

**Bibliography of *The Pennsylvania Constitution: A
Treatise on Rights and Liberties***

by

**Ken Gormley, Principal Editor;
Joy G. McNally, Associate Editor. 2d ed. 2020**

by

Joel Fishman, Ph.D., M.L.S.

September 2022

Pittsburgh: Duquesne University School of Law, 2022

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This bibliography is an updated bibliography of the second edition with page references to the 2020 bound volume. It does not include sources cited only in the first edition. A bibliographical essay on the primary sources is then followed by secondary books and articles cited in the book. It does not index the primary sources: constitutional articles and sections, statutes and their legislative histories, court cases, and rules; nor does it contain a table of cases.

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I. Primary Sources

A. Pennsylvania

1. Constitutional Sources

The proceedings of the constitutional conventions have been published as journals and debates and are the following list is drawn from Congressional Information Service:

1. Pennsylvania. Constitutional Convention, 1776. & 1790.

The proceedings relative to calling the conventions of 1776 and 1790, the Minutes of the Convention that Formed the Present Constitution of Pennsylvania. Together with the Charter of William Penn, The Constitutions of 1776 and 1790 and a View of the Proceedings of the Convention of 1776 and the Council of Censors (John Westling Harrisburg, 1825). Sometimes cited as Francis Shunk, author.

P.242, 159, 241, 242, 382, 383, 402, 417, 418, 428, 432, 434, 538, 542, 577, 967, 968

2. Pennsylvania. General Assembly. Senate.

RESOLUTIONS ON THE PART OF CALLING A CONVENTION, TO ALTER AND AMEND CERTAIN PARTS OF THE CONSTITUTION OF THIS COMMONWEALTH. In Senate, January 9, 1812.

3. Pennsylvania. General Assembly. Senate. Select Committee to Whom Were Referred the Petitions of Citizens Praying for the Passage of a Law Authorizing the Call of a Convention to Alter the Constitution.

REPORT. READ IN THE SENATE, FEBRUARY 20, 1833. Harrisburg, 1833.

4. Pennsylvania. Constitutional Convention, 1837-1838.

JOURNAL OF THE CONVENTION OF THE STATE OF PENNSYLVANIA, TO PROPOSE AMENDMENTS TO THE CONSTITUTION, COMMENCED AND HELD AT THE STATE CAPITOL IN HARRISBURG, ON THE SECOND DAY OF MAY, 1837. Harrisburg: Printed by Thompson & Clark, 1837-1838. 2 vols.

5. Pennsylvania. Constitutional Convention, 1837-1838.

PROCEEDINGS OF THE DEBATES OF THE CONVENTION OF THE COMMONWEALTH OF PENNSYLVANIA, TO PROPOSE AMENDMENTS TO THE CONSTITUTION, COMMENCED AND HELD AT HARRISBURG, ON THE SECOND DAY OF MAY, 1837. Reported by John Agg, stenographer to the convention.... Harrisburg: 1837-1839. 14 vols. 193, 242, 243-44, 251, 252, 544, P.970, 972, 981

6. Pennsylvania. Constitutional Convention, 1837-1838.

CONVENTIONAL DIRECTORY: CONTAINING THE RULES AND ORDERS OF THE CONVENTION, WHICH ASSEMBLED AT HARRISBURG, PENN., MAY 2, 1837; ...Harrisburg: 1837.

7. Pennsylvania. Constitution.

AN APPEAL TO THE PEOPLE OF THE COMMONWEALTH OF PENNSYLVANIA, IN BEHALF OF THE CONSTITUTION. READ, REFLECT, AND DECIDE. [n.p.], 1838.

8. Pennsylvania. Constitution.

CONSTITUTION OF PENNSYLVANIA, 1838. (In Thorpe, v. 5, p. 3104-3117)

9. Pennsylvania Constitutional Convention, 1872-1873.

JOURNAL OF THE CONVENTION TO AMEND THE CONSTITUTION OF PENNSYLVANIA; CONVENEED AT HARRISBURG, NOVEMBER 12, 1872: ADJOURNED NOVEMBER 27, TO MEET IN PHILADELPHIA, JANUARY 7, 1873. Harrisburg: B. Singerly, State Printer, 1873. 2 vols.

10. Pennsylvania Constitutional Convention, 1872-1873.

DEBATES OF THE CONVENTION TO AMEND THE CONSTITUTION OF PENNSYLVANIA, 1872-1873. Harrisburg: 1873. 9 vols. P. 162, 163, 164, 165, 166, 167, 195, 196, 197-201, 245-246, 252, 298, 299, 418, 430-431, 545, 724, 974, 975

11. Pennsylvania. Secretary of the Commonwealth.

STATISTICAL AND OTHER INFORMATION FOR THE CONSTITUTIONAL CONVENTION OF PENNSYLVANIA. PREPARED BY FRANCIS JORDAN, SECRETARY OF THE COMMONWEALTH. Harrisburg: 1872.

12. Pennsylvania. Constitutional Convention, 1872-1873.

PROCEEDINGS OF THE TRIAL OF HON. JAMES BOYD, OF MONTGOMERY CO., PA., JUNE 14, 1873, BY HIS COLLEAGUES OF THE CONSTITUTIONAL CONVENTION, STENOGRAPHICALLY REPORTED BY R. A. WEST. Philadelphia: Philadelphia Town, 1874.

13. Pennsylvania. Constitutional Convention, 1872-1873.

...[REPORT] TO THE PEOPLE OF PENNSYLVANIA. [Philadelphia: 1873?]

14. AN ANSWER TO THE REPORT OF THE CONSTITUTIONAL COMMISSION, AS MADE TO THE LEGISLATURE OF PENNSYLVANIA, AT THE SESSION OF 1875; BY MEMBERS OF LATE CONSTITUTIONAL CONVENTION FROM LUZERNE COUNTY. Philadelphia: 1875.

15. Pennsylvania. Constitution.

NEW CONSTITUTION. PRINTED BY ORDER OF THE CONVENTION. TO BE SUBMITTED TO A VOTE OF THE PEOPLE, TUESDAY, DECEMBER 16, 1873. [Philadelphia: 1873]

16. Pennsylvania. Constitution.

THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA. WITH AN INTRODUCTION, NOTES, AND REFERENCES, AND AN EXHAUSTIVE INDEX:.... H. E. Wallace and D. Sanders. Philadelphia: 1874.

17. Pennsylvania. Constitution.

AN EXAMINATION OF THE CONSTITUTION OF PENNSYLVANIA. EXHIBITING THE DERIVATION AND HISTORY OF ITS SEVERAL PROVISIONS, WITH OBSERVATIONS AND OCCASIONAL NOTES THEREON, REFERENCES TO JUDICIAL AND OTHER OPINIONS UPON THEIR CONSTRUCTION AND APPLICATION, TO STATUTES FOR THEIR ENFORCEMENT, AND TO PARALLEL PROVISIONS IN THE CONSTITUTIONS OF OTHER AMERICAN STATES. By Charles R. Buckalew. Philadelphia: 1883. **See below under E.1.**

18. Pennsylvania. Constitution.

CONSTITUTION OF PENNSYLVANIA ANALYTICALLY INDEXED AND WITH INDEX OF PROHIBITED LEGISLATION. By James McKirdy. Harrisburg: 1912. [Legislative Reference Bureau; bulletin no. 1]

19. Pennsylvania. Governor's Commission on Constitutional Amendment and Revision. JOURNAL OF PROCEEDINGS...[AND APPENDIX]. Harrisburg: J. L. L. Kuhn, Printer to the Commonwealth, 1920. 3 vols.

20. Pennsylvania. Commission on Constitutional Amendment and Revision. REPORT OF THE COMMISSION TO THE GENERAL ASSEMBLY. DECEMBER 15, 1920. [Harrisburg: s.n., 1921.]

21. Pennsylvania. Commission on Constitutional Revision. REPORT OF THE COMMISSION ON CONSTITUTIONAL REVISION. [Harrisburg]: 1959.

22. Pennsylvania Bar Association. Committee on Constitutional Revision. REPORT: PROJECT CONSTITUTION, MARCH 9, 1959. [Harrisburg: 1959].

23. Pennsylvania Bar Association. "A Revised Constitution for Pennsylvania: Project Constitution." 34 PA. B. A. Q. 147, 247 (January 1963, no. 2A). P.871

24. Pennsylvania Bar Association. HIGHLIGHTS OF THE TWELVE RESOLUTIONS PRESENTED TO THE 1963 PENNSYLVANIA LEGISLATURE BY THE PENNSYLVANIA BAR ASSOCIATION WHICH WOULD CONSTITUTE A REVISED STATE CONSTITUTION.

25. Pennsylvania Bar Association. Special Committee on Project Constitution. REPORT, DECEMBER 1964. Harrisburg: 1964.

26. Pennsylvania Bar Association. A REVISED CONSTITUTION FOR PENNSYLVANIA: PROJECT CONSTITUTION, DECEMBER 17, 1963. [Harrisburg: 1963].

27. Pennsylvania. Governor's Commission on Constitutional Revision. REPORT WITH RECOMMENDATIONS OF RESOLUTIONS TO BE INTRODUCED INTO THE GENERAL ASSEMBLY. [Harrisburg]: 1964.

28. Pennsylvania Economy League, Inc. COMPARISON OF PROPOSED NEW CONSTITUTIONAL PROVISIONS WITH PENNSYLVANIA'S PRESENT CONSTITUTION. *[revised ed., July 1965]* Harrisburg: [1963].

29. Pennsylvania Bar Association. Special Committee on Project Constitution. REPORT TO THE ANNUAL MEETING, JANUARY 1966. Pittsburgh: 1966.

30. Pennsylvania Bar Association.

PROPOSALS TO THE PREPARATORY COMMITTEE AND THE CONSTITUTIONAL CONVENTION.
Harrisburg: 1967.

31. Pennsylvania Bar Association.

PENNSYLVANIA CONSTITUTIONAL REVISION: 1966 HANDBOOK. Harrisburg: 1966. P.629, 871

32. Pennsylvania. Constitution.

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA, AS AMENDED BY MAJORITY VOTE OF THE ELECTORS IN 1965, 1966, 1967. [Harrisburg: 1967].

33. Pennsylvania. Constitutional Convention, 1967-1968. Preparatory Committee.

TESTIMONY AT PUBLIC HEARINGS AND OTHER STATEMENTS. [Harrisburg: 1967].

34. Pennsylvania. Constitutional Convention, 1967-1968. Preparatory Committee.

Reference manual. [Harrisburg: 1967]. 9 vols.

#1—THE CONVENTION.

#2—CONSTITUTION OF PENNSYLVANIA AND [THE] CONSTITUTION OF THE UNITED STATES.

#3—A HISTORY OF PENNSYLVANIA CONSTITUTIONS. P.3, 51, 53, 58, 59, 61, 62, 63, 65, 66, 67, 68, 73, 74, 157, 159, 160, 161, 162, 163, 537, 539, 541, 542, 543, 627, 628

#4—LOCAL GOVERNMENT.

#5—THE JUDICIARY. P.783

#6—LEGISLATIVE APPORTIONMENT.

#7—TAXATION AND STATE FINANCE.

#8—BIBLIOGRAPHY.

#9—INDEX.

35. Pennsylvania. Constitutional Convention, 1967-1968.

DEBATES OF THE PENNSYLVANIA CONSTITUTIONAL CONVENTION OF 1967-1968. Harrisburg: 1968.
2 vols.

36. Pennsylvania. Constitutional Convention, 1967-1968. DELEGATE PROPOSALS, NUMBERS 1000-1209. [Harrisburg: 1968.]

37. Pennsylvania. Constitution.

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA. Harrisburg: 1984. (In *Pennsylvania Consolidated Statutes*)

38. Pennsylvania. Constitution.

CONSTITUTIONS OF PENNSYLVANIA; CONSTITUTION OF THE UNITED STATES. Harrisburg: Legislative Reference Bureau, 1986. This volume updates no. 18

Provides text of all of the Pennsylvania constitutions along with the U. S. Constitution.

2. Other Constitutional Sources

Swindler, William F., ed. SOURCES AND DOCUMENTS OF UNITED STATES CONSTITUTIONS (1973-79). 10 vols. P.35, 68, 125, 531, 535, 536, 537, 538, 541, 542, 553, 556, 557, 577, 966, 967, 968, 969, 970, 971, 973

Thorpe, Francis Newton, ed. THE FEDERAL AND STATE CONSTITUTIONS, COLONIAL CHARTERS, AND OTHER ORGANIC LAWS OF THE STATES, TERRITORIES, AND COLONIES NOW OR HERETOFORE FORMING THE UNITED STATES OF AMERICA. (1909). 7 vols. P.432, 881, 882

Pennsylvania documents can be found in volume 5. This material is also available through the Avalon Project at Yale Law School Library at: www.yale.edu/lawweb/avalon. For the constitutional documents of the seventeenth century, one is advised to see instead the *Statues at Large of Pennsylvania, Volume 1 Appendixes* (2001) that is available at www.plrb.us.

The following colonial proceedings related to the coming of independence.²

Pennsylvania (Colony). *Proceedings of the Convention for the Province of Pennsylvania, held at Philadelphia, from January 23, 1775 to January 28, 1775*, in PA ARCHIVES, 2d series, v.3 (Harrisburg, 1875) [623]-631.

Pennsylvania. (Colony). Provincial Conference, 1775. *Proceedings of the Conference of the Committee of the Province of Pennsylvania, held at Carpenter's Hall, Philadelphia, from June 18 to June 26, 1776*, in PA ARCHIVES, 2d ser. v.3 (Harrisburg, 1875) [633]-665.

Pennsylvania Constitution. THE CONSTITUTION OF THE COMMON-WEALTH OF PENNSYLVANIA, AS ESTABLISHED BY THE GENERAL CONVENTION ELECTED FOR THAT PURPOSE, AND HELD AT PHILADELPHIA, JULY 15TH, 1776, AND CONTINUED BY ADJOURNMENTS TO SEPTEMBER 28, 1776. Philadelphia: Printed by J. Dunlap, 1776.

Pennsylvania. Constitutional Convention, 1776. MINUTES OF THE CONVENTION OF 1776, in *PA Archives* 2d series, v.10 (Harrisburg, 1896), 753-784.

MINUTES OF THE COUNCIL OF SAFETY OF PENNSYLVANIA. [JUNE 30, 1775, TO JULY 22, 1776, AND THOSE OF THE COUNCIL OF SAFETY, JULY 24, 1776-NOVEMBER 12, 1776, in *Colonial Records* v.10 (Harrisburg, 1852) 277-784.

Pennsylvania Governor. PAPERS OF THE GOVERNORS, v.3-4. 1759-1817. Harrisburg: State of Pennsylvania, 1900. *PA Archives*, 4th ser., v.3-4.

Pennsylvania Officers of the State of PA in the Revolution and Under the Constitution of 1776, in PA ARCHIVES, 2d ser., v. 3 (Harrisburg, 1875): [667]-794.

² See Ronald M. Gephart. REVOLUTIONARY AMERICA 1763-1789 A BIBLIOGRAPHY (1984). 2 vols.

PROCEEDINGS AND DEBATES OF THE CONVENTION OF THE COMMONWEALTH OF PENNSYLVANIA, TO PROPOSE AMENDMENTS TO THE CONSTITUTION (Harrisburg, Pa., Packer, Barrett and Parke 1837).

3. Legislation³

3a. Journals of the General Assembly

The primary source for legislation is the journals of the General Assembly:

VOTES AND PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA, 1682-1760. 6 vols. Philadelphia: 1752-1776. Reprinted in PENNSYLVANIA ARCHIVES. 8th ser.

This is a collection of the daily activities of the Assembly from 1682 to 1760.

Pennsylvania. General Assembly. LEGISLATIVE RECORD. Harrisburg: Published by authority of the Legislature, 1776(?)–1909.

Pennsylvania General Assembly. LEGISLATIVE JOURNAL. Harrisburg: The State, 1911–1962.

Pennsylvania. General Assembly. House of Representatives. LEGISLATIVE JOURNAL. Harrisburg: 1963–.

Pennsylvania. General Assembly. Senate. LEGISLATIVE JOURNAL. [Harrisburg, Pa.]: The Assembly, 1963–.

History of the House and Senate Bills. Biennial. This is the official index to the legislative history of all bills introduced into the legislature. One has to locate the year, house, and bill number to locate the legislative history. Information provided is usually found by looking for “Remarks, see House [Senate] Journal, pages or date.” There are problems in looking up the legislative history using this source because the pagination provided is not always complete. The page numbers may not give the final page of the voting record. Sometimes a point of order or other parliamentary procedure may interrupt the debates and may continue several pages later without any reference in the index. There also is an Index at the end of some of the annual volumes that provides specific page references to debates by bill number. In at least one or two instances, the editor has found debates listed that were not referenced in the older History volumes.

3b. Chronological Laws

During the colonial period the laws were published chronologically in order. The laws of many of the legislative sessions were published after each session. Since there are too many to publish in this paper, see Charlemagne Tower, *The Charlemagne Tower Collection of American Colonial Laws*. Philadelphia: Historical Society of Pennsylvania, 1890. Reprint. Littleton, Colo.: F. B. Rothman, 1990.

³ This list is drawn from Joel Fishman, *The History of Statutory Compilations in Pennsylvania*, 86 LAW LIBR. J. 559, 585-596 (1994).

There were cumulative sets published during the eighteenth century and several major sets published in the nineteenth century. *Smith's Laws* and the *Statutes at Large of Pennsylvania* are today the major sources for research purposes. Some of the following information is drawn from Joel Fishman, *The History of Statutory Publications in Pennsylvania*, 84 LAW LIB. J. 559-596 (1994).

A COLLECTION OF CHARTERS AND OTHER PUBLIC ACTS RELATING TO THE PROVINCE OF PENNSYLVANIA. (Philadelphia, Franklin 1740). P.153, 170

Dallas, Alexander J., comp. LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED, TO THE FIRST DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE. REPUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE, by Alexander James Dallas. Vol. I. Philadelphia: Hall & Sellers, 1797.

_____. LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FROM THE SECOND DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, TO THE SECOND DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED AND NINETY. REPUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE, by Alexander James Dallas. Vol. II. Philadelphia: Hall & Sellers, 1793. Thomas Mifflin's seal states that he appointed Dallas on May 8, 1793. Dallas's preface note also has the same date for the publication.

_____. LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FROM THE SEVENTH DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY, TO THE TWENTIETH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE. PUBLISHED, UNDER THE AUTHORITY OF THE LEGISLATURE, by Alexander James Dallas. Vol. III. Philadelphia: Hall & Sellers, 1795. P.383

_____. LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FROM THE FIRST DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY-FIVE, TO THE TWENTY-SEVENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND ONE. PUBLISHED, UNDER THE AUTHORITY OF THE LEGISLATURE, by Alexander James Dallas. Vol. IV. Lancaster: Francis Bailey, 1801.

Carey, Mathew, and John Bioren, comps. LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, FROM THE FOURTEENTH DAY OF OCTOBER ONE THOUSAND SEVEN HUNDRED, TO THE SIXTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND TWO. REPUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE, by M. Carey and J. Bioren. Philadelphia: John Bioren, for Mathew Carey and Self, 1803. 6 vols.

[Smith, Charles, ed.] LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED, TO THE TWENTIETH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND TEN. REPUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE, WITH NOTES AND REFERENCES. IN FOUR VOLUMES. Philadelphia: John Bioren, 1810.

Vol. 1 covers from September 15, 1701, to April 10, 1781. Vol. 2 covers from May 24, 1781, to April 5, 1790. Vol. 3 covers from December 7, 1790, to April 6, 1802. Vol. 4 covers from December 7, 1802, to March 28, 1810.

Vol. 5 covers from December 6, 1810, to March 31, 1812 (1812). An appendix contains some notes and resolutions, including a list of 105 resolutions passed since 1790 but now obsolete. A second appendix contains Charles II's charter to William Penn, concessions of 1681, charter of privileges (1683), Declaration of Independence, and Constitution of 1776 (pp. 406-35). Appendix III contains a summary of Pennsylvania Supreme Court cases since June 1808 (pp. 436-45). Bound in this volume is a cumulative index, "General Index to the Laws of Pennsylvania in Five Volumes. From the Year 1700, to the Thirty-first of March 1812, Inclusive." The index is more than just a listing of references, since it also provided some of the text from the acts according to volume and page number. An index to the notes can also be found in pages 350-59, followed by citations to court cases, pp. 390-93. P.156

[Reed, Joseph, ed.] LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED. REPUBLISHED UNDER THE AUTHORITY OF THE LEGISLATURE, WITH NOTES AND REFERENCES. Philadelphia: John Bioren, 1822. Vol. 6 covers from December 21, 1812, to March 25, 1817.

This is the sixth volume of *Smith's Laws*, but the first volume edited by Reed. There are four pages of resolutions (pp. 507-10), followed by "Pensions and Pecuniary Gratuities, for Revolutionary and Military Services, from 1st December 1812 to the 25th March 1817" (pp. 511-13), appendix of notes (pp. 516-19), and index to the sixth volume (pp. 521-43).

Vol. 7 (1822) covers from December 21, 1812 to March 25, 1817. In the front of the book is a list of Pennsylvania laws that have been repealed, obsolete, and expired (pp. iii-xiii), followed by "Pensions and Pecuniary Gratuities, for Revolutionary and Other Military Services, from 2d December 1818 to 2d April 1822" (pp. xiv-xix). Bound with *General Index to the Sixth and Seventh Volumes of the Laws of Pennsylvania, from December 1812, to April 1822, Inclusive*. Philadelphia: J. Bioren, 1823. The first section contains the index to the two volumes; the second part contains an index to the resolutions, followed by a table of explanatory of sundry technical law terms (pp. 25-28).

Vol. 8 (1842) covers from December 3, 1822, to April 11, 1825. Vols. 8-10 are published by James Kay, Jr. & Brother.

Vol. 9 (1843) covers from December 6, 1825, to April 17, 1827. Appendix A contains the case of *Prigg v. Com. of Pennsylvania* (1841) (pp. 447-56); Appendix B contains the commissioners' report of the Internal Improvement Fund of 1842 (pp. 457-59); extracts from the report of J. W. Hammond, bookkeeper in the Treasury Dept. (pp. 459-63), and the legislative act for drawing up this volume (p. 463), followed by the index to the volume (pp. 465-78).

Vol. 10 (1844) covers from December 4, 1827, to April 23, 1829. Appendix A covers the act for the gradual abolition of slavery (March 1, 1780), with an extensive note of four pages (pp. 466-70); Appendix B is a note on the 1829 penal law revisions (pp. 471-82), followed by the index (pp. 483-502).

Commonly referred to as "Smith's Laws," this set contains the chronological laws of the public laws passed by the General Assembly from 1700 to 1829. Private laws only have their title but no text. Charles Smith was a judge of the Court of Common Pleas of Third Judicial District, who provided extensive editorial notes to hundreds of statutes in the set, some very important for Pennsylvania legal history, e.g., creating a Land Office with a history of land law in Pennsylvania in vol. 2, pp. 102-261 reforming criminal law and a history of criminal law in vol. 2, pp. 531-602. He annotated the first five volumes. Joseph Reed continued volumes 6-10. This set of books is cited in *Purdon's Statutes* for all pre-1829 statutory law. The first four volumes of the set are on

the Commonwealth of Pennsylvania's Legislative Reference Bureau website, at www.palrb.gov/preservation. The complete set is available in HeinOnline.

George, Staunford, Benjamin Nead, and Thomas McCamant, eds., CHARTER TO WILLIAM PENN, AND LAWS OF PENNSYLVANIA, PASSED BETWEEN THE YEARS 1682 AND 1700. PRECEDED BY THE DUKE OF YORK'S LAWS IN FORCE FROM THE YEAR 1676 TO THE YEAR 1682, WITH AN APPENDIX CONTAINING LAWS RELATING TO THE ORGANIZATION OF THE PROVINCIAL COURTS AND HISTORICAL MATTER. Harrisburg: Lane S. Hart, State Printer, 1879. P.170, 383, 397, 433

Includes a reproduction of the King Charles II's charter to William Penn. The volume was authorized by the statute of June 12, 1878. This volume is sometimes cited as *The Duke of York's Laws*.

This book contains the Duke of York's Laws as found in the records of the town clerk of Hempstead, Long Island and reproduced by the New York Historical Society in 1809. It also contains the Royal Charter, Frames of Government, and individual session laws complete except for 1697, which is only a synopsis. The first appendix contains the laws establishing a court of judicature from 1682 to 1722 with an explanatory introduction. The cover page is APPENDIX A. COMPILATION OF THE LAWS AND ORDINANCES ESTABLISHING THE SEVERAL COURTS OF JUDICATURE OF THE PROVINCE OF PENNSYLVANIA, WITH AN INTRODUCTION, BY STAUGHTON GEORGE. George's introduction deals with the statutory history of the courts since the Assembly would pass an act and have five years in which to submit the act to the English government. The English government would then repeal the act, and the Assembly would have to start over again. Sometimes the governor issued ordinances to continue the court system. The act of 1722, therefore, is the cumulation of the controversy between the crown and colony.

APPENDIX B. HISTORICAL NOTES ON THE EARLY GOVERNMENT AND LEGISLATIVE COUNCILS AND ASSEMBLIES OF PENNSYLVANIA, BY BENJAMIN M. NEAD. PART I, FROM THE EUROPEAN SETTLEMENT ON THE DELAWARE TO THE ACQUISITION OF THE COUNTRY BY PENN, 1623-1681. PART II. FROM THE ACQUISITION OF THE COUNTRY BY PENN TO THE CLOSE OF THE CENTURY, 1681-1700. Part I contains four chapters dealing with Swedish rule from 1638 to 1655, Dutch rule from 1655 to 1664, English rule from 1664 to 1681, and Penn's rule from 1681 to 1700.

There is an index to the laws, and indexes to Appendices A and B.

<http://books.google.com/books?id=IdWgAAAAMAAJ&printsec=frontcover&dq=charter+to+william+penn#v=onepage&q=&f=false>

Mitchell, James T. and Henry Flanders, comps. THE STATUTES AT LARGE OF PENNSYLVANIA FROM 1682 TO 1801, COMPILED UNDER THE AUTHORITY OF THE ACT OF MAY 19, 1887 BY JAMES T. MITCHELL AND HENRY FLANDERS, COMMISSIONERS. Clarence M. Busch, State Printer of Pennsylvania, 1896-1915. 18 vols.

This set contains the official chronological laws, both public and private, passed by the General Assembly from 1700 to 1809. The set was authorized by the General Assembly in 1887 and compiled by a commission including the Chief Justice of the Supreme Court of Pennsylvania and other noted lawyers and historians. It does not include notes like *Smith's Laws*.

The original sixteen volumes covered from 1700 to 1801 and were published between 1896 and 1911. Two additional volumes compiled by James T. Mitchell, J. Willis Martin, and Hampton L. Carson, were printed in 1915. Volume 17 covers from 1802 to 1805 and volume 18 covers from 1806 to 1809.

Volume 1 has been recently published by Robert L. Cable. THE STATUTES AT LARGE OF PENNSYLVANIA FROM 1682 TO 1700. Volume I: 1682 to 1700. Harrisburg: Legislative Reference Bureau, 2001. This book is now considered the official version of volume 1 of the STATUTES AT LARGE. Available at the Pennsylvania Legislative Reference Bureau website, at www.palrb.gov/preservation. It is also available in HeinOnline.

Beckman, Gail McKnight, ed. STATUTES AT LARGE OF PENNSYLVANIA DURING THE AGE OF WILLIAM PENN, VOLUME 1, 1680-1700. N.Y.: Vantage Pr., 1976.

This is the first volume of Pennsylvania constitution and statutory law from pre-colony to 1700, with an historical introduction. It includes the Duke of York's Laws, Charter of King Charles II to William Penn, the Great Law of 1682, three Frames of Government, and session laws. It was prepared on the bicentennial to replace the earlier edition of Staundford George et al., eds., *Charter to William Penn, and Laws of Pennsylvania...* (1879). Beckman provides a useful introduction to the early Pennsylvania laws. This volume is not considered official by the Pennsylvania Legislative Bureau. P.155, 383

LAWS OF PENNSYLVANIA. Harrisburg: 1776– .

The is the official collection of the chronological laws passed by the General Assembly. Constitutional amendments are published as Joint Resolutions after the general laws. Gubernatorial proclamations officially declare when the amendments have been approved or disapproved by the electorate.

3c. Topical Laws

PENNSYLVANIA CONSOLIDATED STATUTES. Harrisburg: Legislative Reference Bureau, 1970–. 8 vols.

The is the official, unannotated set of the codified statutes passed by the General Assembly under statutory law of 1970. Approximately 50% of the titles in the original Purdon's have been converted to the Consolidated Statutes. For a recent study of the codification, see Peter Egler, *Pennsylvania Statutory Codification Project—A Long and Winding Road*, LXXXIV PA. B. ASSN. Q. 87 (2013).

PURDON'S PENNSYLVANIA STATUTES ANNOTATED/PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED. Eagen, Minn: Thomson/West 1930–.

West's statutory compilation of Pennsylvania statutes under 77 titles and the incorporation of the revised Pennsylvania Consolidated Statutes into the set.

4. Court Cases

The appellate courts of Pennsylvania include the Supreme Court, Superior Court, and Commonwealth Court; the trial courts before 1968 included the courts of common pleas, quarter sessions, oyer and terminer, orphans' courts, mayors courts, juvenile court and family court. The creation of a unified judicial system under Article V of the Constitution of 1968 provided for constitutional courts of Supreme, Superior, Commonwealth and courts of common pleas.

The Supreme Court reports are divided into three sets of reports: early state reports consisting of 60 volumes of reports reporting cases from 1754 to 1845. In 1845, the General

Assembly passed a law creating an official court reporter for the Supreme Court and a new set of official court reports entitled Pennsylvania State Reports. These reports currently consist of over 570 volumes. Since 1974, the reports have been published by West Publishing Co. (now Thomson/West) and are the same as the Atlantic Reporter 2d and 3d series.

The 1845 act further provided that there should be only two volumes a year published of Supreme Court cases. This led to the creation of five more nominative reports of twenty-three volumes that contain mostly late-nineteenth century cases not published in the official reports.

Pennsylvania Supreme Court opinions appear in the following reporters:

Name	Years	Abbreviation	Volumes
Pennsylvania State Reports	1845- date	Pa.	573
Atlantic Reporter	1885- 1938	A.	200
Atlantic Reporter Second	1938 -	A.2d	999
Atlantic Reporter Third			
Nominative Reporters			
Dallas	1754 - 1806	Dall.	4 vols.
Addison	1791 - 1799	Add.	1 vol.
Yeates	1791 - 1808	Yeates	4 vols.
Binney	1799 - 1814	Binn.	6 vols.
Sergeant and Rawle	1814 - 1828	Serg. & Rawle	17 vols.
Penrose & Watts	1829 - 1832	Pen. & W.	3 vols.
Rawle	1828 - 1835	Rawle	5 vols.
Watts	1832 - 1840	Watts	10 vols.
Wharton	1835 - 1841	Whart	6 vols.
Watts and Sergeant	1841 - 1845	Watts & Serg.	9 vols.
Grant	1814 - 1863	Grant	3 vols.
Pennypacker	1881 - 1884	Pennyp.	4 vols.
Walker	1855 - 1885	Walk.	4 vols.
Sadler	1885 - 1888	Sadler	10 vols.
Monaghan	1888 - 1890	Monag.	2 vols.

The official *Pennsylvania Superior Court Reports* stopped in 1997 (with volume 456) and *Pennsylvania Commonwealth Court Reports* stopped in 1995 (with volume 168). Both courts use the Atlantic Reporter 2d & 3d series as their recognized reporter. For purposes of this book, we have cited only to the *Atlantic Reporter* when available.

County court reports have a long history in Pennsylvania legal literature. Although Dallas's Reports contained cases from the Philadelphia courts, it was Alexander Addison's *Reports*, published in 1800, that was the first county report. In antebellum Pennsylvania, the *Legal Intelligencer* (1842–) in Philadelphia and the *Pittsburgh Legal Journal* (1853–) started as legal newspapers publishing Supreme Court and county court cases. In later nineteenth century other counties began publishing their own reports, many of which continue down to today with more than forty county reports published by the county bar associations.

In late nineteenth century, the *Pennsylvania District Court Reports* and the *Pennsylvania County Court Reports* were published. These two sets were combined into the *Pennsylvania District & County Reports* in 1918 that continue down to the present in a fifth series. In addition, all of the Pennsylvania cases published in the weekly *Legal Intelligencer* were republished in a set called *Weekly Notes of Cases* (1875-1899) 44 vols. Sometimes Supreme Court cases can be found in this set and not in any of the other Supreme Court reports.

All three appellate courts and the *Pennsylvania District & County Court Reports* can be found in the Pennsylvania databases in both Westlaw and Lexis.

For a more detailed history of Supreme Court, see Joel Fishman, *The Reports of the Supreme Court of Pennsylvania*, 87 LAW LIBR. J. 643 (1995).

The court reports are available in the State Historical Cases Library from 1789 to 1963 in HeinOnline.

Brightly, Frederick C. REPORTS OF CASES DECIDED BY THE JUDGES OF THE SUPREME COURT OF PENNSYLVANIA IN THE COURT OF NISI PRIUS AT PHILADELPHIA, AND ALSO IN THE SUPREME COURT WITH NOTES AND REFERENCES TO RECENT DECISIONS. Philadelphia: James Kay, Jun. & Brother, 1851.

PENNSYLVANIA COLONIAL CASES: THE ADMINISTRATION OF LAW IN PENNSYLVANIA PRIOR TO A.D. 1700 AS SHOWN IN THE CASES DECIDED AND IN THE COURT PROCEEDINGS (Samuel W. Pennypacker, ed. Philadelphia: R. Welsh, 1892). P.302

5. Judicial Biography

Biographical information on the judiciary can be found in several sources. The PENNSYLVANIA MANUAL beginning from volume 83 (1937) contains biographical information on the appellate and county judges. It is published every two years in the odd year in December. Judges appointed for under two years or who do not win re-election may be missing from the volumes. The set is currently up to volume 124 (2019) available on the Department of General Services website, at www.dgs.pa.gov. Another biographical dictionary is THE AMERICAN BENCH (Minneapolis: Reginald Bishop Foster & Associates, 1977). The appellate justices/judges have biographical information available at www.pacourts.us. Joel Fishman has compiled a *Biographical Dictionary of the Justices of the Supreme Court of Pennsylvania 1684-2022* that contains 176 justices posted as individual justices on the Supreme Court website. Many of the colonial members of the Provincial Court or justices of the peace were also legislators whose biographies can be found in Craig Horle, Gen. Ed. LAWMAKING AND LEGISLATORS IN PENNSYLVANIA: A BIOGRAPHICAL DIRECTORY, see below P.919. Older biographical information can be found in the TWENTIETH CENTURY BENCH AND BAR OF PENNSYLVANIA. (Chicago: H.C. Cooper, Jr., Bro. & Co., 1903) and Frank M. Eastman, COURTS AND LAWYERS OF PENNSYLVANIA: A HISTORY (New York: The American Historical Society, 1922). Older county histories usually contain a chapter on the bench and bar. For Philadelphia, see John Hill Martin, MARTIN'S BENCH AND BAR OF PHILADELPHIA . . . (Philadelphia: R. Welsh & Co. 1883) and J. Thomas Scharf and Thompson Westcott, HISTORY OF PHILADELPHIA, 1609–1884 (Philadelphia: L. H. Everts, 1884). Volume 2 has the chapter on the bench and bar. For Allegheny County, see Joel Fishman, JUDGES OF ALLEGHENY COUNTY, FIFTH JUDICIAL DISTRICT, PENNSYLVANIA (1788-2022) (3d ed. 2022).

For a history of the early Pennsylvania Supreme Court, see G.S. Rowe, *EMBATTLED BENCH: THE PENNSYLVANIA SUPREME COURT AND THE FORGING OF A DEMOCRATIC SOCIETY 1684–1809* (Newark: University of Delaware Press, 1994). A new history of the Pennsylvania Supreme Court is John J. Hare, Ed. *THE PENNSYLVANIA SUPREME COURT IN THE LIFE AND LAW OF THE COMMONWEALTH, 1684–2016* (State College: PSU Press, 2016). For the Pennsylvania Superior Court, see Patrick R. Tamilia and John J. Hare, *KEYSTONE OF JUSTICE: THE PENNSYLVANIA SUPERIOR COURT* (Harrisburg: Pennsylvania Historical and Museum Commission for the Pennsylvania Superior Court, 2000). For the Commonwealth Court, see Kristen W. Brown and Blair T. Preiser, *Jurisdiction of the Commonwealth Court—Forty Years of Proving the Drafters Rights*. 20 *WIDENER L.J.* 5 (2010) and the various articles in *Widener Law Journal* published in November 2010 and 2011. For the Court of Judicial Discipline, see John S. Summers and Rebecca S. Melley. *The Court of Judicial Discipline: A Review of the First Twenty Years*, 84 *PA. B. ASS'N Q.* 1 (2013). For a more detailed account of the Court of Judicial Discipline, see Sarah A. Steers and Joel Fishman, *PENNSYLVANIA JUDICIAL DISCIPLINE HANDBOOK* (2018).

6. Attorneys-General Opinions

As the chief law enforcement officer of the Commonwealth, the Attorney General is responsible to provide legal advice to the departments and agencies of the state government. Since 1887, the Attorneys-General of Pennsylvania have published annual reports (under different titles) of their opinions. For some years there were both formal and informal opinions and at times, memorandum opinions (see 1957 volume). Numbers of opinions ran also numerically over a period of time; in the 1970s, the numbers started with number one each year. There were annual volumes from 1971 to 1978 and then volumes for 1981 to 1984, 1984-1988, and 1989 to 1992. Since 1992, single opinions issued are published in the *Pennsylvania Bulletin*.

The latest cumulative indexes are for 1933-43 and 1943-53.

The editor has added indexes to the bound volumes for 1961–62, 1963–66, 1967–69, 1974 available at the Allegheny County Law Library electronic catalog.

The full collection of Attorneys-General opinions from 1885 to present are available now at the Attorney-General Website (www.attorneygeneral.gov), under the Tab: The Office, at https://www.attorneygeneral.gov/The_Office/Official_Attorney_General_Opinions/.

7. Other Sources

Adams, Samuel. *THE WRITINGS OF SAMUEL ADAMS* (Henry Alonzo Cushing, ed. 1906). P.3, 743

Hamilton, Andrew. *DEFENSE OF JOHN PETER ZENGER ON CHARGE OF SEDITIOUS LIBEL (1735)*, at <http://www.uark.edu:80/depts/comminfo/cambridge/zenger.html> P.298

THE LAWS AND LIBERTIES OF MASSACHUSETTS; REPRINTED FROM THE COPY OF THE 1648 EDITION IN THE HENRY E. HUNTINGTON LIBRARY, WITH AN INTRODUCTION BY MAX FARRAND (1929). P.386

Madison, James. *WRITINGS* (Library of America 1999). P.158

THE MASSACHUSETTS BODY OF LIBERTY [THE LIBERTIES OF THE MASSACHUSETTS COLONIE IN NEW ENGLAND] 1641, OLD SOUTH LEAFLETS (BOSTON: DIRECTORS OF THE OLD SOUTH WORK (1905). Vol. 7., <http://history.hanover.edu/texts/masslib.htm> P.386, 416, 431

Penn, William. THE GREAT CASE OF LIBERTY OF CONSCIENCE (London, 1670). P.153

Penn, William. THE PAPERS OF WILLIAM PENN (Mary Maples Dunn, Richard S. Dunn, editors ; associate editors, Richard A. Ryerson, Scott M. Wilds ; assistant editor, Jean R. Soderlund 1981-1987). 5 vols. P.151, 170, 173, 238, 239

v. 1. 1644-1679; v. 2. 1680-1684 / editors, Richard S. Dunn, Mary Maples Dunn P.238; associate editors, Scott M. Wilds, Richard A. Ryerson, Jean. R. Soderlund ; special editor, Ned C. Landsman.; v. 3. 1685-1700 / editors, Marianne S. Wokeck ... [et al.] P.238; general editors, Richard S. Dunn, Mary Maples Dunn.; v. 4. 1701-1718 / editors, Craig W. Horle ... [et al.]; general editors, Richard S. Dunn, Mary Maples Dunn.; v. 5. William Penn's published writings, 1660-1726 : an interpretive bibliography / [edited by] Edwin B. Bronner, David Fraser. P.238, 239

B. Federal Primary Sources

1. Constitutional Documents

THE CONSTITUTION OF THE UNITED STATES OF AMERICA : ANALYSIS AND INTERPRETATION. The annotated edition of the U.S. Constitution is now available online and updated annually. It is available at www.govinfo.gov, the website for the Government Printing Office and also at the Legal Information Institute, <https://www.law.cornell.edu/constitution>. P.756

Elliot, Jonathan. DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION AS RECOMMENDED BY THE GENERAL CONVENTION AT PHILADELPHIA, IN 1787. TOGETHER WITH THE JOURNAL OF THE FEDERAL CONVENTION, LUTHER MARTIN'S LETTER, YATE'S MINUTES, CONGRESSIONAL OPINIONS, VIRGINIA AND KENTUCKY RESOLUTIONS OF '98-'99, AND OTHER ILLUSTRATIONS OF THE CONSTITUTION. COLLECTED AND REV. FROM CONTEMPORARY PUBLICATIONS, BY JONATHAN ELLIOT. PUB. UNDER THE SANCTION OF CONGRESS. 2d ed., with considerable additions. Philadelphia, J.B. Lippincott & co.; Washington, Taylor & Maury, 1836-59. 5 vols. P.751. Elliot's Debates can be found at the Library of Congress, A Century of Lawmaking for a New Nation, <https://memory.loc.gov/ammem/amlaw/lawhome.html>.

THE FEDERALIST; A COMMENTARY ON THE CONSTITUTION OF THE UNITED STATES, BEING A COLLECTION OF ESSAYS WRITTEN IN SUPPORT OF THE CONSTITUTION AGREED UPON SEPTEMBER 17, 1787, BY THE FEDERAL CONVENTION. New York : J. and M. Lean, 1788. 2 vols. P.8, 27, 543, 656, 657, 660, 678, 688, 751, 756

It is available at the Library of Congress, A Century of Lawmaking for a New Nation, Available at <http://memory.loc.gov/const/fed/fedpapers.html>.

There are many editions of this important work including Jacob Cooke in 1961, Edward Earle in 1976, Max Beloff in 1987, John C. Hamilton in 1998, and George W. Carey and James McClellan in 2001. New American Library ed. may be the one used throughout (listed on p.27)

Farrand, Max, ed. THE RECORDS OF THE FEDERAL CONVENTION OF 1787 (1911) (rev ed. 1937) 4 vols. P.751

It is available at the Library of Congress, A Century of Lawmaking for a New Nation, at <http://memory.loc.gov/ammem/amlaw/lwfr.html>

Jensen, Merrill, ed. THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION (1976).

Volume 2 deals with Pennsylvania.

Available at the University of Wisconsin,

<https://search.library.wisc.edu/digital/AQSNP4IU7S6X5W8E>

2. Congressional Documents

JOURNALS OF THE CONTINENTAL CONGRESS 1774-1789 (W. Ford ed. 1904-37). 34 vols.

Available at, <http://memory.loc.gov/ammem/amlaw/lwjc.html>. P.303

United States. Congress. THE DEBATES AND PROCEEDINGS IN THE CONGRESS OF THE UNITED STATES : WITH AN APPENDIX, CONTAINING IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS, AND ALL THE LAWS OF A PUBLIC NATURE; WITH A COPIOUS INDEX. Washington, D.C. : Gales and Seaton, 1834-1856. 42 vols. Popularly known as the *Annals of Congress*. P.756

Available at, <http://memory.loc.gov/ammem/amlaw/lwac.html>

Covers from 1789-1824.

C. English Primary Sources

There are two major sets of English statutes published chronologically:

Pickering, Daniel. STATUTES AT LARGE. Cambridge: Printed by J. Betham, 1762-1807. 46 vols.

Ruffhead, Owen. THE STATUTES AT LARGE, FROM MAGNA CARTA, TO THE END OF THE LAST PARLIAMENT, 1761. In eight volumes. London, Printed by Mark Baskett, and by the assigns of Robert Baskett, and by Henry Woodfall and William Strahan, 1769-1771. 10 vols.

THE STATUTES AT LARGE: CONTEYNING ALL SUCH ACTS WHICH AT ANY TIME HERETOFORE HAUE BEENE EXTANT IN PRINT FROM MAGNA CHARTA, VNTILL THE SIXTEENTH YEERE OF THE RAIGNE OF OUR MOST GRATIOUS SOUERAIGNE LORD IAMES, BY THE GRACE OF GOD KING OF ENGLAND, SCOTLAND, FRANCE AND IRELAND, DEFENDER OF THE FAITH, &C. DIUIDED INTO TWO VOLUMES: WITH MARGINALL NOTES, AND DIUERS NECESSARY TABLES NEWLY ADDED THEREUNTO. TOGETHER WITH ESPECIALL MARKES WHEREBY THE READER MAY EASILY KNOW WHICH OF THE SAME ACTS ARE WHOLY VOYD, EITHER BY EXPIRATION, OR REPEALE. London : Printed Bonham Norton, and Iohn Bill, deputie printers for the Kings most excellent Maiestie, M.DC.XVIII. P.440, 440.

The English nominative reports from the 1500s to the mid-1800s are too many to cite in this bibliography, but most of these cases have been reprinted in the comprehensive collection entitled ENGLISH REPORTS, FULL REPRINT. (1900-1932). 178 vols. Available in HeinOnline.

Besides the individual reports, there have been various sets published since the seventeenth century containing political trials and major criminal cases. The most comprehensive set published is: Howell, Thomas B. A COMPLETE COLLECTION OF STATE TRIALS AND PROCEEDINGS FOR HIGH TREASON AND OTHER CRIMES AND MISDEMEANORS FROM THE EARLIEST PERIOD TO THE YEAR 1783. London, T. C. Hansard for Longman, Hurst, Rees, Orme, and Brown [etc.] 1816-28. 34 vols. P.305, 346, 446, 880

II. Secondary Sources

A. Bibliographical Sources.

The expansion of state constitutional law following Justice William Brennan's seminal article in 1977 can be followed by the excellent biographies found in RUTGERS LAW JOURNAL. Besides annual bibliographies, there are two cumulative bibliographies:

King, Susan. *State Constitutional Law Bibliography: 1989-1999*, 31 RUTGERS L. J. 1623 (2000). P.344

Maltz, Earl M., Robert F. Williams & Michael Araten, *Selected Bibliography On State Constitutional Law, 1980-1989*, 20 RUTGERS L. J. 1093 (1989).

The other major source for bibliography is the treatise by Jennifer Friesen:

Friesen, Jennifer. STATE CONSTITUTIONAL LAW: LITIGATING INDIVIDUAL RIGHTS, CLAIMS AND DEFENSES. (2d ed. 1995) (3rd ed. 2003). Both editions have been cited in the articles depending on which edition the author used. See page citations below.

B. Secondary Works Specifically on the Pennsylvania General Assembly

Hoerle, Craig W., gen. ed. LAWMAKING AND LAWMAKERS IN COLONIAL PENNSYLVANIA. Philadelphia: University of Pennsylvania Press, 1991-2007. 4 vols. in 3.

Standard biographical directory of the colonial Pennsylvania legislature. Volume 1 covers from 1680 to 1709; volume 2 from 1710 to 1756; volume 3 from 1757 to 1775. Introductions contain important summaries of the legislative activity during the period covered. The authors present a comprehensive review of the growth of the Assembly as an institution, discussing election of members, procedures developed, legislation enacted, role of Quakers and religion in the colony, the controversy over the oaths in early eighteenth century, and problems of defense.

Available online

Leonard, Sister Joan de Lourdes. *The Composition, Organization, and Legislature Procedure of the Pennsylvania Assembly, 1682-1776*. Ph.D. Diss. U of Pennsylvania, 1947.

Leonard, Sister Joan de Lourdes. *The Organization and Procedure of the Pennsylvania Assembly, 1682-1776*, 72 PA. MAG. HIST. & BIOG. 225-39, 376-412 (1948).

Wendel, Thomas. *The Speaker of the House, Pennsylvania, 1701-1776*, 97 PA. MAG. HIST. & BIOG. 3-21 (1973).

C. Digests

Pepper, George Wharton and William Draper Lewis. *A DIGEST OF DECISIONS AND ENCYCLOPAEDIA OF PENNSYLVANIA LAW....* Philadelphia: R. Welsh & Co., 1898-1906. 16 vols. P.492

This is a useful older digest that covers all published court cases from *Dallas's Reports* to the end of the nineteenth century, sometimes with more detailed digests than the current *Vale Pennsylvania Digest*.

VALE PENNSYLVANIA DIGEST. St. Paul: West Publishing Co., 1939-1985. 45 vols.

The standard West digest covers all published court reports from 1754 to 1938. Coverage includes Pennsylvania federal, state and county cases (includes individual county cases, e.g., *Legal Intelligencer* or *Pittsburgh Legal Journal* and *Pennsylvania District & County Reports*).

WEST'S PENNSYLVANIA DIGEST 2D SERIES. (West Pub. Co., 1985—).

This is the current digest for Pennsylvania cases from 1938 to present. It is kept up to date with pocket parts and recompiled volumes. Coverage includes Pennsylvania federal, state, and county cases (only those reported in the *Pennsylvania District & County Reports*).

D. Citators

SHEPARD'S PENNSYLVANIA CITATIONS. 9th ed. Colorado Springs, Col.: Shepard's Citations, 2004. 10 vols. for Cases; 4 volumes for Statutes. The Case Edition covers federal cases that originate in Pennsylvania (Supreme Court, U.S. Court of Appeals for the Third Circuit, U.S. District Courts, and from the Supreme, Superior, and Commonwealth Courts and common pleas court opinions published in the *Pennsylvania District & County Reports*. In addition, it contains the appellate court cases reported in the *Atlantic Reporter* 1st, 2d, and 3d series. Volume 4 of the Case Edition (6th ed. 1987) contains the individual county reports from their first volume to the early 1970s.

The Statute Edition contains four volumes and a supplement. Volume 1 contains the Constitution of Pennsylvania for 1874 and 1968, but not the earlier versions. Therefore, one has to perform a Westlaw or Lexis search for cases dealing with earlier constitutional law. For statutory law, *Smith's Laws* and *Laws of Pennsylvania* can be "shepardized" but not the *Statutes at Large*. **NOTE:** This is available only in the bound volumes not available electronically in Lexis. Both Purdon's Statutes and the Pennsylvania Consolidated Statutes can also be found in the volumes.

E. Treatises and Articles

The titles listed here are books and articles taken from the footnotes of the second edition; it does not cite to periodical articles found only in the first edition that did not carry over to the new edition. Citations are to the pages that the works are cited on rather than the section numbers.

1. Pennsylvania Books

The four Pennsylvania treatises on constitutional law cited throughout the book are:

Branning, Rosalind L. PENNSYLVANIA CONSTITUTIONAL DEVELOPMENT (1960).

Standard constitutional history of Pennsylvania down to 1960 (originally author's Ph.D. Thesis at University of Pittsburgh). P.3, 38, 40, 41, 43, 44, 52, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 72, 73, 128, 157, 160, 162, 250, 297, 534, 858, 862, 866, 966, 969, 970, 973, 975, 987, 991.

Buckalew, Charles R. AN EXAMINATION OF THE CONSTITUTION OF PENNSYLVANIA. EXHIBITING THE DERIVATION AND HISTORY OF ITS SEVERAL PROVISIONS, WITH OBSERVATIONS AND OCCASIONAL NOTES THEREON, REFERENCES TO JUDICIAL AND OTHER OPINIONS UPON THEIR CONSTRUCTION AND APPLICATION, TO STATUTES FOR THEIR ENFORCEMENT, AND TO PARALLEL PROVISIONS IN THE CONSTITUTIONS OF OTHER AMERICAN STATES. Philadelphia: Kay and Brother, 1883. P.92, 93, 150, 163, 235, 240, 249, 253, 270, 276, 402, 487, 534, 547, 634, 638, 707, 885

Buckalew was a delegate to the Constitutional Convention. Work is especially good for providing references to the debates in the constitutional convention which numbers over 7,000 pages.

White, Thomas Raeburn. COMMENTARIES ON THE CONSTITUTION OF PENNSYLVANIA (1907).

White was a law professor at the University of Pennsylvania Law School. It is the most scholarly work on the Constitution of 1874 but limited in coverage to the early years of the twentieth century. P.2, 3, 36, 37, 41, 43, 58, 60, 62, 65, 67, 93, 127, 146, 147, 157, 159, 189, 208, 224, 235-36, 239, 240, 249, 252, 276, 282, 283, 396, 401, 411, 413, 445, 481, 487, 488, 490, 528, 534, 537, 538, 539, 542, 547, 628, 638, 652, 656, 657, 660, 709, 724, 758, 885, 920, 987

Woodside, Robert E. PENNSYLVANIA CONSTITUTIONAL LAW (1985).

Only book on the Constitution of 1968, but is limited in scope because it covers only certain Articles and Sections. P.65, 66, 73, 146, 251, 278, 384, 467, 481, 537, 547, 576, 627, 758, 783, 796, 805, 862, 890, 942, 971, 975.

2. Books and Articles

Abrahamson, Shirley S. *Criminal Law and State Constitutions: The Emergence of State Constitutional Law*, 63 TEX. L. REV. 1141 (1985). P.22

Abram, Suzanne L. *Note: Problems of Contemporaneous Construction in State Constitutional Interpretation*, 36 BRANDEIS L. J. 613 (2000). P.527

Abrams, Lauren Handel. *Thirtieth Annual Review of Criminal Procedure, Introduction and Guide for Users: II. Preliminary Proceedings: Bail*, 89 GEO. L.J. 1324 (2001). P.614.

Adams, C. THE LIFE AND WORKS OF JOHN ADAMS (1856). P.347

Adams, Willi Paul. *THE FIRST AMERICAN CONSTITUTIONS: REPUBLICAN IDEOLOGY AND THE MAKING OF THE STATE CONSTITUTIONS IN THE REVOLUTIONARY ERA* (1980). P.2, 3, 21, 293, 736, 857, 919

Adler, Amy. *Girls! Girls! Girls! : The Supreme Court Confronts the G-String*. 80 N.Y.U. L. REV. 1108 (2005). P.342

Aho, Jon J. *A Case of Good Intentions: The Vermont Supreme Court and State Constitutional Protection of Civil Rights and Liberties*. 60 ALB. L. REV. 1845 (1997). P.180.

Alexander, Edward R. *Note, The Right of Privacy and the New York State Constitution: An Analytical Framework*. 8 TOURO L. REV. 725 (1992). P.874

Alexander, John K. *Pennsylvania: Pioneer in Safeguarding Personal Rights in the BILL OF RIGHTS AND THE STATES: THE COLONIAL AND REVOLUTIONARY ORIGINS OF AMERICAN LIBERTIES* 308-332 (Patrick T. Conley & John P. Kaminski eds., 1992). P.143, 149, 158, 294, 301, 302, 881, 882, 883, 881, 882

All Courts Should Be Open. 30 PITTSBURGH L.J. 362 (1883). P.550

Altschuler, Bruce E. *State ERAs and Employment Discrimination*. 65 TEMP. L. REV. 1267 (1992). P.951

Amar, Akhil Reed. *The Bill of Rights and the Fourteenth Amendment*. 101 YALE L. J. 1193 (1992). P.389, 471

Amar, Akhil Reed. *THE CONSTITUTION AND CRIMINAL PROCEDURE: FIRST PRINCIPLES* (1997). P.347

Amsterdam, Anthony G. *Perspectives on the Fourth Amendment*. 58 MINN. L. REV. 349 (1974). P.347

Andrew Hamilton, *Defense of John Peter Zenger on Charges of Seditious Libel* (1735), at <http://www.uark.edu:80/depts/comminfo/cambridge/zenger.html>. P.298

Andrews, Carol Rice. *A Right of Access to Court Under the Petition Clause of the First Amendment: Defining the Right*. 60 OHIO ST. L. J. 557 (1999). P.532, 533, 548, 556, 559

Antineau, Chester. *COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES* (1960). P.689

Ayres, Susan. *Coming Out: Decision-Making in State and Federal Sodomy Cases*. 62 ALB. L. REV. 355 (1998). P.936

Babcock, Hope M. *Has the U.S. Supreme Court Finally Drained the Swamp of Takings Jurisprudence?: The Impact of Lucas v. South Carolina Coastal Council on Wetlands and Coastal Barrier Beaches*. 19 HARV. ENVTL. L. REV. 1 (1995). P.828

Bachmann, E. Theodore. *Penn's Holy Experiment in Context: Some Aspects of a Nascent Ecumenism as Seen in the Lutheran Involvement (1638-1762)*, in QUEST FOR FAITH, QUEST FOR FREEDOM: ASPECTS OF PENNSYLVANIA'S RELIGIOUS FREEDOM 41 (Otto Reimherr, ed.1987). P.160, 276

Bailey, W. F. A TREATISE ON THE LAW OF HABEAS CORPUS AND SPECIAL REMEDIES (1913). P.620

Bailyn, Bernard. THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION (1967). P.532.

Baker, John S., Jr. *Respecting a State's Tort Law, While Confining its Reach to that State*. 31 SETON HALL L. REV. 698 (2001). P.559.

Ball, William Bentley. *The Religion Clauses of the Pennsylvania Constitution*. 3 WIDENER J. PUB. L. 709 (1994). P.157, 161, 192, 201, 241

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Baughman, Jay Allen. *The Statute of Repose: Ohio Legislators Attempt to Lock the Courthouse Doors to Product-injured Persons*. 25 CAP. U. L. REV. 671 (1996). P.560.

Bauman, John H. *Remedies Provisions in State Constitutions and the Proper Role of the State Courts*. 26 WAKE FOREST L. REV. 237 (1991). P.527, 528, 529, 530, 533, 559, 560, 561.

Baumann, Roland M., Rodger C. Henderson, Owen S. Ireland. PENNSYLVANIA AND THE BILL OF RIGHTS (Robert G. Crist, ed., Pa Historical Soc'y, Pa. History Studies, Series No. 22). P.35, 37, 39, 48.

Beatty, Edward Corbyn Obert. WILLIAM PENN AS SOCIAL PHILOSOPHER (1939). P.149, 150, 151.

Beck, Phyllis W. and Joanne Alfano Baker. *An Analysis of the Impact of the Pennsylvania Equal Rights Amendment*. 3 WIDENER J. PUB. L. 743 (1994). P.834, 843, 875, 957.

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Bernard, Michael M. CONSTITUTIONS, TAXATION AND LAND POLICY (1980). 2 vols. P.862, 863, 865

Bhagwat, Ashutosh. *The Democratic First Amendment*. 110 NW U. L. REV. 1097 (2016). P.707.

Bilionis, Louis D. *Liberty, the "Law of the Land," and Abortion in North Carolina*. 71 N.C. L. REV. 1839 (1993). P.874

Black, Charles L. *Foreword: "State Action," Equal Protection, and California's Proposition 14*. 81 HARV. L. REV. 69 (1967). P.941

BLACK'S LAW DICTIONARY (4th ed. 1968). P.440

BLACK'S LAW DICTIONARY (6th ed. 1990). P.619

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