Shall the committee have leave?

["Aye"—"Aye."]

The PRESIDENT. At what time?

["To-morrow."]

The PRESIDENT. No other time being named, the committee has leave to sit to-morrow.

THE EASTERN PENITENTIARY.

Mr. CORSON. Mr. President: There being nothing before the Convention, I would like to call the attention of the members to the fact that, on the thirteenth instant, a communication was sent to this body by the board of managers of

the Eastern penitentiary, inviting this Convention to visit that institution. Upon my motion it was accepted, with the thanks of the Convention, but we overlooked the fact that the gentlemen who tendered the invitation desired us to fix upon a day when we would visit the institution. It would be well to fix a day for that purpose. I move, therefore, that we fix next Saturday at three o'clock.

Mr. SIMPSON. Next Saturday is a legal holiday.

Mr. JNO. R. READ. I move to amend, by striking out "Saturday," and inserting "Friday."

Mr. HOPKINS moved that the Convention do now adjourn, which was agreed to, and the Convention then, at one o'clock and fifty-seven minutes, adjourned until to-morrow morning at ten o'clock.

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